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Docket No. 70-687

JUN 21 1982

MEMORANDUM FOR: Files

FROM: William O. Miller, Chief, License Fee Management Branch, ADM

SUBJECT: WAIVER OF FEE FOR EXTENSION OF ORDER

On February 11, 1981, the Commission issued an Order to License No. SNM-639 which required Union Carbide (UC) to either submit an upgraded radiological contingency plan or reduce possession limits of radioactive materials at their Tuxedo, New York facility. UC decided to submit a contingency (emergency) plan. Because the facility is licensed under both a Part 50 and Part 70 license, UC, by letter dated June 19, 1981, requested a delay in responding to the Order because a similar requirement for their Part 50 license was soon anticipated and they believed a consolidated radiological contingency plan for both of their licenses (R-81 and SNM-639) would be more appropriate than two (2) separate plans for the same facility. (UC's current contingency plan covers the entire site). In response to UC's June 19 letter, a modified Order was issued July 24, 1981, in which the Commission (1) noted that duplicate plans could cause confusion during emergency responses, and (2) recognized the safety advantages of integrating the radiological contingency plan into a single site-wide emergency plan. The Commission also determined that overall safety would be enhanced by a single plan covering all licensed activities and facilities at the New York site, and thus extended the filing date for the emergency plan until November 3, 1981. (Research reactor licensees were still unable to meet the November 3 deadline because of a continuing delay in publication of guidance criteria; therefore, they were given even more time to file the plans (See attached FR Notice dated May 6, 1982).

On February 19, 1982, we notified UC that an administrative amendment fee of \$150 was due for their June 19, 1981 request for extension. UC's March 3, 1982 response to our request informed us that the request for extension resulted from NRR's delay in publishing new guidelines for the preparation of emergency plans for Part 50 facilities. Because the single site-wide plan could not be prepared without the NRR guidelines, UC believes that no fee should be charged for their June 19 extension request.

Based on the above, and because of the Commission's delay in providing Part 50 guidance criteria for preparing emergency plans for research reactors, the \$150 fee requested in our February 19, 1982 letter to UC is hereby waived.

Original Signed by  
 Wm. O. Miller

William O. Miller Chief  
 License Fee Management Branch  
 Office of Administration

OFFICE	Attachment:				
SURNAME	FR Notice dtd. 5/6/82	asc LFMB	asc LFMB	LFMB	
DATE		DWeiss/ACabell/gw	DeJHolloway	WOMiller	
		6/17/82	6/18/82	6/21/82	

## 10 CFR Part 50

## Emergency Planning and Preparedness for Research and Test Reactors: Extension of Submittal Dates

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

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*kw*

**SUMMARY:** The Nuclear Regulatory Commission is amending its regulations in order to: (1) Increase the thermal power level threshold for the submittal of emergency plans from 500 kilowatts thermal to 2 megawatts thermal, (2) ~~Extend the submission date for emergency plans for those facilities having power levels of 2 megawatts and above to four months after the effective date of the rule and~~ (3) Require all research and test reactors below 2 megawatts thermal to submit emergency plans by November 3, 1982.<sup>1</sup> The increase in thermal power level threshold for the submittal of emergency plans more accurately reflects the power level at which the potential for any significant offsite consequences exist. The effect of the final amendment would be that affected licensees are provided sufficient time to prepare upgraded emergency plans.

**EFFECTIVE DATE:** May 6, 1982.

**FOR FURTHER INFORMATION CONTACT:** Kenneth E. Perkins, Acting Chief, Incident Response and Development Branch, Division of Emergency Preparedness, Office of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (Telephone: 301-492-7361).

**SUPPLEMENTARY INFORMATION:****I. Amendments to 10 CFR Part 50 and Appendix E to Part 50**

On August 19, 1980, the Nuclear Regulatory Commission published in the Federal Register (45 FR 55402), amendments to its regulations concerning the upgrading of emergency planning and preparedness. The effective date for these regulations was November 3, 1980.

Among other things, the revised regulations required each licensee authorized to possess and/or operate a research or test reactor facility with power levels greater than or equal to 500 KW thermal, under licenses of the type specified in 10 CFR 50.21(c), to submit emergency plans to the Director of Nuclear Reactor Regulation for approval

within one year from the effective date of the rule, i.e. by November 3, 1981. A similar requirement for such reactors with power levels less than 500 KW thermal requires emergency plan submittals by November 3, 1982.

**II. The Amendment to 10 CFR 50.54(r)**

The NRC staff evaluated the capabilities of the 24 licensees operating at 500 KW thermal or above to submit revised emergency plans by November 3, 1981 which would meet all of the requirements in the emergency planning and preparedness regulations. See 10 CFR 50.54(r); (q) and Appendix E to Part 50.

