



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

June 25, 1982

MEMORANDUM FOR: William J. Dircks, EDO
Robert Minogue, RES
Harold Denton, NRR
Richard DeYoung, I&E
Guy H. Cunningham, ELD
Joseph Felton, ADMIN

FROM: Satish K. Aggarwal, EEER

Enclosed is a clean copy of the Final Rule § 50.49 (Mini-Rule) approved by the Commission yesterday. The original was sent to Mr. John Hoyle today at 12:00 P.M. for publication in the Federal Register.

A handwritten signature in cursive script, reading "Satish K. Aggarwal", is positioned above the typed name.

Satish K. Aggarwal

Enclosure:
As stated

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NUCLEAR REGULATORY COMMISSION

10 CFR PART 50

Environmental Qualification of Electric Equipment

AGENCY: Nuclear Regulatory Commission

ACTION: Final Rule

SUMMARY: The Nuclear Regulatory Commission is amending its regulations to suspend completion schedules for environmental qualification of safety-related electric equipment in operating nuclear power plants.

EFFECTIVE DATE: [Upon publication in the FEDERAL REGISTER]

FOR FURTHER INFORMATION CONTACT: Satish K. Aggarwal, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, phone 301-443-5946. SUPPLEMENTARY INFORMATION:

On May 23, 1980, the Commission issued a Memorandum and Order in the Matter of the Petition for Emergency and Remedial Action, CLI-80-21, 11 NRC 707. In that Order, the Commission directed that all operating plants complete the qualification of safety-related electric equipment pursuant to the Division of Operating Reactors (DOR) Guidelines and NUREG-0588 no later

than June 30, 1982, and stated that this requirement would be incorporated into the technical specifications for each operating plant. This was accomplished by a series of plant-specific orders issued by the Director of Nuclear Reactor Regulation. For plants receiving operating licenses after these orders had been issued, the deadline was placed in a license condition.

In the May 27 Memorandum and Order, the Commission also requested that the staff engage in rulemaking to codify the Commission's standards in this area. A notice of proposed rulemaking was published in the FEDERAL REGISTER on January 20, 1982 (47 FR 2876). The proposed rule contained a new implementation schedule which would supersede the June 30 deadline in the technical specifications or license conditions of operating plants. In addition, the proposed rule included a requirement that licensees of operating plants submit justification for continued operation while qualification efforts are still underway, but it was noted that, if these plant-specific justifications were voluntarily submitted and evaluated by the staff prior to publication of a final rule, this requirement would be deleted. The Commission expected to be able to publish the final rule prior to the June 30 deadline. This has not proved possible. Although Commission action on the final rule is nearly complete, publication will be delayed somewhat beyond June 30. It is therefore necessary to suspend the deadline now contained in technical specifications or license conditions pending publication of the final rule.

The Commission is today promulgating an interim 10 CFR 50.49 which will be superseded by the final rule bearing the same section number. The interim

rule suspends the deadline now contained in technical specifications or license conditions pending publication of the final rule, the implementation schedule of which will be immediately effective. Although licensees will be operating under no deadline for a short period of time, the Commission expects that licensee efforts to meet the requirements of CLI-80-21 will continue without interruption.

The Commission has received, and the staff has evaluated, each operating plant licensee's justification for continued operation. On the bases of these analyses, the Commission has determined that continued operation of these plants, pending completion of the equipment qualification program, will not present undue risk to the public health and safety. The state of environmental qualification at operating plants is much improved since imposition of the June 30 deadline, though much work remains, and the Commission finds that no public purpose would be served by placing licensees in jeopardy of enforcement actions for the brief interim period between June 30 and publication of the final rule which will establish a new schedule.

This rule may be made immediately effective upon publication in the FEDERAL REGISTER, pursuant to Section 553(d)(1) of the Administrative Procedure Act, because it "relieves a restriction" previously imposed upon licensees of operating nuclear power plants. Furthermore, the Commission is dispensing with public notice and comment in promulgating this rule in final form. The Commission had intended to promulgate a final rule by June 30, 1982. However, because the Commission will be unable to promulgate a final

rule by that date, and because licensees should not be placed in jeopardy of enforcement action pending promulgation of a revised schedule for implementation of equipment qualification requirements, the Commission finds good cause to dispense with notice and comment. In addition, the Commission has already solicited comments on the proposed rule's schedule delaying implementation beyond June 30 and the final rule will contain a schedule of this type.

Regulatory Flexibility Act Certification

In accordance with the Regulatory Flexibility Act of 1980, 5 U.S.C. § 605(b), the Commission hereby certifies that this rule will not have a significant economic impact upon a substantial number of small entities. The rule affects only operating nuclear power plant licensees, which do not fall within the definition of a small business as defined in the Small Business Act, 15 U.S.C. 632, or as defined in the Small Business Size Standards, 13 CFR Part 21.

