

AA61-2 PDR

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August 1, 1980

MEMORANDUM FOR: Robert B. Minogue, Director
Office of Standards Development

Victor Stello, Director
Office of Inspection & Enforcement

FROM: Howard K. Shapar, Executive Legal Director

SUBJECT: AMENDMENTS TO SECTION 223 OF THE ATOMIC ENERGY ACT
BY SECTION 203 OF P.L. 96-295 (NRC FY 80 AUTH. ACT)

Each of you was sent a copy of my July 3, 1980 memorandum to Bill Dircks which gave an overview of the most salient features of the substantive provisions of P.L. 96-295. Among other things, this memorandum covered the amendment to Section 223 which extended the existing criminal penalty provisions of that section. Generally speaking, the criminal sections of the Atomic Energy Act do not require specific implementing actions other than an awareness of their provisions and our obligations to refer appropriate matters to the Department of Justice, etc. The amendment to Section 223 does involve, however, two implementing actions which I would like to reiterate.

The first is that the amended Section 223 (in 223b.(3)) directs the Commission to prescribe a threshold level of accidental release. Even though the conferees recognized that the current regulatory definition of the term "basic component" (10 C.F.R. 21.3) specifies such a level, they expressed the desire that the Commission specifically consider the advisability, in the content of the amended Section 223, of revising that level to one that includes any accidental release in excess of allowable limits established by the Commission for normal operations.

Secondly, the amended Section 223 requires that the provisions of the amendment (subsection 223b.) "be prominently posted at each site where a utilization facility required to be licensed under section 103 or 104b. of this Act is under construction and on the premises of each plant where components for such a facility are fabricated."

Implementation of each of these matters probably will require changes in our regulations. If you have any questions I will be pleased to assist.

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Original signed
by E. K. Shapar
Howard K. Shapar
Executive Legal Director

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