

Presidential Documents

Title 3—

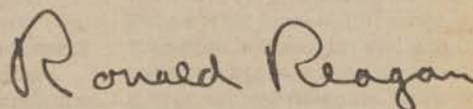
Presidential Determination No. 87-3 of October 27, 1986

The President

Determination Pursuant to Section 620E(e) of the Foreign Assistance Act of 1961, as Amended**Memorandum for the Honorable George P. Shultz, the Secretary of State**

Pursuant to section 620E(e) of the Foreign Assistance Act of 1961, as amended, 22 U.S.C. 2375(e), I hereby certify that Pakistan does not possess a nuclear explosive device and that the proposed United States assistance program will reduce significantly the risk that Pakistan will possess a nuclear explosive device.

You or your delegatee are authorized and directed to publish this determination and certification in the **Federal Register**.



THE WHITE HOUSE,
Washington, October 27, 1986.

[FR Doc. 86-25250

Filed 11-4-86; 4:05 pm]

Billing code 3195-01-M

Presidential Documents

The President

Executive Order 11629, October 11, 1972
Department of the Interior
Bureau of Land Management
Washington, D.C. 20250
Dear Sirs:
I am pleased to inform you that the Bureau of Land Management has approved your application for a lease of 100 acres of public land in the State of Texas. The lease is for a term of 10 years, and the rent is \$100 per acre per year. The lease is subject to the terms and conditions of the lease agreement, which is attached to this letter. I am enclosing a copy of the lease agreement for your information. If you have any questions, please contact the Bureau of Land Management at (202) 254-1234.

Richard Nixon
President of the United States

THE WHITE HOUSE
WASHINGTON, D.C. 20503

Rules and Regulations

Federal Register

Vol. 51, No. 215

Thursday, November 8, 1986

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 week.

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 50 and 51

Domestic Licensing of Production and Utilization Facilities; Communications Procedures Amendments

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is amending its regulations that establish the procedures for submitting correspondence, reports, applications, or other written communications pertaining to the domestic licensing of production and utilization facilities. The amendments indicate the correct mailing address for delivery of the communications and specify the number of copies required to facilitate action by the NRC. The proposed amendments will resolve a number of problems that have developed during the past several years regarding the submission of applications and reports. In addition to clarifying the procedures, these amendments will result in a reduction in reproduction and postage costs for the affected licensees.

EFFECTIVE DATE: January 5, 1987.

FOR FURTHER INFORMATION CONTACT: Steve Scott, Information and Records Management Branch, Division of Technical Information and Document Control, Office of Administration, Nuclear Regulatory Commission, Washington, DC 20555, Telephone: (301) 492-8585.

SUPPLEMENTARY INFORMATION: Because of varying and sometimes conflicting requirements for the submittal of information by applicants and licensees, confusion has arisen with regard to copy requirements and proper submittal procedures. In an effort to clarify these matters, the NRC issued Regulatory

Guide 10.1 (Revision 4) "Compilation of Reporting Requirements for Persons Subject to NRC Regulations" and on August 8, 1982 the Director, Division of Licensing, Office of Nuclear Reactor Regulation, issued Generic Letter 82-14 "Submittal of Documents to the Nuclear Regulatory Commission." While these efforts at clarification resolved much of the confusion, these guidance documents contain outdated information and in many cases conflict with requirements in regulations or individual licenses. Therefore, the NRC is issuing this rule to specify copy requirements and provide mailing instructions. The rule also clarifies the current requirement in § 50.30 for making an updated copy of the application available at an appropriate office near the site for inspection by the public.

This rule supersedes all existing requirements and guidance with respect to the number of copies and mailing procedures. The Commission's guidance documents dealing with communications procedures will be revised to conform with the rule. Licensees whose technical specifications contain conflicting submittal directions are authorized by this rule to delete the conflicting directions by pen-and-ink changes to their technical specifications. The Commission does not expect formal applications for amendment of license to result from this rulemaking.

This rule codifies NRC actions to reduce copy requirements. With few exceptions, copy requirements for licensee reports and applications are reduced to three. By reducing the number of copies transmitted to the Commission, the rule will result in reduced reproduction and postage costs for licensees.

Undesignated paragraphs in the amended text have been designated and obsolete titles of NRC personnel have been updated to reflect current NRC titles.

Proposed Rule

On March 26, 1985, the Commission published a proposed rule in the *Federal Register* (50 FR 11884) that would: (1) Clarify and standardize, to the extent practical, the procedures for making Part 50 submittals to the NRC; (2) reduce overall the number of copies of Part 50 submittals that applicants and licensees are required to send to the Commission;

and (3) facilitate the flow of written communications from the affected licensees to NRC staff by eliminating the need for NRC to re-transmit Part 50 submittals between NRC Headquarters and the Regional Offices. After consideration of the public comments received, the Commission has modified the proposed rule as discussed in the following section. In addition, conforming amendments to 10 CFR Part 51 have been included to eliminate conflicting submittal directions.

Comments on Proposed Rule

The Commission received fifteen letters commenting on the proposed rule. Copies of those letters are available for public inspection and copying for a fee at the NRC Public Document Room, 1717 H Street NW., Washington, DC. Thirteen letters were from utilities, one from a major nuclear vendor and one from a national organization representing non-power nuclear reactors. There was a total of 53 individual comments that are discussed by subject below.

Copy Requirements

Comments: Eight commenters responded that the rule should go further in reducing the number of copies of submittals required by the Commission. The commenters recommended that NRC reduce the requirements for the following types of submittals: (1) Applications for license amendments; (2) various descriptive material, such as analyses of hydrogen control systems, analyses to ensure safe plant operation pending completion of equipment qualification, information demonstrating compliance with requirements for reduction of risk from anticipated transients without scram (ATWS) events, and information concerning modification of structures, systems or components of a facility; and (3) submittals required of non-power nuclear reactors.

Response: The Commission is reducing its copy requirements as suggested by the commenters. The Commission found that in many cases NRC did not fully utilize copies of the submittals named by the commenters when multiple copies were furnished by licensees. As a result, the copy requirements for the submittals named by the commenters were reduced to avoid unnecessary copying and postage costs for licensees.

Citation of Regulatory Requirement

Comment: Eight commenters addressed the section of the proposed rule that requires applicants and licensees to cite in the upper right corner of the first page of each Part 50 submittal, the specific regulation requiring the submission of the communication. The comments ranged from supportive to strongly opposed. Several commenters stated that a single submittal may be governed by several regulations. In addition, many licensee communications are in direct response to NRC requests for information, such as generic letters, inspection and enforcement bulletins, and Commission orders. For these responses, identifying the governing regulation would be burdensome to the licensee and a subjective decision open to interpretation.

