

UNITED STATES
NUCLEAR REGULATORY COMMISSION
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January 28, 1982

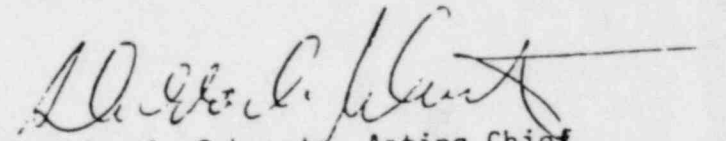
MEMORANDUM FOR: Robert A. Clark, Chief
Operating Reactors Branch #3
Division of Licensing
Office of Nuclear Reactor Regulation

FROM: Sheldon A. Schwartz, Acting Chief
Emergency Development and Response Branch
Division of Emergency Preparedness
Office of Inspection and Enforcement

SUBJECT: LICENSEE'S REQUESTS FOR EXEMPTION FROM PROMPT NOTIFICATION
SYSTEM DEADLINE

Effective December 30, 1981, the Commission approved the rule change to change the deadline for implementation of a Prompt Notification System to February 1, 1982. Ft. St. Vrain has requested an exemption from this deadline and for the reasons given in the attached response, it was denied.

I hereby request that you forward the attached response to the licensee as soon as possible.


Sheldon A. Schwartz, Acting Chief
Emergency Development and Response Branch
Division of Emergency Preparedness
Office of Inspection and Enforcement

Attachment: As stated

Public Service Company of Colorado

ATTN: Don W. Warembourg

Manager, Nuclear Production

16805 WCR 19 1/2

Platteville, Colorado 80651-9298

Dear Mr. Warembourg:

This is in response to your January 8, 1982 letter, requesting relief from the February 1, 1982 deadline for implementation of your prompt notification system. The final rule establishing this deadline, which became effective December 30, 1981, does not specifically address requests for exemption or relief from the February 1, 1982 implementation date. However, pursuant to 10 CFR §50.12, your request for exemption was determined not to be meritorious. As noted in the proposed rule (46 FR 46587), the Commission stated that in its judgment, prompt public notification is an important consideration in the offsite protection of the public in the event of a nuclear accident. The emergency planning rule is premised on reducing, to the extent possible and to the extent the NRC can regulate, the time required for and the uncertainty associated with each step in the prompt public notification process. Therefore, timely implementation of a prompt notification system is considered to be beneficial to the health and safety of the public. (See 46 FR 46587 & 46 FR 63031 for additional information). In view of the forgoing, it has been determined that granting an extension of time would not be in the public interest.

However, the Commission recognizes that there may be mitigating circumstances beyond your control that should be weighed in determining what enforcement action should be taken. Specifically, these considerations are: (1) whether the licensee demonstrated diligence in attempting to fulfill the requirements; (2) whether or not the NRC was kept informed of the steps taken to fulfill the requirements of the rule; (3) when those steps were taken, and any significant problems encountered; and (4) an updated timetable established to achieve full compliance with the prompt public notification capability requirement.

The many items of correspondence submitted between September 19, 1979, and January 8, 1982, will be taken into consideration in determining what enforcement action is appropriate. You have kept the NRC informed and although you did not proceed to implement a prompt public notification system, you attempted to elicit a ruling on the ~~size of your emergency planning zone~~ ^{necessity for a prompt notification} ~~system~~ ^(EPZ) because of your unique situation as the only HTGR nuclear power facility.

At the December 15, 1981 meeting, we discussed in detail the rationale for prompt notification systems and concluded that although HTGR's are different than LWR's, the need for a notification system was still present. This conclusion was derived from the premise that, although it may be several hours into an accident before the situation warrants notifying the public, once that decision has been made, a rapid means must be available. This is true regardless of the type of reactor. In regard to your statement that the size of your EPZ classification was based only on size-of-plant considerations, the May 19, 1980 letter to you from Robert L Tedesco states otherwise. Your letter to Brian K. Grimes dated April 1, 1980,

specifically requested the EPZ sizes which were approved in the May 19, 1980 letter, to you.

Concerning your request for a waiver of enforcement action, this item will be addressed in a separate correspondence.

