

August 10, 1999

MEMORANDUM TO: William D. Travers
Executive Director for Operations

FROM: Annette Vietti-Cook, Secretary /s/

SUBJECT: STAFF REQUIREMENTS - SECY-99-173 - DENIAL OF
PETITIONS FOR RULEMAKING SUBMITTED BY THE
NUCLEAR INFORMATION AND RESOURCE SERVICE

The Commission has approved the staff's recommendation to publish in the Federal Register notices of denial of the petitions for rulemaking (PRM-50-65, PRM-50-66, and PRM-50-67) submitted by the Nuclear Information and Resource Service (NIRS) subject to the comments and changes noted in the attachment.

(EDO)

(SECY Suspense:

9/10/99)

Attachment:
Comments and changes to the
Federal Register notice and letters

cc: Chairman Dicus
Commissioner Diaz
Commissioner McGaffigan
Commissioner Merrifield
OGC
CIO
CFO
OCA
OIG
OPA
Office Directors, Regions, ACRS, ACNW, ASLBP (via E-Mail)
PDR
DCS

Attachment

SECY NOTE: TO BE MADE PUBLICLY AVAILABLE 5 BUSINESS DAYS AFTER THE
LETTER IS DISPATCHED.

Comments and changes to the Federal Register notice and letters

General comments

1. The staff should **continue** to ensure that its communication with stakeholders regarding the status of Y2K activities at nuclear facilities and the NRC's oversight of these activities is timely and thorough.
2. The staff should update the three FRN notices to reflect the results of the licensee responses to GL 98-01 and its supplement and, to the extent practicable, should include information pertaining to the stated June and July milestones.

Changes to the Federal Register notice (Attachment 1A)

3. On page 1, paragraph 1, last line, insert "reasonable assurance of" between "provide" and "adequate protection".
4. On page 7, the time interval between July 1 and December 31 is characterized as a "5-month time period" between GL 98-01 response date and the date when most Y2K-induced problems are likely to occur. Obviously, it is six months. On page 16, the term "5-month period" refers to July 1 through December 1, which is characterized as the period for NRC review and evaluation of licensee responses. As discussed in SECY-99-162, any licensee who is not Y2K ready by September 30 will be subject to additional NRC regulatory action which may include issuance of an order requiring specific actions. The text should be revised so that the time frames in question are appropriately characterized and accurately described.

Federal Register notice (Attachment 1C)

5. On page 1, revise lines 4 and 5 to read '... backup power sources to power ~~atomic safety systems of~~ reactors and other nuclear ~~facilities~~ ~~facility safety systems~~ in the event of a ...'
6. On page 1, line 10, insert a comma after 'review.'
7. On page 2, line 2 from the top, delete the 's' in 'provides.'
8. On page 12, the discussion about diesel generators in the second paragraph should be revised to read:

"For pilot plants, diesel generators continue to be inspected and evaluated using..."
9. On page 22, the last sentence of the first paragraph is confusing and should be revised

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to read:

“Thus, it is unclear how the requested requirements in the NIRS petition would provide assurance that Y2K problems will not prevent electrical power systems from performing their necessary safety function. The NRC concludes that a rule change is not necessary since licensees are already directly addressing spent fuel pool cooling as part of their Y2K programs.”

10. On page 24, the first paragraph provides a discussion regarding the time interval (i.e., three years) that forced circulation cooling is needed to remove decay heat from spent fuel. The Commission understands that, with the exception of Zion 2 and Big Rock Point, it has been more than three years since any of these plants irradiated any fuel in the reactor vessel. Given that the staff is currently revisiting this issue -- specifically the time interval for which forced cooling is required as discussed in SECY-99-168, the text should be revised to read:

“After a period of decay in the spent fuel pool, the heat load from spent fuel is significantly reduced as short-lived fission products decay. Consequently, ... action is greater. With the exception of Zion and Big Rock Point, more than three years has elapsed since any fuel was irradiated in the reactor at any of the nuclear power plants currently undergoing decommissioning.”

Letters (Attachment 3)

11. The staff should send similar letters to Senators Bennett and Dodd and Congressmen Horn and Turner.
12. The transmittal letters to the petitioner and Congress should provide a copy of the recently released NRC Preliminary Report on Nuclear Power Plant Year 2000 Readiness, dated July 19, 1999.
13. On page 1, paragraph 2, line 1, delete the slash after ‘requiring.’
14. On page 1, paragraph 2, line 5, insert the following between the existing sentences:

The NRC has received reports from all 103 operating nuclear power plant units. Seventy three units indicated that their computer systems supporting safe plant operation are “Y2K ready.” The remaining 30 units reported that they have additional work to complete on a few computer systems or devices to be fully Y2K ready and provided schedules for completing the work. None of the remaining work affects the ability of a plant to shutdown safely, if needed.
15. The staff should enhance the discussion in the letters regarding the extent of Y2K oversight activities that have been and will be conducted by the NRC.

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