Response: The Commission has revised this section to make citing the governing regulation on the upper right corner of the first page of the submittal a recommendation rather than a requirement for licensees and applicants. Standardizing the method of citing the regulation governing a submittal will help NRC administrative staff quickly and accurately sort (for distribution purposes) the large volume of correspondence, reports, applications, etc., received at NRC. The quick and proper handling of submittals that results from citing the basis for the submittal is in the best interest of the respondent as well as the NRC. However, as the commenters have pointed out, establishing this procedure as a requirement can cause various interpretive problems for licensees and the Commission has revised the rule accordingly.

Apparent Conflict in Proposed Rule

Comment: Three commenters responded that the proposed rule contained conflicting directions for submitting information concerning the modification of structures, systems, or components of a facility pursuant to § 50.109. This submittal type is listed in both § 50.4(b)(1) and § 50.4(b)(2). These sections have different copy requirements.

Response: The conflicting language in the proposed rule was the result of a drafting error. In the final rule, format changes were made that removed the sections containing the conflicting language noted by the commenters.

Additional Submittal Types for Inclusion in Rule

Comment: Three commenters recommended that the rule be modified

to add several types of submittals. Two of these commenters cumulatively suggested expanding the coverage of the rule to 10 CFR Parts 2, 20, 21, 55, 70, and 73. The one other commenter suggested providing general guidance on submittal procedures for the types of written communications that are not specifically mentioned in the regulations, but frequently occur in the communication process with applicants and licensees.

Response: The Commission is presently working to standardize the communication procedures in the other parts of Title 10. However, those efforts will be reflected in different rulemakings and are beyond the scope of this particular rule. In response to the third commenter, language was added to § 50.4(b)(1) to identify types of written communications made pursuant to 10 CFR Part 50, not specifically mentioned in the regulations.

Waiver of Fee for License Amendments Resulting from Rule

Comment: Three commenters responded that applications for amendment of license technical specifications, which may result from promulgation of the rule, should not be subject to fees since they only address administrative matters.

Response: Since the rule does address only administrative matters and it clearly supersedes any conflicting submittal directions which may be found in an individual licensee's technical specifications or license conditions, licensees are not required to submit formal applications to amend their licenses to conform with the revised communications procedures. The Commission authorizes 10 CFR Part 50 licensees to delete any conflicting submittal requirements from their licenses or technical specifications by pen-and-ink changes. The Office of Inspection and Enforcement, through the NRC inspectors, will work with individual licensees to see that their procedures are updated.

Address Requirements

Comment: Three comments were made regarding the change in the address requirements contained in the proposed rule. Two commenters questioned whether communications would actually be addressed to the Document Control Desk or whether they would be addressed to the current NRC recipient and mailed to the Document Control Desk. The third commenter asked why other NRC organizations, such as the Office of Inspection and Enforcement, were not identified to receive separately mailed copies.

Response: The address requirements in the rule specify that the signed original of 10 CFR Part 50 communications must be addressed to the "U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555." The purpose of this rule is to establish one primary addressee for 10 CFR Part 50 submittals. Applicants and licensees will no longer be required to determine which NRC organization is the correct primary or secondary recipient. Nonetheless, it is required that copies of submittals be sent to the appropriate Regional Office and NRC Resident Inspector. No other NRC organizations were identified in the rule as recipients because the NRC internal distribution system will service them.

Elevation of Administrative Matters to Regulatory Requirements

Comments: Two commenters responded that the administrative requirements such as those contained in the rule (i.e. address requirements, distribution requirements, forms of communication, and delivery of communications) would be more appropriately issued in a guidance document (e.g. a regulatory guide or a generic letter) rather than placed in the regulations. One commenter stated that it would be too cumbersome to change the regulations every time NRC's administrative needs change. The other commenter considered the proposed rule to be divergent from the directives of the Atomic Energy Act of 1954 because administrative matters, such as photocopying, do not impact the health and safety of the public and as such should not be managed by rule, regulation or order. The commenter also felt that the rule is diametrically opposed to the spirit of the Paperwork Reduction Act of 1980 since licensees will have to develop strict procedures to assure compliance with administrative guidelines that have been elevated to regulatory requirements.

Response: The Commission recognizes its responsibilities to minimize the number of administrative requirements placed in the regulations. It is also understood that administrative requirements are usually minor in nature when viewed within the full scope of NRC's programs for protecting the public health and safety. However, some administrative requirements are necessary to effectively implement these programs and therefore must be based in regulation. During the development of this rulemaking, compliance with the intent of the Paperwork Reduction Act of 1980, i.e. minimizing the Federal

paperwork burden for individuals, small businesses, State and local governments and other persons, was a prime consideration. Based on a determination of actual NRC needs, the Commission, through this rulemaking, is reducing the administrative burden placed on licensees especially with respect to copying requirements. The Commission has also, in response to commenters' concerns, revised the final rule to make citing the governing regulation on the upper right corner of the first page of the submittal, a recommendation rather than a requirement for applicants and licensees.

The administrative requirements which are contained in the rule are similar to those requirements which were previously found in 10 CFR Part 50. This rule has compiled and to a great extent standardized those earlier requirements. The Commission has determined that the Communications rule will actually reduce burden on licensees and is in full compliance with the Atomic Energy Act and Paperwork Reduction Act.

Clarify Subsection of Rule Regarding Reports Pursuant to § 50.71(b)

Comment: Two commenters recommended that § 50.4(b)(2)(xviii) of the proposed rule be clarified to better define what types of reports are covered by this subsection.

Response: Section 50.4(b)(2)(xviii) of the proposed rule was removed from the final rule. However, in response to the commenter's suggestion language was added to § 50.4(b)(1) to specifically identify additional types of written communications covered by the rulemaking.

Distribution Requirements to Resident Inspector

Comment: Two commenters responded that the Commission should clarify what is meant by the requirement to send one copy of certain 10 CFR Part 50 submittals to the "appropriate NRC Resident Inspector, if applicable."

Response: The Commission intends that licensees and applicants, with NRC Resident Inspectors stationed onsite, send copies of certain 10 CFR Part 50 submittals to the Resident Inspector. This has been clarified in the final rule.

Procedures for Proprietary Information

Comment: One commenter recommended that special procedures be established to protect submittals containing proprietary information. The commenter suggested that proprietary information, along with the appropriate application for withholding from public disclosure, be submitted to the

responsible NRC management person and a copy (minus the proprietary information) sent to the Document Control Desk.

Response: NRC's internal document control procedures provide specifically for the proper handling and distribution of proprietary information. Currently, the Document Control Desk is responsible for receiving and disseminating proprietary 10 CFR Part 50 submittals sent to NRC Headquarters. Adopting the commenter's suggestion to send proprietary information directly to the responsible NRC management person would unnecessarily impede NRC's dissemination process and would not improve NRC control of proprietary information. Licensees and applicants who wish to have proprietary information withheld from public disclosure should submit the information in accordance with 10 CFR 2.790. When submitted, the proprietary information should be clearly identified and accompanied by a request containing detailed reasons and justifications that the proprietary information be withheld from public disclosure. A nonproprietary summary describing the general content of the proprietary information should also be provided.

