



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

1981 FEB 11 PM

MEMORANDUM FOR: Frederick Combs
Office of Congressional Affairs

FROM: Thomas A. Rehm, Assistant for Operations
Office of the Executive Director for Operations

SUBJECT: FY 80 AUTHORIZATION BILL

Your note of February 2, 1981, requested an updated status of our compliance with:

- (1) specific reporting requirements identified in the FY 80 Authorization Bill (P.L. 96-295) and
- (2) certain budget and resource allocations earmarked for specific programs also within this Bill.

Our review of these activities in the Authorization Bill has been completed and attached is a copy of the summary analysis. I hope you find this information helpful in preparing for the upcoming Congressional hearings.

Thomas A. Rehm

Thomas A. Rehm, Assistant for Operations
Office of the Executive Director
for Operations

Attachment:
As Stated

cc: w/attach. N. Haller, MPA
LH. Bassett, MPA
S. Conner, MPA

MAJOR PROVISIONS OF FY 80 NRC AUTHORIZATION ACT

Section	Lead Office	Requirement	Status												
101(a)(1)	NRR	Not more than \$1M to be used to accelerate effort in gas-cooled thermal reactor preapplication review	No applications for gas-cooled thermal reactors were under review in FY 1980 nor were any technical reports supporting a preapplication review formally submitted. Subsequently, no contract support funds were expended. NRC is not anticipating any formal submittals from industry in the area of gas-cooled thermal reactors.												
101(1)(2)	IE	\$4,684,000 shall be available for support for 146 additional inspectors for the Resident Inspector program	The required amount has been expended in support of the resident inspector program. The 146 additional positions have been added to the authorized strength.												
101(a)(4)	NMSS	(A) Not less than \$60,000 shall be available only for employment of two individuals for implementation of the US-IAEA safeguards treaty (Treaty entered into force 12/9/80 - Senate ratified the treaty 7/2/80) (B) Not less than \$180,000 and 6 additional positions for material accounting and transportation safeguards improvements. (C) Not less than \$9,675,000 for waste management including support for five additional positions in the Division of Waste Management for implementation of the mill tailings act (PL 95-604)	(A) Two qualified people have been assigned full-time to implement the US-IAEA Safeguards Treaty. In addition, several other safeguards licensing personnel are involved in implementing the treaty. (B) A task force of six people was established during FY80 for material accounting and transportation safeguards improvements. The \$180K was interpreted to be the salaries for these six people. The personnel ceiling for the Division of Safeguards has been increased by six positions for these activities in FY81. (C) During FY80, more than five staff years were expended by the Division of Waste Management to implement the Uranium Mill Tailings Radiation Control Act of 1978 (PL 95-604)												
101(a)(5)	RES	(A) Not more than \$3,700,000 to accelerate gas-cooled thermal reactor safety research. (B) Not more than \$4,400,000 to implement the Improved Safety Systems Research Plan required by section 205(f) of the ERA (PL 93-438) as amended. (C) Not more than \$6,700,000 for nuclear waste research	<table><tr><th>FY80 Auth.</th><th>FY80 Approp. FIN Plan I</th><th>FY80 Actual Obligations</th></tr><tr><td>\$3.7M</td><td>\$1.7M</td><td>\$1.7M</td></tr><tr><td>\$4.4M</td><td>\$1.0M</td><td>\$950K</td></tr><tr><td>\$6.7M</td><td>\$5.6M</td><td>\$5.45M</td></tr></table>	FY80 Auth.	FY80 Approp. FIN Plan I	FY80 Actual Obligations	\$3.7M	\$1.7M	\$1.7M	\$4.4M	\$1.0M	\$950K	\$6.7M	\$5.6M	\$5.45M
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<u>Section</u>	<u>Lead Office</u>	<u>Requirement</u>	<u>Status</u>
101(a)(6)	SP	\$4,238,000 shall be available for the Office of State Programs including support for 8 additional positions for training and assistance to State and local governments in radiological emergency response planning and operations and for reviewing State plans.	<p>At the beginning of FY 1980, the functions of the Office of State Programs fell into three major areas: (1) State Agreements, a program Congressionally mandated under Section 274 of the Atomic Energy Act of 1954, as amended; (2) State Program Development; and (3) Emergency Planning and Preparedness. All these functions were covered by the appropriation of \$4,238,000.</p> <p>On December 7, 1979, President Carter directed the Federal Energy Management Agency (FEMA) to assume lead agency responsibility for working with State and local governments in radiological emergency response planning and preparedness.</p> <p>In order to permit the orderly transfer of responsibilities, on January 14, 1980, NRC detailed a team of 13 staff members to FEMA and made available to that agency all funds that had been appropriated for the emergency preparedness function previously carried out by the Office of State Programs. These funds were managed by the NRC detail team, under the general direction of FEMA, to insure that ongoing programs affecting State and local government emergency preparedness were not interrupted.</p> <p>In addition, NRC and FEMA negotiated a determination order, which would result in the transfer to FEMA of \$2,619,136 for personnel and program support, along with 8 personnel positions. This determination order was signed by the Director of the Office of Management and Budget on January 12, 1981.</p>
101(a)(7)	ADM	\$400,000 shall be available for support of 8 additional positions in the Division of Contracts.	<p>Early in FY 81, the Executive Director for Operations allocated a total of five additional positions to the agency contracting function, two for the Office of Small and Disadvantage Business Utilization and three for the Division of Contracts. These positions are now filled. Three additional positions were provided to the Division of Contracts in the FY 81 budget, but the hiring freeze has prevented their being filled.</p>

