



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

May 27, 1983

MEMORANDUM FOR: Donald F. Sullivan
EEB, DET, RES

FROM: Eric E. Jakel
Attorney, Regulations Division
Office of the Executive Legal Director

SUBJECT: REQUEST FOR LEGAL OPINION ON POSSIBLE WITHDRAWAL
OF IEEE 279-1971

This is in response to your April 28, 1983 memorandum to me concerning the impact on the NRC and the legal status of IEEE 279-1971 if this standard is withdrawn by the IEEE Nuclear Power Engineering Committee.

Paragraph (h), "Protection systems," of 10 CFR 50.55a, "Codes and standards," incorporates by reference the provisions of IEEE 279. Paragraph (h) provides, in part,

For construction permits [for light-water-cooled nuclear power reactors] issued after January 1, 1971, protection systems shall meet the requirements set forth in editions or revisions of IEEE 279 in effect on the formal docket date of the application for a construction permit. [Text of footnotes omitted.]

For the purposes of 10 CFR 50.55a(h), the NRC determines when a particular edition or revision of IEEE 279 becomes "in effect" and when it has been superseded. See text of footnote 7 to 10 CFR 50.55a.

Should the IEEE decide to withdraw IEEE 279-1971, CP applicants would still be required to meet the provisions of IEEE 279-1971 to satisfy the requirements of 10 CFR 50.55a(h). To impose different requirements upon CP applicants, the NRC would have to amend § 50.55a(h) and footnote 7 through the rulemaking process.

It is my understanding that withdrawal of IEEE 279-1971 would not significantly affect its availability.

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