Submission to Project Manager

Comment: One commenter suggested that it would speed up the processing of submittals if the NRC licensing project manager was specified as the primary addressee with a copy or copies sent to the Document Control Desk. The commenter stated that this method of addressing communications is encouraged in Generic Letter 82-30 "Filings Relating to 10 CFR Part 50 Production and Utilization Facilities" dated December 28, 1982.

Response: In actual practice, the Document Control Desk is the direct recipient of all 10 CFR Part 50 submittals mailed to NRC Headquarters. This includes those submittals addressed in the manner described in Generic Letter 82-30. This rule designates the Document Control Desk as the official addressee so that (1) the regulations more accurately reflect NRC's internal procedures and (2) correspondence procedures are made simpler for applicants and licensees. It is true that some licensees have arranged or have been requested to mail informal or courtesy copies directly to key NRC personnel and this practice will likely continue after issuance of the communications rule. However, licensees should note that in general, courtesy copies are not regarded by

NRC as substitutes for formal submittals.

Clarify Submittal Due Dates

Comment: One commenter recommended that the rule formally clarify how submittal due dates are adjusted should the date occur on a weekend or holiday.

Response: Provisions for adjusting due dates were added to the rule in § 50.4 paragraph (d).

Implementation Schedule

Comment: One commenter recommended that the rule include an implementation schedule in view of the extensive changes to internal procedures and technical specifications that will be needed to implement the new requirements.

Response: The effective date of the rule is 60 days after publication in the Federal Register. This will allow those affected by the rule sufficient time to revise their internal procedures accordingly. As mentioned in a response to a previous comment, it will not be necessary for licensees to formally apply for changes to their technical specifications. Instead, the Commission authorizes licensees to make pen-and-ink changes to correct conflicting procedures in individual licenses and technical specifications.

Submittals in Media Other Than Paper

Comment: One commenter objected to the provision requiring applicants and licensees to contact the Division of Technical Information and Document Control before making submittals in other than paper form. The commenter stated that this requirement would unnecessarily impede the timely flow of information to the NRC.

Response: The Commission recognizes the need to keep the flow of information to the NRC as timely as is reasonably achievable. This is the primary reason the rule contains provisions for submittals in alternative media. The requirement to contact the Division of Technical Information and Document Control before making alternative media submittals is included to ensure that a submittal is in a form usable by NRC, i.e., compatible with NRC equipment.

Exemptions to the Copy Requirements

Comment: Two commenters recommended modifying the provisions in the rule regarding requests for exemptions to the copy requirements. One commenter objected to the requirement for specific exemption under 10 CFR 50.12 in order to submit other than the number of copies

specified in the proposed rule. The commenter questioned whether the Commission really wants to tie up the exemption process with such trivial matters. The other commenter suggested that the rule include provisions allowing licenses to negotiate copy requirements with the NRC project manager. The commenter states that this would codify an existing desirable practice.

Response: The Commission has modified the section to allow licensees to request case specific exceptions to the communications procedures through the NRC's Division of Technical Information and Document Control.

Determination of Receipt Date

Comment: One commenter recommended that the rule be changed to specifically state that the NRC Document Control Desk is the official NRC organization responsible for determining whether submittals have been filed within the required time period.

Response: For the past several years, the Document Control Desk has served as the receipt point for 10 CFR Part 50 submittals mailed to NRC Headquarters. After submittals are received, they are entered, or accessioned, in the NRC's document control system. It is at this point that 10 CFR Part 50 submittals are generally regarded as being formally filed with NRC Headquarters. This practice will continue under the provisions of the revised communications procedures. In parallel with NRC Headquarters, the Regional Offices serve as the official receipt determination point for 10 CFR submittals mailed to them.

Drafting Changes

Comment: There were numerous other comments that suggested minor editorial changes in the rule.

Response: These suggestions were evaluated in light of the revised structure of the rule and changes were made when they improved the rule.

Environmental Impact: Categorical Exclusion

The NRC has determined that this final rule is the type of action described in categorical exclusion 10 CFR 51.22(c)(3). Therefore, neither an environmental impact statement nor an environmental assessment has been prepared for this final rule.

Paperwork Reduction Act Statement

This final rule amends information collection requirements that are subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.). These requirements were approved by the

Office of Management and Budget approval number 3150-0011.

Regulatory Analysis

The Commission has prepared a regulatory analysis on this final regulation. The analysis examines the costs and benefits of the alternatives considered by the Commission. Interested persons may examine a copy of the regulatory analysis at the NRC Public Document Room, 1717 H Street NW., Washington, DC. Single copies of the analysis may be obtained from Steve Scott, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555; telephone 301-492-8585.

Regulatory Flexibility Certification Statement

As required by the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission hereby certifies that this rule does not have a significant economic impact upon a substantial number of small entities. This rule amends 10 CFR 50 by specifying submittal procedures which facilitate NRC processing. This rule affects nuclear generating facilities by reducing the overall regulatory burden of reproducing and transmitting submittals to the Commission. Therefore, it is not expected to have a significant economic impact on any licensee.

Application of Backfit Rule

The Commission has determined that the backfit rule, 10 CFR 50.109, does not apply to the final rule. The final rule is purely administrative in nature, and therefore does not result in the "modification of or addition to systems, structures, components, or design of a facility . . . or the procedures or organization required to design, construct, or operate a facility. . ." See 10 CFR 50.109(a)(1).

List of Subjects

10 CFR Part 50

Antitrust, Classified information, Fire prevention, Incorporation by reference, Intergovernmental relations, Nuclear power plants and reactors, Penalty, Radiation protection, Reactor siting criteria, Reporting and recordkeeping requirements.

10 CFR Part 51

Administrative practice and procedure, Environmental impact statement, Nuclear materials, Nuclear power plants and reactors, Reporting and recordkeeping requirements.

For the reasons set out in the preamble and under the authority of the

Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 553, the NRC is adopting the following amendments to 10 CFR Parts 50 and 51.

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION OF 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, Sec. 234, 83 Stat. 1244, as amended (42 U.S.C. 2133, 2134, 2201, 2232, 2233, 2239, 2282); secs. 201, 202, 206, 88 Stat. 1242, 1248 (42 U.S.C. 5841, 5842, 5846), unless otherwise noted.

