



AA61-2 PDR

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

APR 5 1983

MEMORANDUM FOR: Joseph M. Felton, Director  
Division of Rules and Records  
Office of Administration

FROM: William J. Olmstead  
Director and Chief Counsel  
Regulations Division  
Office of the Executive Legal Director

SUBJECT: IMPLEMENTATION OF COMMISSION ACTION

On Wednesday, March 30, 1983, the Commission approved three Federal Register notices publishing (1) a proposed rule on temporary operating licensing authority (2) an interim final rule on standards for determining whether license amendments involve no significant hazards considerations and (3) an interim final rule on notice and State consultation with respect to amendments involving no significant hazards considerations.

The Office of the Secretary has expedited implementation of the Commission's action by having the enclosed regulations and enclosed Commissioners' views published in the Federal Register. The proposed rule on temporary licensing authority will be published for 30 days' public comment. The two interim final rules on standards and notice will be made effective 30 days after publication in the Federal Register, during which time comments are requested on these rules. In the interim final rule on notice and State consultation, the date 30 days after publication in the Federal Register will also be inserted in the introductory section of § 50.91. (See page 30).

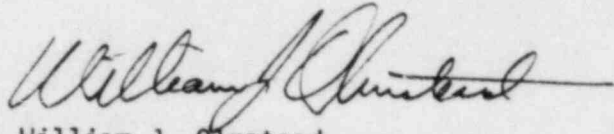
Also enclosed please find (1) signed originals of Congressional letters to be sent to the Office of Congressional Affairs, (2) a copy of the public announcement to be sent to the Office of Public Affairs, (3) a copy of the Regulatory Analysis to be sent to the Public Document Room, and (4) a signed original of the letter to Mr. Lowenstein closing out his petition of May 7, 1976, with respect to standards on no significant hazards considerations. (Note that the pertinent Commission papers (SECY-79-660, 81-366, 81-366A, 83-16, 83-16A and 83-16B) should already be in the PDR.)

Marked-up copies of the Federal Register notices need not be sent to the Office of the Secretary because it already has these copies.

We understand that the Offices of Nuclear Reactor Regulation and State Programs and the Division of Technical Information and Document Control will be sending copies of the Federal Register notices to affected licensees, States, and other interested persons.

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As noted before, the Office of the Secretary already has the originals of the three Federal Register notices and will be making the requisite copies.

A handwritten signature in cursive script, appearing to read "William J. Olmstead", with a long horizontal flourish extending to the right.

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Director and Chief Counsel  
Regulations Division  
Office of the Executive Legal Director

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Director and Chief Counsel  
Regulations Division  
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COMMISSIONERS' VIEWS

#### CHAIRMAN PALLADINO'S ADDITIONAL VIEWS

In my opinion the Commission's decision on reracking represents its best technical judgment at this time on the generic no-significant-hazards question. That is, the Commission cannot say that reracking, as a general matter, would or would not involve a significant hazards consideration. The technical considerations of reracking proposals can vary significantly from one to another.

It was this latter fact, as well as the statements made in the Congress on reracking, that caused me to vote for the staff to study the technical basis for judgments about the hazards considerations presented by particular reracking applications.

I also believe that we may have cleared up one of the Congressional concerns about reracking by stating that it is not our intent to make a no-significant-hazards-consideration finding for reracking based on unproven technology.