~~These 24 licensees were not able to submit emergency plans fully complying with 10 CFR Part 50 requirements by November 3, 1981. This inability to meet the November 3, 1981 date for submitting emergency plans is attributed to the delay in development of revised guidance criteria for the preparation of emergency plans for research and test reactors that are consistent with the amended regulations.~~

On December 31, 1981, a proposed rule was published in the Federal Register (46 FR 63315), for those research and test reactor licensees required to submit emergency plans by November 3, 1981. The proposed rule would have (1) increased the thermal power level threshold for the submittal of emergency plans from 500 kilowatts thermal to 2 megawatts thermal, (2) extended the submission date for emergency plans for those facilities having power levels of 2 megawatts and above, to four months after the effective date of this rule and (3) required all research and test reactors below 2 megawatts thermal to submit emergency plans by November 3, 1982.

On January 11, 1982, a copy of the Federal Register notice was sent to all nonpower reactor licensees to alert them of the proposed rulemaking and provide adequate time for comments. On January 25, 1982, and information letter was transmitted to all research and test reactor licensees by the Office of Nuclear Reactor Regulation. This letter further alerted licensees of the proposed rulemaking and provided additional information on the current status of guidance criteria for use in the development of acceptable radiological emergency response plans for their facilities.

The Federal Register notice of proposed rulemaking invited public comment during a 30-day period ending February 1, 1982. Four comments were received from NRC licensees on the proposed amendment. Two fully supported the proposed rule, and the

other two, although generally favorable, were primarily concerned about the schedule for upgraded guidance criteria and suggested that the submittal date for emergency plans be one year from the publication date of upgraded guidance criteria.

The January 25, 1982 letter provided the status of the guidance criteria. Two guidance documents were referenced in this letter. DRAFT II, dated November 29, 1982, of the revision to American National Standard ANSI/ANS-15.16-1978, "Emergency Planning for Research Reactors", was published in January 1982 for interim use and comment. Revision 1 to Regulatory Guide 2.6, "Emergency Planning for Research and Test Reactors", which endorses ANSI/ANS-15.16 was published in March 1982 for comment.

Because of the time required for regulatory guide approval procedures, this document probably will not become final before June or July. Therefore, the staff will issue a generic letter to all research and test reactor licensees requesting that they use Revision 1 to Regulatory Guide 2.6 (for comment) and ANSI/ANS-15.16 to meet the requirement of this final rule by September 7, 1982. With regard to the two commenters' (who are in the less than 2 megawatt category) request to extend the date to one year from the publication date of the guidance, the staff considers that the extension by a full year from the original date they were to submit emergency plans is sufficient time for preparation.

~~While compliance by affected licensees with the November 3, 1981 date for submittal of emergency plans has been delayed, the Commission considers that the state of emergency preparedness has significantly improved within the last year at research and test reactor facilities. This improvement has been confirmed by licensee participation and exchange of information in the development of guidance criteria for preparation and evaluation of radiological emergency response plans for research and test reactors. In addition, all research and test reactor licensees (65 total) presently have emergency plans prepared pursuant to 10 CFR Part 50 prior to the Commission's adoption of the upgraded emergency planning regulations in 1980.~~

Credible accidents for research and test reactors have been evaluated by the Commission and are discussed in the proposed amendment which was published in the Federal Register (46 FR 63315), on December 31, 1981. The Commission concluded that the power level threshold of 2 megawatts thermal

<sup>1</sup> The power levels described here refer to steady-state power levels.

more accurately reflects the power level at which the potential for any significant offsite consequences exist. Based on this and the above information, the Commission finds that there exists sufficient reason to believe that appropriate protective measures can and will be taken to assure protection of the health and safety of the public in the event of a radiological emergency. This amendment is effective on publication because it "relieves a restriction" under Section 551(d)(1) Administrative Procedure Act.

#### *Paperwork Reduction Act Statement*

Pursuant to the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96-511), the NRC has made a determination that this final rule does not impose new nor impact existing information collection requirements.

#### *Regulatory Flexibility Certification*

In accordance with the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the NRC certifies that this rule will not have a significant economic impact on a substantial number of small entities. The final rule concerns and extension of the date for research and test reactor licensees to submit emergency plans complying with 10 CFR Part 50, Appendix E, to the Nuclear Regulatory Commission for approval. Accordingly, there is no significant economic impact on a substantial number of small entities, under the Regulatory Flexibility Act of 1980.

#### **List of Subjects in 10 CFR Part 50**

Antitrust, Classified Information, Fire Prevention, Intergovernmental Relations, Nuclear Power Plants and Reactors, Penalty, Radiation Protection, Reactor Siting Criteria, Reporting Requirements.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendment to 10 CFR Part 50 is published as a document subject to codification.