Section 50.7 also issued under Pub. L. 95-601, Sec. 10, 92 Stat. 2951 (42 U.S.C. 5851). Sections 50.57(d), 50.58, 50.91, and 50.92 also issued under Pub. L. 97-415, 96 Stat. 2071, 2073 (42 U.S.C. 2133, 2239). Sec. 50.78 also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Secs. 50.80-50.81 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Secs. 50.100-50.102 issued under sec. 188, 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. 181i, 68 Stat. 949, as amended (42 U.S.C. 2201(i)); and §§ 50.55(e), 50.59(b), 50.70, 50.71, 50.72, 50.73 and 50.78 are issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

2. Section 50.4 is revised to read as follows:

§ 50.4 Written communications.

(a) *Address requirements.* The signed original of all correspondence, reports, applications, and other written communications from the applicant or licensee to the Nuclear Regulatory Commission concerning the regulations in this part or individual license conditions must be addressed to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555.

(b) *Distribution requirements.* Copies of all correspondence, reports, and other written communications concerning the regulations in this part or individual license conditions must be submitted to the Nuclear Regulatory Commission at the locations and in the quantities set forth below (addresses for the NRC Regional Offices are listed in Appendix D of Part 20 of this chapter).

(1) *Applications for amendment of permits and licenses; reports; and other communications.* All written communications (including responses to: generic letters, bulletins, information notices, inspection reports, and

miscellaneous requests for additional information), that are required of holders of operating licenses or construction permits issued pursuant to this part, must be submitted as follows, except as otherwise specified in paragraphs (b)(2) through (b)(7) of this section: the signed original to the Nuclear Regulatory Commission, Document Control Desk, Washington, DC 20555, one copy to the appropriate Regional Office, and one copy to the appropriate NRC Resident Inspector, if one has been assigned to the site of the facility.

2. *Applications for permits and licenses, and amendments to applications.* Applications for construction permits, applications for operating licenses and amendments to either type of application must be submitted as follows, except as otherwise specified in paragraphs (b)(3) through (b)(7) of this section.

(i) Applications for licenses for facilities described in § 50.21 (a) and (c) and amendments to these applications: The signed original must be sent to the Nuclear Regulatory Commission, Document Control Desk, Washington, DC 20555 and one copy to the appropriate Regional Office.

(ii) Applications for permits and licenses for facilities described in § 50.21(b) or § 50.22, and amendments to these applications: the signed original and 37 copies must be sent to the Nuclear Regulatory Commission, Document Control Desk, Washington, DC 20555, one copy to the appropriate Regional Office, and one copy to the appropriate NRC Resident Inspector, if one has been assigned to the site of the facility.

(3) *Acceptance review application.* Written communications required for an application for determination of suitability for docketing pursuant to § 50.30(a)(6) must be submitted as follows: the signed original and 13 copies to the Nuclear Regulatory Commission, Document Control Desk, Washington, DC 20555 and one copy to the appropriate Regional Office.

(4) *Security plan and related submittals.* Written communications, as defined in paragraphs (b)(4)(i) through (iv) of this section must be submitted as follows: The signed original and three copies to the Nuclear Regulatory Commission, Document Control Desk, Washington, DC 20555, and two copies to the appropriate Regional Office;

(i) Physical security plan pursuant to § 50.34;

(ii) Safeguards contingency plan pursuant to § 50.34;

(iii) Change to security plan, guard training and qualification plan, or

safeguards contingency plan made without prior Commission approval pursuant to § 50.54(p);

(iv) Application for amendment of physical security plan, guard training and qualification plan, or safeguards contingency plan pursuant to § 50.90.

(5) *Emergency plan and related submittals.* Written communications as defined in paragraphs (b)(5)(i) through (iii) in this section, must be submitted as follows: the signed original to the Nuclear Regulatory Commission, Document Control Desk, Washington, DC 20555, two copies to the appropriate Regional Office, and one copy to the appropriate NRC Resident Inspector if one has been assigned to the site of the facility.

(i) Emergency plan pursuant to § 50.34;

(ii) Change to an emergency plan pursuant to § 50.54(q);

(iii) Emergency implementing procedures pursuant to Appendix E.V of this part.

(6) *Updated FSAR.* An updated Final Safety Analysis Report (FSAR) or replacement pages, pursuant to § 50.71(e) must be submitted as follows: the signed original and 10 copies to the Nuclear Regulatory Commission, Document Control Desk, Washington, DC 20555, one copy to the appropriate Regional Office, and one copy to the appropriate NRC Resident Inspector if one has been assigned to the site of the facility.

(7) *Quality assurance related submittals.* (i) A change to the Safety Analysis Report quality assurance program description pursuant to § 50.54(a)(3) or § 50.55(f)(3), or a change to a licensee's NRC-accepted quality assurance topical report pursuant to § 50.54(a)(3) or § 50.55(f)(3), must be submitted as follows: the signed original to the Nuclear Regulatory Commission, Document Control Desk, Washington, DC 20555, one copy to the appropriate Regional Office, and one copy to the appropriate NRC Resident Inspector if one has been assigned to the site of the facility.

(ii) A change to an NRC-accepted quality assurance topical report from nonlicensees (i.e., architect/engineers, NSSS suppliers, fuel suppliers, constructors, etc.) must be submitted as follows: one signed original to the Nuclear Regulatory Commission, Document Control Desk, Washington, DC 20555.

(c) *Form of communications.* All copies submitted to meet the requirements set forth in paragraph (b) of this section must be typewritten, printed or otherwise reproduced in permanent form on unglazed paper. Exceptions to these requirements may

be granted for the submittal of micrographic, photographic, or electronic forms. Prior to making any submittal in other than paper form, the applicant or licensee must contact the Division of Technical Information and Document Control, Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 492-8585, to obtain specifications, copy requirements, and prior approval.

(d) *Delivery of communications.* Written communications may be delivered to the Document Control Desk at 7920 Norfolk Avenue, Bethesda, MD, between the hours of 8:15 a.m. and 4:00 p.m. Eastern Time. If a submittal due date falls on a Saturday, Sunday, or Federal holiday, the next Federal working day becomes the official due date.

(e) *Regulation governing submission.* Licensees and applicants submitting correspondence, reports, and other written communications pursuant to the regulations of this part are requested but not required to cite whenever practical, in the upper right corner of the first page of the submittal, the specific regulation or other basis, requiring submission.

(f) *Conflicting requirements.* The communications requirements contained in this section and §§ 50.12, 50.30, 50.36, 50.36a, 50.44, 50.49, 50.54, 50.55, 50.55a, 50.59, 50.62, 50.71, 50.73, 50.82, 50.90, and 50.91 supersede and replace all existing requirements in any license conditions or technical specifications in effect on January 5, 1987. Exceptions to these requirements must be approved by the Division of Technical Information and Document Control, Nuclear Regulatory Commission, Washington, DC 20555, Telephone (301) 492-8585.

