because a design basis LOCA could not occur. Therefore, the Commission is proposing to amend 10 CFR 50.46 and Appendix K to indicate their nonapplicability to a nuclear power reactor facility that has permanently ceased operations and has permanently removed fuel from the reactor vessel.

F. Fire Protection

Section 50.48 does not address fire protection for power reactor facilities that have permanently ceased operations and permanently removed fuel from the reactor vessel. However, the facility still remains radioactively contaminated and may (and most likely will) maintain fuel at the facility. Section 50.48(f) has been added to the proposed amendments to require licensees that have permanently ceased operations to maintain a fire protection program. The proposed rule permits the licensee to make changes to the fire protection program without NRC approval if these changes do not reduce the effectiveness of fire protection for facilities, systems and equipment which could result in a radiological hazard, taking into account the decommissioning plant conditions and activities.

G. Environmental Qualification

The regulations for equipment qualification (EQ) are found in 10 CFR 50.49. The regulations cover that portion of equipment important to safety commonly referred to as ''safety related.'' Safety related structures, systems, and components (SSCs) are those that are relied upon to remain functional during and following design basis events to ensure: (1) The integrity of the reactor coolant pressure boundary, (2) the capability to shut down the reactor and maintain it in a safe condition, and (3) the capability to prevent or mitigate the consequences of accidents that could result in potential offsite exposures comparable to the guidelines of 10 CFR Part 100. Design basis events are defined as conditions of normal operation of the reactor, including anticipated operational occurrences, design basis accidents, external events, and natural phenomena, for which the plant must be designed to ensure the functions (1) through (3).

The EQ rule is clearly limited to electrical equipment that must function during design basis events. In response to comments on the final rule, (48 FR 2729, January 21, 1983), the Commission noted that the EQ rule does not cover the electric equipment located in a mild environment. With permanent cessation of operations and permanent removal of fuel from the reactor vessel, the harsh environment associated with LOCA accidents can no longer occur. Therefore, the Commission is proposing to amend 10 CFR 50.49 to indicate its nonapplicability to a nuclear power reactor facility licensed under these conditions.

H. Containment Leakage Testing

In 10 CFR 50.54, paragraph (o) requires that primary containments for water cooled reactors be subject to the requirements of 10 CFR Part 50, Appendix J. This appendix requires periodic testing to verify the leak-tight integrity of the primary containment and those systems and components that penetrate the containment. The primary containment of an operating reactor is one of several fission product barriers designed to protect the public health and safety in the event of a design basis accident such as a LOCA. Once a nuclear power reactor permanently ceases operations, the fuel is removed from the reactor vessel and placed in the spent fuel pool or an independent spent fuel storage installation (ISFSI). After the fuel has been removed from the reactor vessel, a LOCA can no longer occur. Therefore, leakage testing of the containment is no longer necessary. As a result, the Commission is proposing to amend 10 CFR 50.54(o) to indicate its nonapplicability to a nuclear power reactor facility that has permanently ceased operations and has permanently removed fuel from the reactor vessel.

I. Emergency Actions

In 10 CFR 50.54(x) a licensee is allowed to take reasonable actions that may depart from a license condition or technical specification in an emergency. This is permitted when action is immediately needed to protect the public health and safety and no actions consistent with license conditions and technical specifications that can provide adequate or equivalent protection are immediately apparent.

These regulations serve to ensure that emergency action decisions necessary to protect the public health and safety are made by an individual who has both the requisite knowledge and plant experience. The licensed senior operator at an operating nuclear power reactor has the requisite knowledge and experience to evaluate plant conditions and make these judgments.

The Commission is proposing to amend 10 CFR 50.54(y) to permit a certified fuel handler at nuclear power reactors that have permanently ceased operations and permanently removed fuel from the reactor vessel, subject to the requirements of § 50.82(a) and consistent with the proposed definition of ''Certified Fuel Handler'' specified in § 50.2, to make these evaluations and judgments. A nuclear power reactor that has permanently ceased operations and no longer has fuel in the reactor vessel does not require a licensed individual to monitor core conditions. A certified fuel handler at a permanently shutdown and defueled nuclear power reactor undergoing decommissioning is an individual who has the requisite knowledge and experience to evaluate plant conditions and make these judgements.

J. Fracture Prevention Measures

The regulations in 10 CFR 50.60, 50.61, and Appendices G and H specify the requirements for fracture toughness and material surveillance programs for the reactor coolant pressure boundary of LWRs. The intent of these regulations is to maintain reactor coolant pressure boundary integrity by assuring adequate margins of safety during any condition of normal operation, including anticipated operational occurrences.

After the fuel has been removed from the reactor vessel, accidents and transients that affect the integrity of the reactor coolant pressure boundary can no longer occur. The measures required by these regulations are no longer necessary. Therefore, the Commission is proposing to amend 10 CFR 50.60 and 50.61 to indicate their nonapplicability to a nuclear power reactor facility that has permanently ceased operations and has permanently removed fuel from the reactor vessel.

K. Anticipated Transient Without Scram Requirements

The purpose of 10 CFR 50.62 is to require improvements in the design and operation of LWRs to reduce the likelihood of reactor protection system (RPS) failure following anticipated operational occurrences. This regulation also requires improvements in the capability to mitigate the consequences of an anticipated transient without scram (ATWS) event.

Although the ATWS event can be a significant contributor to operating plant risk, it is not relevant to nuclear power plants that have permanently ceased operations and have permanently removed fuel from the reactor since the RPS is no longer needed. Therefore, the Commission is proposing to amend 10 CFR 50.62 to indicate its nonapplicability to a nuclear power reactor facility that has permanently ceased operations and permanently removed fuel from the reactor vessel.