Paperwork Reduction Act Statement

Pursuant to the Paperwork Reduction Act of 1980, Public Law 96-511, the Commission has determined that this rule does not impose new recordkeeping, information collection, or 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, notice is hereby given that the following amendment to Title 10, Chapter I, Code of Federal Regulations, Part 50, is published as a document subject to codification.

PART 50--DOMESTIC LICENSING OF
PRODUCTION AND UTILIZATION FACILITIES

1. A new Section 50.49 is added to read as follows:

50.49 Environmental Qualification Schedules The June 30, 1982, deadline for completion of environmental qualification of safety-related electric equipment, now contained in the technical specifications or license conditions for all operating nuclear power plants, is hereby suspended pending publication of the final rule on qualification of such equipment.

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. 186, 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. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

Dated this _____ day of June, 1982,
at Washington, D C.

For the Nuclear Regulatory Commission

Samuel J. Chilk
Secretary of the Commission

Rules and Regulations

Federal Register

Vol. 47, No. 126

Wednesday, June 30, 1982

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510. The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

Environmental Qualification of Electric Equipment

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: In a Memorandum and Order issued on May 23, 1980, the Nuclear Regulatory Commission (NRC) directed that all operating plants complete the environmental qualification of safety related electric equipment no later than June 30, 1982. Also, as specified in the Memorandum and Order, the NRC proposed rules to codify the Commission standards in this area. The proposed rules contained a new implementation schedule which would supersede the June 30 deadline in the technical specifications when the proposed rules are adopted as final. The Commission had expected to publish final rules by June 30, however this has not proved possible. Therefore, the Commission finds it necessary to suspend the June 30 deadline now contained in the technical specifications or license conditions pending publication of final rules.

EFFECTIVE DATE: June 30, 1982.

FOR FURTHER INFORMATION CONTACT: Satish K. Aggarwal, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, phone 301-443-5946.

SUPPLEMENTARY INFORMATION: On May 23, 1980, the Commission issued a Memorandum and Order in the Matter of the Petition for Emergency and Remedial Action, CLI-80-21, 11 NRC 707. In that Order, the Commission directed that all operating plants complete the qualification of safety-

related electric equipment pursuant to the Division of Operating Reactors (DOR) Guidelines and NUREG-0588 no later than June 30, 1982, and stated that this requirement would be incorporated into the technical specifications for each operating plant. This was accomplished by a series of plant-specific orders issued by the Director of Nuclear Reactor Regulation. For plants receiving operating licenses after these orders had been issued, the deadline was placed in a license condition.

In the May 23 Memorandum and Order, the Commission also requested that the staff engage in rulemaking to codify the Commission's standards in this area. A notice of proposed rulemaking was published in the Federal Register on January 20, 1982 (47 FR 2876). The proposed rule contained a new implementation schedule which would supersede the June 30 deadline in the technical specifications or license conditions of operating plants. In addition, the proposed rule included a requirement that licensees of operating plants submit justification for continued operation while qualification efforts are still underway, but it was noted that, if these plant-specific justifications were voluntarily submitted and evaluated by the staff prior to publication of a final rule, this requirement would be deleted. The Commission expected to be able to publish the final rule prior to the June 30 deadline. This has not proved possible. Although Commission action on the final rule is nearly complete, publication will be delayed somewhat beyond June 30. It is therefore necessary to suspend the deadline now contained in technical specifications or license conditions pending publication of the final rule.

The Commission is today promulgating an interim 10 CFR 50.49 which will be superseded by the final rule bearing the same section number. The interim rule suspends the deadline now contained in technical specifications or license conditions pending publication of the final rule, the implementation schedule of which will be immediately effective. Although licensees will be operating under no deadline for a short period of time, the Commission expects that licensee efforts to meet the requirements of CLI-80-21 will continue without interruption.

The Commission has received, and the staff has evaluated, each operating plant licensee's justification for continued

operation. On the bases of these analyses, the Commission has determined that continued operation of these plants pending completion of the equipment qualification program, will not present undue risk to the public health and safety. The state of environmental qualification at operating plants is much improved since imposition of the June 30 deadline, though much work remains, and the Commission finds that no public purpose would be served by placing licensees in jeopardy of enforcement actions for the brief interim period between June 30 and publication of the final rule which will establish a new schedule.