3. In § 50.30, paragraphs (a) and (b) are revised to read as follows and paragraph (c) is removed.

§ 50.30 Filing of application for licenses; oath or affirmation.

(a) *Serving of applications.* (1) Each filing of an application for a license to construct and/or operate a production or utilization facility (including amendments to the applications) must be submitted to the U.S. Nuclear Regulatory Commission in accordance with § 50.4.

(2) An additional 10 copies of the general information and 30 copies of the safety analysis report, or part thereof or amendment thereto, must be retained by the applicant for distribution in accordance with the written instructions of the Director, Office of Nuclear Reactor Regulation, or the Director, Office of Nuclear Material Safety and Safeguards, as appropriate.

(3) Each applicant shall, upon notification by the Atomic Safety and Licensing Board appointed to conduct the public hearing required by the Atomic Energy Act for the issuance of a construction permit, update the application and serve the updated copies of the application or parts of it, eliminating all superseded information, together with an index of the updated application, as directed by the Atomic Safety and Licensing Board. In addition, at that time the applicant shall serve a copy of the updated application on the Atomic Safety and Licensing Appeal Panel. Any subsequent amendment to the application must be served on those served copies of the application and must be submitted to the U.S. Nuclear Regulatory Commission as specified in § 50.4.

(4) The applicant must make a copy of the updated application available at the public hearing for the use of any other parties to the proceeding, and shall certify that the updated copies of the application contain the current contents of the application submitted in accordance with the requirements of this part.

(5) At the time of filing an application, the Commission will establish a Local Public Document Room near the site of the proposed facility, for the use of the public, where a copy of the application, subsequent amendments, and other records pertinent to the facility will be available for public inspection and copying.

(6) The serving of copies required by this section must not occur until the application has been docketed pursuant to § 2.101(a) of this chapter. Copies must be submitted to the Commission, as specified in § 50.4, to enable the Director, Office of Nuclear Reactor Regulation, or the Director, Office of Nuclear Material Safety and Safeguards, as appropriate, to determine whether the application is sufficiently complete to permit docketing.

(b) *Oath or affirmation.* Each application for a license, including whenever appropriate a construction permit, or amendment of it, and each amendment of each application must be executed in a signed original by the applicant or duly authorized officer thereof under oath or affirmation.

4. In § 50.36, paragraph (c)(5) is revised to read as follows:

§ 50.36 Technical specifications.

(c) * * *

(5) *Administrative controls.* Administrative controls are the provisions relating to organization and

management, procedures, recordkeeping, review and audit, and reporting necessary to assure operation of the facility in a safe manner. Each licensee shall submit any reports to the Commission pursuant to approved technical specifications as specified in § 50.4.

* * * * *

5. In § 50.36a, paragraph (a)(2) is revised to read as follows:

§ 50.36a Technical specifications on effluents from nuclear power reactors.

(a) * * *

(2) Each licensee shall submit a report to the Commission within 60 days after January 1 and July 1 of each year, that specifies the quantity of each of the principal radionuclides released to unrestricted areas in liquid and in gaseous effluents during the previous six months of operation, including any other information as may be required by the Commission to estimate maximum potential annual radiation doses to the public resulting from effluent releases. The report must be submitted as specified in § 50.4. If quantities of radioactive materials released during the reporting period are significantly above design objectives, the report must cover this specifically. On the basis of these reports and any additional information the Commission may obtain from the licensee or others, the Commission may require the licensee to take action as the Commission deems appropriate.

* * * * *

6. In § 50.44, paragraphs (c)(3)(vi)(A) and (c)(3)(vii)(A) are revised to read as follows:

§ 50.44 Standards for combustible gas control system in light water cooled power reactors.

* * * * *

(c) * * *

(3) * * *

(vi)(A) Each applicant for or holder of an operating license for a boiling light-water nuclear power reactor with a Mark III type of containment or for a pressurized light-water nuclear power reactor with an ice condenser type of containment issued a construction permit before March 28, 1979, shall submit an analysis to the Commission as specified in § 50.4.

* * * * *

(vii)(A) By June 25, 1985, each applicant for or holder of an operating license subject to the requirements of paragraphs (c)(3)(iv), (v) and (vi) of this section shall develop and submit to the Commission a proposed schedule for meeting these requirements. The schedule may be developed using

integrated scheduling systems previously approved for the facility by the NRC.

* * * * *

7. In § 50.49, paragraph (h) and the introductory text of paragraph (i) are revised to read as follows:

§ 50.49 Environmental qualification of electric equipment important to safety for nuclear power plants.

* * * * *

(h) Each licensee shall notify the Commission as specified in § 50.4 of any significant equipment qualification problem that may require extension of the completion date provided in accordance with paragraph (g) of this section within 60 days of its discovery.

(i) Applicants for operating licenses granted after February 22, 1983, but prior to November 30, 1986, shall perform an analysis to ensure that the plant can be safely operated pending completion of equipment qualification required by this section. This analysis must be submitted, as specified in § 50.4, for consideration prior to the granting of an operating license and must include, where appropriate, consideration of:

* * * * *

8. In § 50.54, the introductory text of paragraphs (a)(3), (a)(3)(i), (f), and the introductory language of (p), (q), and (w)(4) are revised to read as follows:

§ 50.54 Conditions of licenses.

* * * * *

(a) * * *

(3) After March 11, 1983, each licensee described in paragraph (a)(1) of this section may make a change to a previously accepted quality assurance program description included or referenced in the Safety Analysis Report, provided the change does not reduce the commitments in the program description previously accepted by the NRC. Changes to the quality assurance program description that do not reduce the commitments must be submitted to the NRC at least annually in accordance with the requirements of § 50.71. Changed to the quality assurance program description that do reduce the commitments must be submitted to NRC and receive NRC approval prior to implementation, as follows:

(i) Changes made to the Safety Analysis Report must be submitted, as specified in § 50.4. Changes made to NRC-accepted quality assurance topical report descriptions must be submitted, as specified in § 50.4.

* * * * *

(f) The licensee shall at any time before expiration of the license, upon request of the Commission, submit, as

specified in § 50.4, written statements, signed under oath or affirmation, to enable the Commission to determine whether or not the license should be modified, suspended, or revoked.