Sincerely,

Robert A. Clark, Chief
Operating Reactors Branch #3
Division of Licensing, NRR

10 CFR Part 50

Emergency Planning and Preparedness for Production and Utilization Facilities

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Nuclear Regulatory Commission is proposing to amend its regulations to extend the date by which prompt public notification systems must be operational around all nuclear power plants. The proposed extension is based on industry-wide difficulty in acquiring the necessary equipment, permits, and clearances. If adopted the proposal would extend the compliance date for these systems from July 1, 1981 to no later than February 1, 1982.

DATES: Comment period expires October 21, 1981. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before this date.

ADDRESSES: Interested persons are invited to submit written comments and suggestions on the proposal to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Attention: Docketing and Service Branch. Copies of comments received by the Commission may be examined in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Brian K. Grimes, Director, Division of Emergency Preparedness, Office of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (telephone: 301-492-4614).

SUPPLEMENTARY INFORMATION:**I. The Proposed Rule**

On August 19, 1980, the Nuclear Regulatory Commission published in the Federal Register (45 FR 55402) amendments to its regulations (10 CFR Part 50 and Appendix E) concerning the upgrading of emergency preparedness. The effective date of these regulations was November 3, 1980. Among other things, the regulations required licensees to submit upgraded emergency plans by January 2, 1981, submit implementing procedures by March 1, 1981, and implement the emergency plans by April 1, 1981.

One element that must be demonstrated in an acceptable licensee's emergency plan is that:

By July 1, 1981, the nuclear power reactor licensee shall demonstrate that administrative and physical means have been established for alerting and providing prompt instructions to the public within the plume exposure pathway EPZ. The design objective shall be to have the capability to essentially complete the initial notification of the public within the plume exposure pathway EPZ within about 15 minutes.

The NRC staff has evaluated the level of compliance by the industry and noted that only about 12% of NRC power reactor licensees have been able to meet fully the July 1, 1981 date for installation of a prompt public notification system which meets the criteria in 10 CFR 50.47, 50.54, and Appendix E to Part 50. The licensees inability to meet the July 1, 1981 date has been attributed to the unforeseen difficulties and uncertainties surrounding the designing, procuring, and installing of the prompt notification systems. In establishing the implementation date, the Commission was concerned that these factors would inhibit the ability to comply with a short schedule and set the July 1981 date with this in mind (45 FR 55407).

While licensees' compliance with the prompt notification requirement has been delayed, the NRC considers that emergency plans and preparedness have significantly improved within the last year at and around every nuclear power plant site. This insignificant improvement has been confirmed by NRC teams who have visited a number of plant sites to evaluate the licensees' compliance with the upgraded emergency planning regulations of August 1980. In addition, the Federal Emergency Management Agency (FEMA) and the NRC have monitored numerous nuclear emergency exercises involving State and local governments and the licensees, and again have witnessed a significant improvement on onsite and offsite emergency preparedness.

Based on the above information and on a recognition that there exist customary warning systems (police, radio, telephone), which are viewed as sufficiently effective in many postulated accident scenarios, the Commission is proposing to defer the implementation date of the prompt public notification capability requirement from July 1, 1981 to February 1, 1982. In view of the above, the Commission finds that there exists sufficient reason to believe that appropriate protective measures can and will be taken for the protection of the health and safety of the public in the event of a radiological emergency during

the extended time period for compliance.

The Commission's decision to defer the date for requiring full implementation of the prompt public notification capability requirement was made, as described above, after additional consideration of industry-wide difficulty in acquiring the necessary equipment, permits, and clearances. This proposed deferral does not represent any fundamental departure from the rationale the Commission used in adopting and sustaining the public notification capability requirement. See Final Rule on Emergency Planning, 45 FR 55402, 55407 (Aug. 19, 1980), *reconsideration denied*, CLI-80-40, 12 NRC 836 (1980). It is the Commission's continued judgment that prompt public notification is an important consideration in the offsite protection of the public in the event of a nuclear accident. This offsite protection of the public includes a number of separate steps—recognition of the potential severity of the accident by the utility, communication of the perceived threat to offsite authorities, decision by offsite officials on the need for protective action, capability to spread public warning, and actual response by the public. The emergency planning rule is premised on reducing to the extent possible—and to the extent the NRC can regulate—the time required for and the uncertainty associated with each step. Every aspect of the rule, including the prompt notification system, is still required. In changing the implementation date of the prompt public notification capability requirement, the Commission recognizes the continued need for this requirement and expects all utilities to complete the installation of this system as soon as practicable but not later than February 1, 1982. However, the Commission intends to take appropriate enforcement action against licensees who did not, prior to July 1, 1981, notify the Commission of their inability to meet the July 1, 1981 deadline.