This rule may be made immediately effective upon publication in the Federal Register, pursuant to section 553(d)(1) of the Administrative Procedure Act, because it "relieves a restriction" previously imposed upon licensees of operating nuclear power plants. Furthermore, the Commission is dispensing with public notice and comment in promulgating this rule in final form. The Commission had intended to promulgate a final rule by June 30, 1982. However, because the Commission will be unable to promulgate a final rule by that date, and because licensees should not be placed in jeopardy of enforcement action pending promulgation of a revised schedule for implementation of equipment qualification requirements, the Commission finds good cause to dispense with notice and comment. In addition, the Commission has already solicited comments on the proposed rule's schedule delaying implementation beyond June 30 and the final rule will contain a schedule of this type.

Regulatory Flexibility Act Certification

In accordance with the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission hereby certifies that this rule will not have a significant economic impact upon a substantial number of small entities. The rule affects only operating nuclear power plant licensees, which do not fall within the definition of a small business as defined in the Small Business Act, 15 U.S.C. 632, or as defined in the Small Business Size Standards, 13 CFR Part 21.

Paperwork Reduction Act Statement

Pursuant to the Paperwork Reduction Act of 1980, Pub. L. 96-511, the Commission has determined that this rule does not impose new recordkeeping, information collection, or reporting requirements.

List of Subjects in 10 CFR Part 50

Nuclear power plants and reactors.

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, notice is hereby given that the following amendment to Title 10, Chapter I, Code of Federal Regulations, Part 50, is published as a document subject to codification.

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

1. A new § 50.49 is added to read as follows:

§ 50.49 Environmental qualification schedules.

The June 30, 1982, deadline for completion of environmental qualification of safety-related electric equipment, now contained in the technical specifications or license conditions for all operating nuclear power plants, is hereby suspended pending publication of the final rule on qualification of such equipment.

2. 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. 186, 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. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

Dated this 25th day of June, 1982, at Washington, D.C.

For the Nuclear Regulatory Commission,
Samuel J. Chilk,
Secretary of the Commission.
[FR Doc. 82-17722 Filed 6-29-82; 8:45 am]
BILLING CODE 7590-01-M

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission**

18 CFR Parts 1, 1b, 2, 3, 3a, 3c, 4, 12, 16, 25, 32, 33, 34, 35, 41, 45, 131, 152, 153, 154, 156, 157, 158, 250, 270, 271, 275, 281, 282, 284, 286, 292, 375, 385, and 388

[Docket Nos. RM78-22-000, RM78-22-010, RM78-22-011, RM78-22-012]

Revision of Rules of Practice and Procedure to Expedite Trial-Type Hearings

Issued June 25, 1982.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Order granting rehearing solely for purpose of further consideration.

SUMMARY: The Federal Energy Regulatory Commission is issuing an order granting limited rehearing on three applications filed with respect to the Commission's final rule revising its Rules of Practice and Procedure. Rehearing is granted solely to allow the Commission sufficient time for further consideration of the applications. The order does not constitute a grant or denial of any application on its merits, either in whole or in part.

FOR FURTHER INFORMATION CONTACT: Fredric D. Chania, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, (202) 357-8033.

SUPPLEMENTARY INFORMATION:

Order Granting Rehearing for Purpose of Further Consideration

Issued June 25, 1982.

On April 28, 1982, the Federal Energy Regulatory Commission (Commission) issued a final rule amending its Rules of Practice and Procedure to expedite trial-type hearings (Docket No. RM78-22-000, Order No. 225, 47 FR 19014 (May 3, 1982)). The final rule reorganized and revised the Rules of Practice and Procedure, effective on August 26, 1982, and represented a major step in the Commission's overall effort to update and clarify its procedural rules.

The Commission has received timely applications for rehearing of this final rule from the Association of Oil

Pipelines (Docket No. RM78-22-010), Phillips Petroleum Company, Inc. (Docket No. RM78-22-011), and Southern Union Gathering Company (Docket No. RM 78-22-012). To have sufficient time to consider the issues raised in these applications, the Commission will grant rehearing of the final rule solely for the purpose of such further consideration.

The Commission Orders: Rehearing of Order No. 225 is granted solely for the limited purpose of further consideration of the issues raised in the three applications for rehearing. This action does not constitute a grant or denial of any application on its merits, either in whole or in part. As provided in § 1.34(d) of the Commission's present Rules of Practice, 18 CFR 1.34(d), no answers to these applications will be entertained by the Commission because this order does not grant rehearing on any substantive issues.

By the Commission.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-17581 Filed 6-29-82; 8:45 am]
BILLING CODE 6717-01-M

18 CFR Part 271

[Docket No. RM79-76-096 (Alabama-2); Order No. 238]

High-Cost Gas Produced From Tight Formations; Final Rule

Issued June 23, 1982.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This final order adopts the recommendation of the State Oil and Gas Board of Alabama that the Hartselle Sandstone Formation be designated as a tight formation under § 271.703(d).