(p) The licensee shall prepare and maintain safeguards contingency plan procedures in accordance with Appendix C of Part 73 of this chapter for effecting the actions and decisions contained in the Responsibility Matrix of the safeguards contingency plan. The licensee may make no change which would decrease the effectiveness of a security plan prepared pursuant to § 50.34(c) or Part 73 of this chapter, or of the first four categories of information (Background, Generic Planning Base, Licensee Planning Base, Responsibility Matrix) contained in a licensee safeguards contingency plan prepared pursuant to § 50.34(d) or Part 73 of this chapter without prior approval of the Commission. A licensee desiring to make such a change shall submit an application for an amendment to a license pursuant to § 50.90. The licensee may make changes to the security plan or to the safeguards contingency plan without prior Commission approval if the changes do not decrease the safeguards effectiveness of the plan. The licensee shall maintain records of changes to the plans made without prior Commission approval for a period of two years from the date of the change, and shall submit, as specified in § 50.4, a report containing a description of each change within two months after the change is made. Prior to the safeguards contingency plan being put into effect, the licensee shall have:

(q) A licensee authorized to possess and/or operate a nuclear power reactor shall follow and maintain in effect emergency plans which meet the standards in § 50.47(b) and the requirements in Appendix E to this part. A licensee authorized to possess and/or operate a research reactor or a fuel facility shall follow and maintain in effect emergency plans which meet the requirements in Appendix E of this part. The nuclear power reactor licensee may make changes to these plans without Commission approval only if the changes do not decrease the effectiveness of the plans and the plans, as changed, continue to meet the standards of § 50.47(b) and the requirements of Appendix E of this part. The research reactor licensee and/or the fuel facility licensee may make changes to these plans without Commission approval, only if these changes do not decrease the effectiveness of the plans

and the plans, as changed, continue to meet the requirements of Appendix E of this part. Proposed changes that decrease the effectiveness of the approved emergency plans shall not be implemented without application to and approval by the Commission. The licensee shall submit, as specified in § 50.4, a report of each proposed change for approval. If a change is made without approval, the licensee shall submit, as specified in § 50.4, a report of each change within 30 days after the change is made.

(w) * * *

(4) The licensee shall report, as specified in § 50.4, on April 1 of each year, the present levels of insurance or financial protection it maintains and the sources of the insurance or protection.

9. In § 50.55, paragraphs (e)(3), the introductory text of (f)(3), and (f)(3)(i) are revised to read as follows:

§ 50.55 Conditions of construction permits.

(e) * * *

(3)(i) The holder of a construction permit shall also submit, as specified in § 50.4, a written report on a reportable deficiency within 30 days.

(ii) The report must include a description of the deficiency, an analysis of the safety implications and the corrective action taken, and sufficient information to permit analysis and evaluation of the deficiency and of the corrective action. If sufficient information is not available for a definitive report to be submitted within 30 days, an interim report containing all available information shall be filed, as specified in § 50.4, together with a statement that indicates when a complete report will be filed.

(f) * * *

(3) After March 11, 1983, each construction permit holder described in paragraph (f)(1) of this section may make a change to a previously accepted quality assurance program description included or referenced in the Safety Analysis Report, provided the change does not reduce the commitments in the program description previously accepted by the NRC. Changes to the quality assurance program description that do not reduce the commitments must be submitted to NRC within 90 days. Changes to the quality assurance program description that do reduce the commitments must be submitted to NRC and receive NRC approval before implementation, as follows:

(i) Changes to the Safety Analysis Report must be submitted for review as specified in § 50.4. Changes made to NRC-accepted quality assurance topical report descriptions must be submitted as specified in § 50.4.

10. In § 50.55a, paragraphs (g)(5)(ii) and (g)(5)(iii) are revised to read as follows:

§ 50.55a Codes and standards.

(g) *Inservice inspection requirements.*

(5) * * *

(ii) If a revised inservice inspection program for a facility conflicts with the technical specification for the facility, the licensee shall apply to the Commission for amendment of the technical specifications to conform the technical specification to the revised program. The licensee shall submit this application, as specified in § 50.4, at least six months before the start of the period during which the provisions become applicable, as determined by paragraph (g)(4) of this section.

(iii) If the licensee has determined that conformance with certain code requirements is impractical for its facility, the licensee shall notify the Commission and submit, as specified in § 50.4, information to support the determinations.

11. In § 50.59, paragraph (b) is revised to read as follows:

§ 50.59 Changes, tests, and experiments.

(b)(1) The licensee shall maintain records of changes in the facility and of changes in procedures made pursuant to this section, to the extent that these changes constitute changes in the facility as described in the safety analysis report or to the extent that they constitute changes in procedures as described in the safety analysis report. The licensee shall also maintain records of tests and experiments carried out pursuant to paragraph (a) of this section. These records must include a written safety evaluation which provides the bases for the determination that the change, test, or experiment does not involve an unreviewed safety question.

(2) The licensee shall submit, as specified in § 50.4, a report containing a brief description of any changes, tests, and experiments, including a summary of the safety evaluation of each. The report must be submitted annually or at such shorter intervals as may be specified in the license.

(3) The records of changes in the facility shall be maintained until the date of termination of the license, and records of changes in procedures and records of tests and experiments shall be maintained for a period of five years.

12. In § 50.62, paragraphs (c)(6) and (d) are revised to read as follows:

§ 50.62 Requirements for reduction of risk from anticipated transients without scram (ATWS) events for light-water-cooled nuclear power plants.

(c) * * *

(6) Information sufficient to demonstrate to the Commission the adequacy of items in paragraphs (c)(1) through (c)(5) of this section shall be submitted to the Commission as specified in § 50.4.

(d) *Implementation.* By 180 days after the issuance of the QA guidance for non-safety related components, each licensee shall develop and submit to the Commission, as specified in § 50.4, a proposed schedule for meeting the requirements of paragraphs (c)(1) through (c)(5) of this section. Each shall include an explanation of the schedule along with a justification if the schedule calls for final implementation later than the second refueling outage after July 26, 1984, or the date of issuance of a license authorizing operation above 5 percent of full power. A final schedule shall then be mutually agreed upon by the Commission and licensee.

13. In § 50.71, paragraphs (a), (b) and (e)(1) are revised to read as follows:

§ 50.71 Maintenance of records, making of reports.

(a) Each licensee and each holder of a construction permit shall maintain all records and make all reports, in connection with the activity, as may be required by the conditions of the license or permit or by the rules, regulations, and orders of the Commission in effectuating the purposes of the Act, including section 105 of the Act. Reports must be submitted in accordance with § 50.4.

(b) With respect to any production or utilization facility of a type described in § 50.21(b) or 50.22, or a testing facility, each licensee and each holder of a construction permit shall submit its annual financial report, including the certified financial statements, to the Commission, as specified in § 50.4, upon issuance of the report.

(e) * * *

(1) The licensee shall submit revisions containing updated information to the Commission, as specified in § 50.4, on a

replacement-page basis that is accompanied by a list which identifies the current pages of the FSAR following page replacement.

14. In § 50.73, paragraphs (c) and (d) are revised to read as follows:

§ 50.73 Licensee event report system.

(c) *Supplemental information.* The Commission may require the licensee to submit specific additional information beyond that required by paragraph (b) of this section if the Commission finds that supplemental material is necessary for complete understanding of an unusually complex or significant event. These requests for supplemental information will be made in writing and the licensee shall submit, as specified in § 50.4, the requested information as a supplement to the initial LER.