#### **PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES**

1. The authority citation for Part 50 continues to read as follows:

Authority: Secs. 103, 104, 161, 182, 183, 189, 68 Stat. 936, 937, 948, 953, 954, 955, 956, as amended (42 U.S.C. 2133, 2134, 2201, 2232, 2233, 2239); secs. 201, 202, 206, 88 Stat. 1243, 1244, 1246 (42 U.S.C. 5841, 5842, 5846), unless otherwise noted. Section 50.78 also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Sections 50.80-50.81 also issued under sec.

184, 68 Stat. 954, as amended (42 U.S.C. 2234). Sections 50.100-50.102 issued under sec. 98, 68 Stat. 955 (42 U.S.C. 2236).

(For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273), §§ 50.10(a), (b), and (c), 50.44, 50.46, 50.48, 50.54, and 50.80(a) are issued under sec. 161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b)); §§ 50.10 (b) and (c) and 50.54 are issued under sec. 161i, 68 Stat. 949, as amended (42 U.S.C. 2201(i)); and §§ 50.55(e), 50.59(b), 50.70, 50.71, 50.72, and 50.78 are issued under sec. 181o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

2. Paragraph (r) of § 50.54 is revised to read as follows:

#### **§ 50.54 Conditions of licenses.**

(r) Each licensee who is authorized to possess and/or operate a research or test reactor facility with an authorized power level greater than or equal to 2 MW thermal, under a licensee of the type specified in § 50.21(c), shall submit emergency plans complying with 10 CFR Part 50, Appendix E, to the Director of the Office of Nuclear Reactor Regulation for approval by September 7, 1982. Each licensee who is authorized to possess and/or operate a research or test reactor facility with an authorized power level less than 2 MW thermal, under a license of the type specified in § 50.21(c), shall submit emergency plans complying with 10 CFR Part 50, Appendix E, to the Director of the Office of Nuclear Reactor Regulation for approval by November 3, 1982.

Dated at Washington, DC this 30th day of April, 1982.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 82-12295 Filed 5-5-82; 8:45 am]

BILLING CODE 7590-01-M

## **DEPARTMENT OF TRANSPORTATION**

### **Federal Aviation Administration**

#### **14 CFR Part 39**

[Docket No. 22994; Amdt. 39-4380]

#### **Airworthiness Directives; Societe Nationale Industrielle Aerospatiale Model SA-360C Series Helicopters**

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

**SUMMARY:** This action publishes in the Federal Register and makes effective as to all persons an amendment adopting a new airworthiness directive (AD) which was previously made effective as to all known U.S. owners and operators of certain Societe Nationale Industrielle

Aerospatiale Model SA-360C series helicopters by individual telegrams. The AD requires inspection of the transmission housing and gimbal ring attachment flange for cracks, and replacement if cracks are found, and repair of any other defects. The AD is necessary to prevent loss of main rotor speed due to a failure in the engine to main transmission connection, which could result in loss of control of the helicopter.

**DATES:** Effective May 6, 1982, as to all persons except those persons to whom it was made immediately effective by telegraphic AD T80-21-52, issued October 8, 1980, which contained this amendment.

Compliance schedule—as prescribed in the body of the AD.

#### **FOR FURTHER INFORMATION CONTACT:**

C. Christie, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Office, FAA, c/o American Embassy, Brussels, Belgium, Telephone: 513.3830, or C. Chapman, Chief, Technical Standards Branch, AWS-110, FAA, 800 Independence Avenue, SW, Washington, D.C. 20591, Telephone: (202) 428-8374.

**SUPPLEMENTARY INFORMATION:** On October 8, 1980, telegraphic AD T80-21-52 was issued and made effective immediately as to all known U.S. owners and operators of certain Societe Nationale Industrielle Aerospatiale Model SA-360C series helicopters. The AD required a one-time inspection of the transmission housing and gimbal ring attachment flange for cracks, and replacement if cracks are found, and repair of any defects other than cracks. AD action was necessary to prevent loss of main rotor speed due to fatigue cracking in the main transmission housing and eventual failure in the engine to main transmission connection, which could result in loss of control of the helicopter.

Since it was found that immediate corrective action was required, notice and public procedure thereon were impracticable and contrary to the public interest, and good cause existed for making the AD effective immediately by individual telegrams issued October 8, 1980, to all known U.S. owners and operators of certain Societe Nationale Industrielle Aerospatiale Model SA-360C series helicopters. These conditions still exist and the AD is hereby published in the Federal Register as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons. The model designation of the helicopter was incorrectly stated as AS-360C in the