

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

AUG 6 1985

TO ALL LICENSEES OF OPERATING REACTORS

Gentlemen:

SUBJECT: INFORMATION RELATING TO THE DEADLINES FOR COMPLIANCE WITH 10 CFR 50.49, "ENVIRONMENTAL QUALIFICATION OF ELECTRIC EQUIPMENT IMPORTANT TO SAFETY FOR NUCLEAR POWER PLANTS" (GENERIC LETTER 85-15)

The deadline for compliance with 10 CFR 50.49, "Environmental Qualification of Electric Equipment Important to Safety for Nuclear Power Plants" is specified in the rule as the date of the second refueling outage after March 31, 1982 or March 31, 1985, whichever was earlier. Some plants have received extensions to these deadlines up to November 30, 1985. Where current extensions terminate prior to November 30, 1985, the delegation in 10 CFR 50.49(g) permits the Director of NRR to act on further requests for extensions as long as the new deadline is not beyond November 30, 1985. Section 50.49(g) states that "in exceptional cases, the Commission itself may consider and grant extensions beyond November 30, 1985, for completion of environmental qualification." The purpose of this letter is to advise licensees that it is the Commission's intention that extensions will be granted only in rare circumstances and that enforcement action will be taken against licensees that continue to operate their plants with unqualified equipment ^{1/} beyond November 30, 1985, without extensions approved by the Commission.

It is the Commission's intention that licensees which are not in compliance on November 30, 1985, and which have not been given extensions either will have to either shut down or, if they have valid staff-approved justifications for continued operation, select to operate and face civil penalties of \$5,000 per item ^{2/} per day for each day after November 30, 1985, on which a licensee operates in noncompliance with the rule. For noncompliance identified after November 30, 1985, such fines may be made retroactive to November 30, 1985 for each day a licensee clearly knew, or should have known, that equipment qualification was incomplete. Some mitigation of any penalty may be considered based upon satisfaction of the following factors:

1/ For purposes of enforcement, "unqualified equipment" means equipment for which there is not adequate documentation to establish that this equipment will perform its intended functions in the relevant environment.

2/ An item is defined as a specific type of electrical equipment, designated by manufacturer and model, which is representative of all identical equipment in a plant area exposed to the same environmental service conditions.

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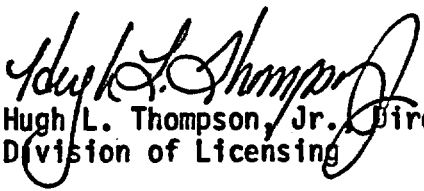
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1. Did the licensee identify and promptly report the noncompliance with 10 CFR 50.49?
2. Did the licensee apply best efforts to complete environmental qualification within the deadline?
3. Has the licensee proposed actions which can be expected to result in full compliance within a reasonable time?

For equipment which is discovered (through new test results, NRC inspection, or other means) after November 30, 1985, to be in noncompliance or is suspected to be in noncompliance with the requirements of 10 CFR 50.49, licensees should report the finding if the condition found meets the reporting criteria of 10 CFR 50.72 (Prompt Notification) or 10 CFR 50.73 (Licensee Event Reporting System). Evaluations of the significance of and corrective action for all actual and potential noncompliances should be documented as should the circumstances of discovery of the noncompliance or suspected noncompliance. These documents should be retained in appropriate licensee files. If equipment addressed in the plant Technical Specifications is found to be unable to perform its intended function during an accident because of equipment qualification problems, the licensee is required to follow the provisions of the Technical Specifications. A case by case determination will be made whether retroactive enforcement is appropriate for noncompliance identified after November 30, 1985.

Licensees desiring an extension beyond November 30, 1985, must submit an extension request at the earliest possible date to the Commission with a copy to the Director, NRR and the Director, IE. Requests received after September 30, 1985, will be considered untimely, and may be denied on that basis. The basis for any extension request beyond November 30, 1985 must clearly identify the exceptional nature of the case, e.g., why, through events entirely beyond its control, the licensee will not be in compliance with the rule on November 30; the date when compliance will be achieved; and a justification for continued operation until compliance will be achieved.

This letter does not require any response and therefore does not need approval of the Office of Management and Budget. Comments on burden and duplication may be directed to the Office of Management and Budget, Reports Management Room 3208, New Executive Office Building, Washington, D.C. 20503. Should you have any questions, the staff contacts are Gary Holahan for technical questions and Jane Axelrad for enforcement questions. Mr. Holahan can be reached on (301)492-7415 and Ms. Axelrad can be reached on (301)492-4909.


Hugh L. Thompson, Jr. Director
Division of Licensing

cc: List of Generic Letters

LIST OF RECENTLY ISSUED GENERIC LETTERS

<u>GENERIC LETTER NO.</u>	<u>SUBJECT</u>	<u>DATE</u>
85-01	Fire Protection Policy Steering Committee Report	1/9/85
85-02	Staff Recommended Actions Stemming From NRC Integrated Program for the Resolution of Unresolved Safety Issues Regarding Steam Generator Tube Integrity	4/15/85
85-03	Clarification of Equivalent Control Capacity For Standby Liquid Control Systems	1/28/85
85-04	Operator Licensing Examinations	1/29/85
85-05	Inadvertent Boron Dilution Events	1/31/85
85-06	Quality Assurance Guidance for ATWS Equipment that is not Safety-Related	4/16/85
85-07	Implementation of Integrated Schedules for Plant Modifications	5/02/85
85-08	10 CFR 20.408 Termination Reports - Format	5/23/85
85-09	Technical Specifications for Generic Letter 83-28, Item 4.3	5/23/85
85-10	Technical Specifications for Generic Letter 83-28, Items 4.3 and 4.4	5/23/85
85-11	Completion of Phase II of "Control of Heavy Loads at Nuclear Power Plants" NUREG-0612	6/28/85
85-12	Implementation of TMI Action Item II.K.3.5, "Automatic Trip of Reactor Coolant Pumps"	6/28/85
85-13	Transmittal of NUREG-1154 Regarding the Davis Besse Loss of Main and Auxiliary Feedwater Event	8/5/85
84-14	Commercial Storage at Power Reactor Sites of Low Level Radioactive Waste not Generated by the Utility	8/1/85
85-15	Information Relating to the Deadlines for Compliance with 10 CFR 50.49, "Environmental Qualification of Electric Equipment Important to Safety for Nuclear Power Plants	8/6/85

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Original Signed by
Hugh L. Thompson, Jr.
Hugh L. Thompson, Jr., Director
Division of Licensing

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