<u>Section</u>	<u>Lead Office</u>	<u>Requirement</u>
101(b).	CON	Reprogramming requirements.
101(c)	NMSS	\$50,000 cap on safeguards contracts unless specifically approved by the Commission.
101(d)	CON	Contracts greater than \$500,000 must be approved by a Senior Contract Review Board to be appointed by the Commission. The Commission must approve each contract in excess of \$1,000,000.
106	IE	The NRC is directed to develop a plan for responding to accidents at utilization facilities.
108	NMSS NRR	The NRC should develop siting criteria for utilization facilities.
109	IE	(A) Provides that no operating license is to be issued without an effective State, local or utility emergency plan. (B) The NRC shall study the effectiveness of State and local emergency plans.

Status

During FY 1980 two reprogramming requests (March 7, 1980 and June 25, 1980) were submitted and approved by the Congressional Committees. These actions were in compliance with this section. In addition, Congressional Committees were provided with quarterly base tables which identified all funding changes.

All safeguards contracts which exceeded \$50K during FY80 were approved by the Commission.

A Senior Contract Review Board was appointed in September 1980. Procedures provide for the Board's approval of actions of \$500,000 or more and Commission approval of actions of \$1,000,000 or more. This practice is being continued into FY 1981.

Requirement was to submit a plan to Congress by 9/30/80. A report (NRC Incident Response Plan) was sent to Congress on 10/3/80. Action completed.

The requirement is that NRC must develop regulations establishing demographic requirements for siting of nuclear power plants. The Commission intends to publish a proposed rule with an EIS by June 1981.

(A) This guidance is being followed.

(B) The requirement was that NRC shall review the existing State plans for emergency response and submit an assessment to Congress by 12/30/80. NRC has completed short-term upgrading on 9/80. A report to Congress was given to the Commission for review on Jan. 5, 1981 (SECY 81-05) on long term plans for upgrading which is currently awaiting Commission approval. Plans call for agencies to implement long term upgrading by 4/81. NRC will review the results over the next 18 months.

Section
110

Lead
Office
NRR

Requirement

The NRC shall devise and implement a plan for the systematic safety evaluation of operating reactors.

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Status

The staff has submitted to the Commission a plan for implementing the requirements of Section 110 of Public Law 96-295. This plan states that the Commission will identify the rules and regulations of particular significance using moderately stringent screening criteria. One basis for determining whether those rules and regulations are met will be the acceptance criteria of the Standard Review Plan (SRP), which are related to these rules and regulations.

As an integral step in implementing the plan, the staff is revising the SRP. This next revision of the SRP, scheduled for completion in April 1981, will consist of the May 1980 version of the SRP, modified to reference all applicable safety and safeguards regulations, Division 1 regulatory guides, staff positions, and other documents currently used by the staff to interpret the intent of these regulations. Requirements resulting from the TMI accident will also be incorporated.

Under the plan proposed by the staff, each licensee would be required to evaluate the plant against the SRP revision in effect one year prior to the date on which the NRC requires documentation. The licensee would be required to: (1) document conformance with the SRP acceptance criteria or (2) identify deviations from those SRP acceptance criteria. In areas where the plant deviates from the revised SRP, the licensee would be required to provide a technical discussion of the safety significance and a judgment of whether the alternative provides an equivalent method of meeting the regulations. The staff would then review each licensee's submittal and evaluate further those deviations that appear to have potential safety significance. These assessments by the licensees and evaluations by the staff would be suitably phased to be integrated with other ongoing NRC programs for the evaluation of the safety of operating reactors, such as the Systematic Evaluation Program (SEP) and the National Reliability Evaluation Program (NREP).

SECY-81-13 was sent to the Commission on Jan. 8, 1981, and is currently awaiting approval.