(d) *Submission of reports.* Licensee Event Reports must be prepared on Form NRC 366 and submitted within 30 days of discovery of a reportable event or situation to the U.S. Nuclear Regulatory Commission, as specified in § 50.4.

15. In § 50.82, paragraph (a) is revised to read as follows:

§ 50.82 Application for termination of licenses.

(a) Any licensee may submit an application to the Commission, as specified in § 50.4, for authority to surrender a license voluntarily and to dismantle the facility and dispose of its component parts. The Commission may require information, including information as to proposed procedures for the disposal of radioactive material, decontamination of the site, and other procedures, to provide reasonable assurance that the dismantling of the facility and disposal of the component parts will be performed in accordance with the regulations in this chapter and will not be inimical to the common defense and security or to the health and safety of the public.

16. Section § 50.90 is revised to read as follows:

§ 50.90 Application for amendment of license or construction permit.

Whenever a holder of a license or construction permit desires to amend the license or permit, application for an amendment must be filed with the Commission, as specified in § 50.4, fully describing the changes desired, and following as far as applicable, the form prescribed for original applications.

17. In § 50.91 paragraph (a)(1) is revised to read as follows:

§ 50.91 Notice for public comment; State consultation.

(a) *Notice for public comment.* (1) At the time a licensee requests an amendment, it must provide to the Commission, in accordance with the distribution requirements specified in § 50.4, its analysis about the issue of no significant hazards consideration using the standards in § 50.92.

18. In Appendix E, section V is revised to read as follows:

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

V. Implementing Procedures

No less than 180 days prior to the scheduled issuance of an operating license for a nuclear power reactor or a license to possess nuclear material the applicant's detailed implementing procedures for its emergency plan shall be submitted to the Commission as specified in § 50.4. Licensees who are authorized to operate a nuclear power facility shall submit any changes to the emergency plan or procedures to the Commission, as specified in § 50.4, within 30 days of such changes.

19. In Appendix G, section V, paragraph E is revised to read as follows:

Appendix G—Fracture Toughness Requirements

V. Inservice Requirements—Reactor Vessel Beltline Material

E. The proposed programs for satisfying the requirements of sections V.C. and V.D. of this appendix must be submitted, as specified in § 50.4, for review and approval on an individual case basis at least three years prior to the date when the predicted fracture toughness levels will no longer satisfy the requirements of section V.B. of this appendix.

20. In Appendix H, section II, paragraph B.3 and section III, paragraph A are revised to read as follows:

Appendix H—Reactor Vessel Material Surveillance Program Requirements

II. Surveillance Program Criteria

B. * * *

3. A proposed withdrawal schedule must be submitted with a technical justification as specified in § 50.4. The proposed schedule must be approved prior to implementation.

III. Report of Test Results

A. Each capsule withdrawal and the test results must be the subject of a summary technical report to be submitted, as specified in § 50.4, within one year after capsule withdrawal unless an extension is granted by the Director, Office of Nuclear Reactor Regulation.

21. In Appendix I, section IV, paragraph A.3. and paragraph A.3.a of the "Concluding Statement on Position of the Regulatory Staff (Docket-RM-50-2)" are revised to read as follows:

Appendix I—Numerical Guides for Design Objectives and Limiting Conditions for Operation To Meet the Criterion "As Low as is Reasonably Achievable" for Radioactive Material in Light-Water-Cooled Nuclear Power Reactor Effluents

Sec. IV. *Guides on technical specifications for limiting conditions for operation for light-water-cooled nuclear power reactors licensed under 10 CFR Part 50.*

A. . . .
3. Report these actions as specified in § 50.4, within 30 days from the end of the quarter during which the release occurred.

Concluding Statement on Position of the Regulatory Staff (Docket-RM-50-2)

A. . . .
3. . . .
a. The applicant submits, as specified in § 50.4, an evaluation of the potential for effects from long-term buildup on the environment in the vicinity of the site of radioactive material, with a radioactive half-life greater than one year, to be released; and

22. In Appendix J, section V, paragraph B.1. is revised to read as follows:

Appendix J—Primary Reactor Containment Leakage Testing for Water-Cooled Power Reactors

V. Inspection and Reporting of Tests

B. *Report of test results.* 1. The preoperational and periodic tests must be the subject of a summary technical report submitted to the Commission, as specified in § 50.4, approximately three months after the conduct of each test. The report must be titled "Reactor Containment Building Integrated Leak Rate Test."

23. In Appendix K, section II, paragraph 1.c. is revised to read as follows:

Appendix K—ECCS Evaluation Models

II. Required Documentation

1. . . .
c. The licensee shall submit to the Commission, as specified in § 50.4, a complete listing of each computer program, in the same form as used in the evaluation model.

24. In Appendix M, Paragraph 2 is revised to read as follows:

Appendix M—Standardization of Design; Manufacture of Nuclear Power Reactors; Construction and Operation of Nuclear Power Reactors Manufactured Pursuant to Commission License

2. An application for a manufacturing license pursuant to this Appendix M must be submitted, as specified in § 50.4, and meet all the requirements of §§ 50.34(a) (1)–(9) and 50.34a (a) and (b), except that the preliminary safety analysis report shall be designated as a "design report" and any required information or analyses relating to site matters shall be predicated on postulated site parameters which must be specified in the application. The application must also include information pertaining to design features of the proposed reactor(s) that affect plans for coping with emergencies in the operation of the reactor(s).

25. In Appendix N, paragraph 2. is revised to read as follows:

Appendix N—Standardization of Nuclear Power Plant Designs: Licenses to Construct and Operate Nuclear Power Reactors of Duplicate Design at Multiple Sites

2. Applications for construction permits submitted pursuant to this Appendix must include the information required by §§ 50.33, 50.33a, 50.34(a) and 50.34a (a) and (b) and be submitted as specified in § 50.4. The applicant shall also submit the information required by § 51.50 of this chapter.

26. In Appendix O, paragraph 2 is revised to read as follows:

Appendix O—Standardization of Design; Staff Review of Standard Designs

2. The submittal for review of the standard design must be made in the same manner and in the same number of copies as provided in §§ 50.4 and 50.30 for license applications.

27. In Appendix Q, paragraph 2 is revised to read as follows:

Appendix Q—Pre-Application Early Review of Site Suitability Issues

2. The submittal for early review of site suitability issue(s) must be made in the same manner and in the same number of copies as provided in §§ 50.4 and 50.30 for license

applications. The submittal must include sufficient information concerning a range of postulated facility design and operation parameters to enable the Staff to perform the requested review of site suitability issues. The submittal must contain suggested conclusions on the issues of site suitability submitted for review and must be accompanied by a statement of the bases or the reasons for those conclusions. The submittal must also list, to the extent possible, any long-range objectives for ultimate development of the site, state whether any site selection process was used in preparing the submittal, describe any site selection process used, and explain what consideration, if any, was given to alternative sites.