Significant licensee performance strengths and weaknesses are evaluated in the NRC Systematic Assessment of Licensee Performance (SALP). The SALP program specifically includes evaluation of licensee performance in emergency preparedness. Accordingly, a licensee's efforts in attempting to meet the July 1, 1981 date for installing the prompt public notification capability will be a factor in that licensee's SALP.

II. Proposed Application of the Final

The Commission also is proposing in this rule that the four-month period for correcting deficiencies, provided in § 50.54(s)(2), should not apply to any licensee not in compliance with the public notification system requirement by February 1, 1982, the new deadline date. If a licensee is not in compliance with this requirement by February 1, 1982, the Commission will consider taking appropriate enforcement actions promptly at that time. In determining appropriate enforcement action to initiate, the Commission will take into account, among other factors, the demonstrated diligence of the licensee in attempting to fulfill the prompt public notification capability requirement. The Commission will consider whether the licensee has kept the NRC informed of the steps that it has taken, when those steps were taken and any significant problems encountered, and the updated timetable which the licensee expects will be met in achieving full compliance with the prompt public notification capability requirements.

With respect to requests for exemptions that NRC has received from nuclear power reactor licensees concerning the prompt public notification requirement and deadlines for installation and operational capability, the Commission has decided to deny these requests in light of the proposed extension of the July 1, 1981 date. Any licensee not able to meet the new deadline date of February 1, 1982 will be subject to enforcement penalties after the new date. This provision will eliminate unnecessary and costly administrative actions needed to consider present exemption requests that will essentially become moot by the proposed extension of the July 1, 1981 date. This approach will also permit the NRC to focus its consideration upon a reduced number of noncompliance situations which remain at the time of the new deadline. It is expected that the most efficient use of NRC resources will be achieved by this treatment of present exemption requests relating to the July 1, 1981 operational date requirement.

If the proposed rule is subsequently promulgated as a final rule, it is the Commission's present intention to make it effective immediately upon publication, pursuant to 5 U.S.C. 553(d)(1), since the rule is expected to remove the obligation of certain licensees with respect to the present July 1, 1981 deadline for operational public notification systems. In that regard, the Commission notes that the

final rule, when effective, will be applied to ongoing licensing proceedings now pending and to issues or contentions therein. *Union of Concerned Scientists v. AEC*, 499 F. 2d 1069 (D.C. Cir. 1974).

Regulatory Flexibility Certification

In accordance with the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission concludes that this rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. The proposed rule concerns an extension of the operational date for public notification systems for nuclear power plants licensed pursuant to Sections 103 and 104b of the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2133, 2134b. The electric utility companies owning and operating these nuclear power plants are dominant in their service areas and do not fall within the definition of a small business found in Section 3 of the Small Business Act, 15 U.S.C. 632, or within the Small Business Size Standards set forth in 13 CFR Part 121. In addition, since the amendment extends for one year the date by which the public notification systems are to be operational, the businesses and state and local governments involved in the manufacture and installation of these systems are not economically affected in any significant manner. Accordingly, there is no significant economic impact on a substantial number of small entities, as defined in the Regulatory Flexibility Act of 1980.

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 proposed 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 Section 553 of Title 5 of the United States Code, notice is hereby given that adoption of the following amendment to 10 CFR Part 50, Appendix E is contemplated.

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

The authority citation for Part 50 reads 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, 2123, 2201, 2232, 2233, 2239); secs. 201, 202, 206, 68 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). Section 50.78-50.81 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), § 50.41(i) issued under sec. 161i, 68 Stat. 949 (42 U.S.C. 2201(i)); §§ 50.70, 50.71, and 50.78 issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)), and the laws referred to in Appendices.