<u>Section</u>	<u>Lead Office</u>	<u>Requirement</u>
201	NRR	The NRC shall amend each license for a utilization facility to require immediate reports of releases of fission products in excess of limits for normal operation.
203	NRR	The NRC must prescribe a threshold level for accidental releases for the definition of the term "basic component."
205	SP	Change regulations to allow NRC to temporarily suspend State Agreements in an emergency.
206	IE	Increase in civil penalty authority.
207	NMSS	The NRC shall prescribe regulations to prohibit the unauthorized disclosure of safeguards information.

Status

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New licenses for power reactors issued since enactment of the FY80 Authorization Bill contain this requirement as a license condition. In addition, Part 50.72 of 10 CFR (effective on 2/29/80) requires immediate reporting of any accidental, unplanned or uncontrolled radioactive release.

The Office of Standards Development (RSSB) is working on an issuance of Section 203 (amending section 223 of the Act) to firms constructing or supplying components of a utilization facility. There is currently no direct effort to prescribe a (new) threshold level for accidental releases for the definition of the term "basic component." The current SD-led project for revision of Part 20, Standards for Radiation Protection, is likely to be assigned this effort. The proposed revised Part 20 rule is projected to be issued late in CY 1981. Part 20 currently limits levels of radiation in unrestricted areas to 0.5 rems/yr; and concentrations of radioactivity in effluents to values specified in Table II, Appendix B of Part 20.

A draft Commission paper has been developed which contains a Federal Register Notice with a proposed general statement of policy regarding implementation of section 274j(2). Final office concurrence is in process.

Commission approved on 9/4/80 the policy statement in SECY-80-139A; sent out for public comment. Comment period expired 12/31/80. Redraft for Commission consideration by April 1981.

The requirement was that NRC provide quarterly reports to Congress on its application of the regulations. Proposed rule on safeguards information completed. It was sent to Congress on 12/22/80. The final Rule to be completed in June 1981.

<u>Section</u>	<u>Lead Office</u>	<u>Requirement</u>
301	NMSS	The NRC shall prescribe regulations which provide for the timely notification of governors of the planned movement of radioactive waste in or into each State.
302	MPA	The NRC shall contract for an independent review of the management of the NRC.
303	MPA	The NRC shall include in the annual report a statement of costs and fees paid for licensing and inspections.
304	FEMA	National Contingency Plan.
305	IE	(A) The NRC is directed to establish an immediate communications system between licensed reactors and the NRC regional and headquarters offices. (b) The NRC shall prepare and transmit to Congress a study of plans for transmission of data from reactors to the NRC.
306	IE	The NRC shall investigate the flow of information from TMI on the morning of March 28, 1979.
307	NRR	(A) The NRC shall prepare a plan for improving operator training.

Status

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The requirement is that NRC shall promulgate these regulations by 2/81. Proposed amendments to NRC regulations to assure governors of the States that they are notified in advance of spent fuel shipments and other kinds of radioactive wastes has been published in the Federal Register on 12/9/80. Letters to the governors were signed by the Chairman on 1/16/81. The final rule expected in June 1981.

It is expected that NRC will enter into two contracts, one in Feb 1981 and one May 1981, and report to Congress by early 1982.

This requirement has been addressed in the Annual Report and is included as part of a Table in Chapter 16. The LFMB provided the Special Projects Branch, MPA, with a report of license fees paid in FY 1980 on November 24, 1980 and a second report providing a breakdown of cost for OL's issued during FY 1980 was sent on January 26, 1981. There were no CP's issued. The assignment is complete.

FEMA has lead - An interim use plan was published on 12/23/80 for comment. NRC is commenting on plan.

This requirement has been completed with the installation of two dedicated telephone systems.

This activity has been completed on 9/80. A report (Acquisition of Remote Data from Nuclear Facilities) has been sent to Congress on 10/30/80. This was included as NUREGS 0728, 0729, and 0730.

This activity was completed in Jan. 1981.

The plan to be submitted to Congress is more comprehensive than "operator training." The plan is to Improve the Technical Capability of Licensee Personnel.

<u>Section</u>	<u>Lead Office</u>	<u>Requirement</u>	<u>Status</u>
307 (cont'd)			<p>The plan was transmitted to the Commission from the EDO as SECY-80-555. The plan was disapproved and returned to the staff with several comments for reconsideration. The plan will be resubmitted February 27, 1981.</p>
		(B) The NRC shall study the feasibility and value of licensing nuclear power plant managers and senior licensee officers.	<p>NRR is performing an in-house evaluation of what the study should entail. A letter highlighting the status is being prepared and will be forwarded to the Commission shortly.</p>
308	SD	The NRC and EPA shall evaluate the feasibility of epidemiological research on the health effects of low-level radiation.	<p>The requirement was to send a report to Congress by 9/30/80. A report was approved by the Commission and letters transmitting the report to Congress were signed by the Chairman on 1/29/81. Action completed.</p>