PART 51—ENVIRONMENTAL PROTECTION REGULATIONS FOR DOMESTIC LICENSING AND RELATED REGULATORY FUNCTIONS

28. The authority citation for Part 51 continues to read as follows:

Authority: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); secs. 201, as amended, 202, 88 Stat. 1242, as amended, 1244 (42 U.S.C. 5841, 5842).

Subpart A also issued under National Environmental Policy Act of 1969, secs. 102, 104, 105, 83 Stat. 853–854, as amended (42 U.S.C. 4332, 4334, 4335); and Pub. L. 95–604, Title II, 92 Stat. 3303–3041. Section 51.22 also issued under sec. 274, 73 Stat. 688, as amended by 92 Stat. 3036–3038 (42 U.S.C. 2021).

29. Section 51.54 is revised to read as follows:

§ 51.54 Environmental report—manufacturing license.

Each applicant for a license to manufacture a nuclear power reactor or, for an amendment to a license to manufacture seeking approval of the final design of the nuclear power reactor, pursuant to Appendix M of Part 50 of this chapter, shall submit with its application, as specified in § 50.4, a separate document, entitled "Applicant's Environmental Report—Manufacturing License," or "Supplement to Applicant's Environmental Report—Manufacturing License." The environmental report shall address the environmental matters specified in Appendix M of Part 50 of this chapter, and shall contain the information specified in § 51.45, as appropriate.

30. Section 51.55 is revised to read as follows:

§ 51.55 Environmental report—number of copies; distribution.

(a) Each applicant for a license to construct and operate a production or utilization facility covered by paragraph (b)(1), (b)(2), (b)(3) or (b)(4) of § 51.20 or for a license amendment covered by paragraph (b)(5) of § 51.20 shall submit

to the Commission an environmental report, or any supplement to an environmental report in the manner specified in § 50.4. The applicant shall retain an additional 109 copies of the environmental report or any supplement to the environmental report for distribution to parties and Boards in the NRC proceeding, Federal, State, and local officials and any affected Indian tribes, in accordance with written instructions issued by the Director of Nuclear Reactor Regulation or the Director of Nuclear Material Safety and Safeguards, as appropriate.

(b) Each applicant for a license to manufacture a nuclear power reactor, or for an amendment to a license to manufacture seeking approval of the final design of the nuclear power reactor, pursuant to Appendix M of Part 50 of this chapter shall submit to the Commission an environmental report or any supplement to an environmental report in the manner specified in § 50.4. The applicant shall retain an additional 109 copies of the environmental report or any supplement to the environmental report for distribution to parties and Boards in the NRC proceeding, Federal, State, and local officials and any affected Indian tribes, in accordance with written instructions issued by the Director of Nuclear Reactor Regulation.

* * * * *

Dated at Bethesda, Maryland, this 31st day of October 1986.

For the Nuclear Regulatory Commission,
Victor Stello, Jr.,

Acting Executive Director for Operations.

[FR Doc. 86-25132 Filed 11-5-86; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket Number 86-ANE-42; Amdt. 39-5455]

Airworthiness Directives; Pratt & Whitney (PW) JT9D-7R4D, D1, E, and E1 Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule, request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires the second stage high pressure turbine rotor (HPT) four knife edge airseal to be replaced with or reworked to a HPT three knife edge airseal on PW JT9D-7R4D, D1, E, and E1 turbofan engines. A modification to the turbine

cooling air system which reduces the number of metering bolts in the first stage turbine rotor assembly and increases the airflow of the HPT cooling airduct is required. The AD is needed to prevent uncontained failure of the second stage HPTR airseal which could result in extensive engine and aircraft damage.

DATES: Effective December 8, 1986.

Compliance Schedule—As prescribed in the body of the AD. Comments for inclusion in the docket must be received on or before January 5, 1987.

Incorporation by Reference—Approved by the Director of the Federal Register as of December 8, 1986.

ADDRESSES: Comments on the amendment may be mailed in duplicate to: Federal Aviation Administration, New England Region, Office of the Regional Counsel, Attention: Rules Docket Number 86-ANE-42, 12 New England Executive Park, Burlington, Massachusetts 01803 or delivered in duplicate to Room 311 at the above address.

Comments delivered must be marked: "Docket Number 86-ANE-42".

Comments may be inspected at the New England Region, Office of the Regional Counsel, Room 311, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

The applicable Alert Service Bulletin (ASB) may be obtained from Pratt & Whitney, Commercial Products Division, 400 Main Street, East Hartford, Connecticut 06108. A copy of the ASB is contained in Rules Docket Number 86-ANE-42, in the Office of the Regional Counsel, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803.

FOR FURTHER INFORMATION CONTACT: Diane Kirk, Engine Certification Branch, ANE-142, Engine Certification Office, Aircraft Certification Division, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803, telephone (617) 273-7082.

SUPPLEMENTARY INFORMATION: The FAA has determined that fatigue cracks, attributed to high cycle fatigue (HCF), can originate on the tip of the fourth knife edge of the second stage HPTR airseal, and may propagate to fracture, which could result in an uncontained second stage HPTR airseal failure on JT9D-7R4D, D1, E, and E1 turbofan engines. A total of 11 fracture/crack events on airseal P/N 5001413-01 have occurred in a total population of 289 airseals. Four events have been in-service failures; two of these events

were uncontained. Seven events, which had fourth knife edge HCF cracking in the airseal, were found by inspection in accordance with PW Service Bulletin (SB) JT9D-7R4-72-245. Although the mechanism of failure is not established, analysis indicates the most probable cause of the HPTR airseal rear knife edge HCF cracking is attributed to an aeroelastic instability.

Since this condition is likely to exist or develop on other engines of the same type design, an AD is being issued which requires replacement of second stage HPTR airseals, P/N 5001413-01 or 798916, with RPTR airseal, P/N 803673 or 803674 respectively, or rework of P/N 5001413-01 or 798916 in accordance with PW ASB JT9D-7R4-72-318, dated October 25, 1986, on JT9D-7R4D, D1, E, and E1 turbofan engines.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable.

Although this action is in the form of a final rule which involves requirements affecting flight safety and, thus, was not preceded by notice and public procedure, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above.

All communications received on or before the closing date for comments will be considered by the Director. This rule may be amended in light of comments received. Comments that provide a factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effectiveness of the AD and determining whether additional rulemaking is needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available for examination in the Rules Docket at the address given above by interested persons. A report summarizing each FAA-public contact, concerned with the substance of this AD, will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 86-ANE-42". The