1. Section IV.D.3 of Appendix E to Part 50 is revised to read as follows:

Appendix E—Emergency Planning and Preparedness for Production and Utilization Facilities

D Notification Procedures

3. A licensee shall have the capability to notify responsible State and local governmental agencies within 15 minutes after declaring an emergency. The licensee shall demonstrate that the State/local officials have the capability to make a public notification decision promptly on being informed by the licensee of an emergency condition. By February 1, 1982, each nuclear power reactor licensee shall demonstrate that administrative and physical means have been established for alerting and providing prompt instructions to the public within the plume exposure pathway EPZ. The four-month period in 10 CFR 50.54(s)(2) for the correction of emergency plan deficiencies shall not apply to deficiencies in the initial installation of this public notification system that is required by February 1, 1982. The design objective of the prompt public notification system shall be to have the capability to essentially complete the initial notification of the public within the plume exposure pathway EPZ within about 15 minutes. The use of this notification capability will range from immediate notification of the public (within 15 minutes of the time that State and local officials are notified that a situation exists requiring urgent action) to the more likely events where there is substantial time available for the State and local governmental officials to make a judgment whether or not to activate the public notification system. Where there is a decision to activate the notification system, the State and local officials will determine whether to activate the entire notification system simultaneously or in a graduated or staged manner. The responsibility for activating such a public notification system shall remain with the appropriate government authorities.

Dated at Washington, D.C., this 16th day of September 1981.

For the Nuclear Regulatory Commission
Samuel J. Chilk,
Secretary of the Commission.

[FR Doc. 81-27523 Filed 9-16-81; 8:45 am]
BILLING CODE 7590-01-M

Rules and Regulations

Federal Register

Vol. 46, No. 230

Wednesday, December 30, 1981

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

Emergency Planning and Preparedness for Production and Utilization Facilities

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Commission is making two changes to its emergency planning regulations. The change to 10 CFR Part 50, Appendix E delays the date by which prompt public notification systems must be operational around all nuclear power plants. The change to § 50.54 clarifies the language of the rule to conform with the Commission's intent at the time of promulgation.

EFFECTIVE DATE: December 30, 1981.

FOR FURTHER INFORMATION CONTACT: Michael T. Jamgochian, Human Factors Branch, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (telephone 301-443-5942).

SUPPLEMENTARY INFORMATION:

I. The Amendment to 10 CFR Part 50, Appendix E

On August 19, 1980, the NRC published a revised emergency planning regulation which became effective on November 3, 1980. The rule required licensees to demonstrate, among other things, by July 1, 1981:

"that administrative and physical means have been established for alerting and providing prompt instructions to the public within the plume exposure pathway EPZ. The design objective shall be to have the capability to essentially complete the initial notification of the public within the plume exposure pathway EPZ within about 15 minutes."

On August 11, 1981, the Commission discussed possible actions because licensees failed to comply with the July 1, 1981 requirement contained in 10 CFR 50.47(b)(5) and 10 CFR 50, Appendix E, Section IV.D.3. The licensees' failure to meet the July 1, 1981 date was attributed to unforeseen difficulties and uncertainties surrounding the design, procurement and installation of the prompt notification systems.

At the August 11, 1981 meeting, the Commission approved publication of a proposed rule change which would provide an extension of the July 1, 1981 date to February 1, 1982. (See 46 FR 46587). That Federal Register notice requested public comment during a 30-day period ending October 21, 1981.

To date, comments have been received from four NRC licensees, five individuals or organizations in the nuclear industry, one from the general public, three from environmental organizations, one from a mass transit system director, and one from a State governor. The comments received from the general public and from the environmental organizations were against delaying the implementation date to February 1982. The letters from the other commenters generally agree with extending the implementation date along with additional suggestions.

One suggested modification to the proposed rule change, which has been accepted and included in these final amendments, is not to eliminate the four-month period for correction of any deficiencies identified during the initial testing of the prompt notification system. The Commission now believes that the elimination of this four-month period would be inconsistent with the need to perform a reasonable test of the system and make any needed changes as indicated by the test results. The enclosed effective regulation incorporates this concept. The installation date, however, remains February 1, 1982, and any licensee not completing the installation by that date would be subject to enforcement action.

After evaluating all public comment letters received, the Commission has decided to publish, as immediately effective, a final rule change to 10 CFR Part 50, Appendix E which will delay the implementation date for the prompt public notification systems from July 1, 1981 to February 1, 1982.

This decision is based on a recognition that emergency plans and preparedness have significantly improved within the last year at and around every nuclear power plant site. This significant improvement has been confirmed by NRC teams who have visited a number of plant sites to evaluate the licensees' compliance with the upgraded emergency planning regulations of August 1980. In addition, the Federal Emergency Management Agency (FEMA) and the NRC have monitored numerous nuclear emergency exercises involving State and local governments and the licensees, and again have witnessed a significant improvement on onsite and offsite emergency preparedness.

The decision to delay the implementation date is also based on the recognition that there exist customary warning systems (police, radio, telephone) which are viewed as sufficiently effective in many postulated accident scenarios. In view of the above, the Commission finds that there exists sufficient reason to believe that appropriate protective measures can and will be taken for the protection of the health and safety of the public in the event of a radiological emergency during the extended time period for compliance.

II. The Amendment to 10 CFR 50.54

Additionally, 10 CFR 50.54(s)(2), currently requires that,

"For operating power reactors, the licensee, State, and local emergency response plans shall be implemented by April 1, 1981, except as provided in Section IV.D.3 of Appendix E of this part. If after April 1, 1981, the NRC finds that the state of emergency preparedness does not provide reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency and if the deficiencies are not corrected within four months of that finding, the Commission will determine whether the reactor shall be shut down until such deficiencies are remedied or whether other enforcement action is appropriate."

It has come to the Commission's attention that because this section of the regulation was written as one paragraph, it can be interpreted to mean that the four-month period for the correction of emergency preparedness deficiencies does not apply to "Section IV.D.3 of Appendix E."

This is a misinterpretation of the Commission's intent, which was that the four-month period is to apply to any deficiencies identified in the emergency plans. The Commission is therefore modifying § 50.54(s)(2) to more clearly reflect that intent. The four-month period provided in § 50.54(s)(2), will not apply to any licensee for the installation and initial test of the public notification system by February 1, 1982. If a licensee is not in compliance with this requirement for installation and testing by February 1, 1982, the Commission will consider taking appropriate enforcement actions promptly at that time. In determining appropriate enforcement action to initiate, the Commission will take into account, among other factors, the demonstrated diligence of the licensee in attempting to fulfill the prompt public notification capability requirement. The Commission will consider whether the licensee has kept the NRC informed of the steps that it has taken, when those steps were taken and any significant problems encountered, and the updated timetable which the licensee expects will be met in achieving full compliance with the prompt public notification capability requirements. The four-month period will, however, apply to correction of deficiencies identified during the initial test of the prompt public notification systems as well as those deficiencies discovered thereafter.

Because the amendment to § 50.54(s)(2) is interpretative and of a minor nature, simply resolving an ambiguity in the rules to the Commission's intended meaning at the time of promulgation, the Commission finds good cause to dispense with advance notice and opportunity for public comment thereon as unnecessary. For this reason, this change shall be effective as a final rule on December 30, 1981.

Likewise, the Commission is publishing the final amendments to 10 CFR Part 50, Appendix E (extending the implementation date for the installation of a prompt public notification system) as effective immediately upon publication, pursuant to 5 U.S.C. 553(d)(1), since the rule is expected to relieve the obligation of certain licensees with respect to the present July 1, 1981 deadline for operational public notification systems. In that regard, the Commission notes that the final rule, when effective, will be applied to ongoing licensing proceedings now pending and to issues or contentions therein. *Union of Concerned Scientists v. AEC*, 499 F. 2d 1069 (D.C. Cir. 1974).

Regulatory Flexibility Act Statement

Pursuant to the Regulatory Flexibility Act of 1980, Pub. L. 96-354, the NRC has determined: (1) That the delaying of the implementation date for the prompt public notification systems will not have a significant economic impact on a substantial number of small entities, pursuant to the Regulatory Flexibility Act of 1980, section 605(b) and (2) that the rule change to § 50.54(s)(2) is not subject to the provisions of the Regulatory Flexibility Act of 1980, because the Commission has determined pursuant to 5 U.S.C. 553 that a notice of proposed rulemaking for § 50.54(s)(2) need not be issued and that the rule may be promulgated in final form and become effective on December 30, 1981.

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 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 section 553 of title 5 of the United States Code, the following amendments to 10 CFR Part 50 are published as documents subject to codification:

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

The authority citation for Part 50 reads as follows:

Authority: Secs. 103, 104, 161, 182, 189, 68 Stat. 938, 937, 948, 953, 954, 955, 358, 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, 5848), unless otherwise noted. Section 50.78 also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Section 50.78-50.81 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), § 50.41(i) issued under sec. 161, 68 Stat. 949 (42 U.S.C. 2201(i)); §§ 50.70, 50.71, and 50.78 issued under sec. 1610, 68 Stat. 950, as amended (42 U.S.C. 2201(o)), and the laws referred to in Appendices.

Appendix E [Amended]

1. Section IV.D.3 of Appendix E to Part 50 is revised to read as follows:

Appendix E—Emergency Planning and Preparedness for Production and Utilization Facilities*

*The regulation has been typed in comparative text showing changes from the proposed rule.

D. Notification Procedures

3. A licensee shall have the capability to notify responsible State and local governmental agencies within 15 minutes after declaring an emergency. The licensee shall demonstrate that the State/local officials have the capability to make a public notification decision promptly on being informed by the licensee of an emergency condition. By February 1, 1982, each nuclear power reactor licensee shall demonstrate that administrative and physical means have been established for alerting and providing prompt instructions to the public within the plume exposure pathway EPZ. The four-month period in 10 CFR 50.54(s)(2) for the correction of emergency plan deficiencies shall not apply to the initial installation of this public notification system that is required by February 1, 1982. The four-month period will apply to correction of deficiencies identified during the initial installation and testing of the prompt public notification system, as well as those deficiencies discovered thereafter. The design objective of the prompt public notification system shall be to have the capability to essentially complete the initial notification of the public within the plume exposure pathway EPZ within about 15 minutes. The use of this notification capability will range from immediate notification of the public (within 15 minutes of the time that State and local officials are notified that a situation exists requiring urgent action) to the more likely events where there is substantial time available for the State and local governmental officials to make a judgment whether or not to activate the public notification system. Where there is a decision to activate the notification system the State and local officials will determine whether to activate the entire notification system simultaneously or in a graduated or staged manner. The responsibility for activating such a public notification system shall remain with the appropriate governmental authorities.

2. § 50.54(s)(2) is revised to read as follows:

§ 50.54 Conditions of licenses.

(s) * * *

(2)(i) For operating power reactors, the licensee, State, and local emergency response plans shall be implemented by April 1, 1981, except as provided in Section IV.D.3 of Appendix E to this part.

(ii) If after April 1, 1981, the NRC finds that the state of emergency preparedness does not provide reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency (including findings based on requirements of Appendix E, Section IV.D.3) and if the

deficiencies (including deficiencies based on requirements of Appendix E, Section IV.D.3) are not corrected within four months of that finding, the Commission will determine whether the reactor shall be shut down until such deficiencies are remedied or whether other enforcement action is appropriate. In determining whether a shutdown or other enforcement action is appropriate, the Commission shall take into account, among other factors, whether the licensee can demonstrate to the Commission's satisfaction that the deficiencies in the plan are not significant for the plant in question, or that adequate interim compensating actions have been or will be taken promptly, or that there are other compelling reasons for continued operation.

Dated at Washington, D.C. this 23rd day of December, 1981.

For the Nuclear Regulatory Commission,
Samuel J. Chilk,
Secretary of the Commission.

[FR Doc. 81-37080 Filed 12-23-81; 8:45 am]
BILLING CODE 7590-01-M

10 CFR Part 50

Reporting, Recordkeeping, and
Application Requirements; Approval

AGENCY: Nuclear Regulatory
Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission is amending its regulations on the domestic licensing of production and utilization facilities to indicate Office of Management and Budget approval of the information collection requirements contained in the regulations. This action is required by the Paperwork Reduction Act of 1980.

EFFECTIVE DATE: December 30, 1981.

FOR FURTHER INFORMATION CONTACT: Steve Scott, Chief, Document Management Branch, Division of Technical Information and Document Control, Office of Administration, Telephone: (301) 492-8585.

SUPPLEMENTARY INFORMATION: The Paperwork Reduction Act of 1980 (Pub. L. 96-511; 44 U.S.C. Chapter 35) transferred the responsibility for approving the information collection requirements imposed by the Nuclear Regulatory Commission (NRC) on the public from the General Accounting Office (GAO) to the Office of Management and Budget (OMB). The Act requires that each existing information collection requirement be reapproved by OMB as existing GAO clearances expire. This requirement

applies to the application, recordkeeping, and reporting requirements contained in NRC regulations.

On October 30, 1981, the NRC obtained OMB reapproval for the information collection requirements contained in 10 CFR Part 50. This amendment adds a new § 50.8 to Part 50 setting out the OMB approval number, the expiration date of the current approval, and a list of sections within Part 50 that contain an approved information collection requirement. This amendment also removes the note concerning the expired GAO clearance that follows § 50.110.

Because this is a nonsubstantive amendment dealing with a minor procedural matter, good cause exists for finding that the notice and comment procedures of the Administrative Procedure Act (5 U.S.C. 553) are unnecessary and for making the amendment effective December 30, 1981.

Under the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 552 and 553, the following amendments to 10 CFR Part 50 are published as a document subject to codification. The authority citation for this document is:

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

Authority: Sec. 161, Pub. L. 83-703, 68 Stat. 948 (42 U.S.C. 2201)

1. Section 50.8 is added to read as follows:

§ 50.8 Reporting, recordkeeping, and application requirements: OMB approval.

(a) The Nuclear Regulatory Commission has submitted the information collection requirements contained in this part of the Office of Management and Budget (OMB) for approval as required by the Paperwork Reduction Act (Pub. L. 96-511). OMB approved the information collection requirements on October 30, 1981.

(1) The OMB approval number is 3150-0011.

(2) OMB approval expires April 30, 1982.

(b) The approved information collection requirements include the application, recordkeeping, and reporting requirements contained in §§ 50.30, 50.33, 50.33a, 50.34(b), (c), (d), (f), 50.34a, 50.35(b), 50.36, 50.36a, 50.48, 50.54(f), (p), (q), (r), (s), (t), (u), 50.55(e), 50.55a, 50.59(b), (c), 50.71(a), (b), (c), (d), (e), 50.72(a), (b), 50.80, 50.82, 50.90, and Appendices A, B, C, E, G, H, J, K, and R.

§ 50.110 [Amended]

2. The note following § 50.110 is removed.

Dated at Bethesda, Maryland, this 11th day of December, 1981.

For the Nuclear Regulatory Commission,
William J. Dirck,
Executive Director for Operations.

[FR Doc. 81-37080 Filed 12-23-81; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF ENERGY

10 CFR Part 503

[Docket No. ERA-R-81-06]

Powerplant and Industrial Fuel Use
of 1978; Final Rules

Correction

In FR Doc. 81-34770 appearing on page 59872 in the issue of Monday, December 7, 1981, make the following corrections:

(1) In § 503.6(c)(2), the following lines were inadvertently omitted above the equation on page 59906:

EQ4 DELTA = COST
(ALTERNATE) - COST (OIL) where
COST(ALTERNATE) and COST(OIL)
are determined by:

(2) In § 503.36(a), paragraph (5) was incorrectly designated as (b); therefore, on page 59914, first column, in the 30th line, "(b) For powerplants . . ." should have read "(5) For powerplants . . .".

BILLING CODE 1505-01-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Parts 522 and 545

[No. 81-800]

Payment of Litigation Expenses of
Federal Home Loan Bank Officers,
Directors, and Employees

Dated: December 17, 1981.

AGENCY: Federal Home Loan Bank
Board.

ACTION: Final rule.

SUMMARY: The Federal Home Loan Bank Board is amending the Regulations for the Federal Home Loan Bank System to liberalize the terms on which the Banks may pay expenses of officers, directors, and employees involved in litigation arising out of their Bank duties. The amendment will allow the Federal Home Loan Banks to establish their own policies regarding litigation expenses.

EFFECTIVE DATE: December 17, 1981.

FOR FURTHER INFORMATION CONTACT: James C. Stewart ((202) 377-6457), Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, NW, Washington, D.C. 20552.

SUPPLEMENTARY INFORMATION: The Federal Home Loan Bank Board is