

**§ 103.23 Special access procedures.**

(a) *Records of other agencies.* When information sought from a system of records of the Service includes information from other agencies or components of the Department of Justice that has been classified under Executive Order 12356, the request and the requested documents shall be referred to the appropriate agency or other component for classification review and processing. Only after consultation and with the consent of the responsible agency or component, may the requester be informed of the referral as specified in Section 3.4(f) of E.O. 12356.

§§ 103.23, 103.24, 103.28, 103.30  
[Amended]

10. Part 103 is amended by changing the phrase "system manager" to "responsible official as specified in § 103.10(a) of this part" whenever it appears in the following sections:

Section 103.23(b)  
Section 103.24  
Section 103.28(b)  
Section 103.28(f)  
Section 103.30(a)

**§ 103.25 [Amended]**

11. In § 103.25, paragraph (a) is amended by removing the following phrase from the first sentence: "The system manager of the system from which information is sought or his delegate" and adding in its place "The responsible official as specified in § 103.10(a) of this chapter" and in paragraph (b) by changing the reference "28 CFR 16.45" to "28 CFR 16.1(d)".

**§ 103.26 [Amended]**

12. Section 103.26 is amended by changing the reference "28 CFR 16.46." to "28 CFR 16.47."

**§ 103.27 [Amended]**

13. Section 103.27 is amended by changing the reference to "28 CFR 16.47." to "28 CFR 16.48."

**§ 103.28 [Amended]**

14. Section 103.28 is amended by revising paragraph (a); in paragraph (b) by removing the second sentence beginning with "If the record . . ." and by changing the reference "28 CFR 16.46" to "28 CFR 16.47" and "28 CFR 16.48." to "28 CFR 16.50."; and in paragraphs (c), (d), and (e) by changing the reference to "28 CFR 16.48" to "28 CFR 16.50", to read as follows:

**§ 103.28 Requests for correction of records.**

(a) *How made.* Unless a record is exempted from correction, a request for amendment or correction is made by the

individual concerned, either in person or by mail, addressing the written request to the FOIA/PA Officer at the location where the record is maintained. The requester's identity must be established as provided in section 103.21 of this part. The request must indicate the particular record involved, the nature of the correction sought, and the justification. A request made by mail should be addressed to the FOIA/PA Officer at the location where the system of records is maintained and the request and envelope must be clearly marked "Privacy Correction Request." Where the requester cannot determine the precise location of the system of records or believes that the same record appears in more than one system, the request may be addressed to the FOIA/PA Officer, Immigration and Naturalization Service, 425 I Street, NW., Washington, DC 20536. That office will assist the requester in identifying the location of the records.

**§ 103.33 [Amended]**

15. Section 103.33 is amended by changing the reference "28 CFR 16.53." to "28 CFR 16.55."

**§ 103.35 [Amended]**

16. Section 103.35 is amended by changing the reference "28 CFR 16.55." to "28 CFR 16.56."

**§ 103.36 [Amended]**

17. Section 103.36 is amended by changing the reference "28 CFR 16.56." to "28 CFR 16.57."

Dated: May 16, 1991.

Gene McNary,

*Commissioner, Immigration and Naturalization Service.*

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## NUCLEAR REGULATORY COMMISSION

### 10 CFR Parts 50 and 140

[Docket No. PRM-50-57]

#### North Carolina Public Staff Utility Commission; Filing of Petition for Rulemaking

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of receipt of petition for rulemaking.

**SUMMARY:** The Commission is publishing for public comment a notice of receipt of a petition for rulemaking. The petition, dated September 25, 1991, was filed with the Commission by the North Carolina

Public Staff Utility Commission and was assigned Docket No. PRM-50-57 on October 2, 1991. The petitioner requests that the Commission substantially reduce or eliminate insurance requirements for nuclear power reactors when all the nuclear reactors on a reactor station site have been shut down and are awaiting decommissioning and all the nuclear fuel has been removed from the reactor site.

**DATE:** Submit comments by March 17, 1992. 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:** Submit comments to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Attention: Docketing and Service Branch. For a copy of the petition, write: Rules Review Section, Regulatory Publications Branch, Division of Freedom of Information and Publication Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

**FOR FURTHER INFORMATION CONTACT:** Michael T. Lesar, Chief, Rules Review Section, Regulatory Publications Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Telephone: 301-492-7758 or Toll Free: 800-368-5642.

**SUPPLEMENTARY INFORMATION:****Background**

The Commission's regulations require that each nuclear reactor licensee, as a condition of its license, meet certain on-site property damage insurance requirements for each of its nuclear reactor station sites. Utilities licensed by the NRC to operate nuclear power plants are required by the provisions of 10 CFR 50.54(w) to maintain \$1.06 billion in property insurance to cover the on-site stabilization and decontamination of the reactor facility in the event of an accident.

Each power reactor licensee also is required by 10 CFR 140.11(a)(4) to maintain primary financial protection in the amount of \$200 million to cover public liability claims that may result from a nuclear incident or precautionary evacuation. In addition, § 140.11(a)(4) requires these licensees to have and maintain secondary financial protection (in the form of private liability insurance available under an industry retrospective rating plan providing for deferred premium charges equal to the licensee's pro rata share of the

aggregate public liability claims in excess of \$200 million) for each nuclear power reactor the licensee is authorized to operate up to \$63 million per nuclear incident.

The petitioner asserts that the insurance requirements of (1) \$1.06 billion to stabilize and decontaminate a power reactor site and (2) \$200 million per site (with an added potential \$63 million per power reactor per incident) to satisfy public liability claims should be substantially reduced or eliminated in instances where all nuclear reactors on a reactor station site have been shut down and all the nuclear fuel has been removed from the site.

#### Basis for Petition

##### *On-Site Property Damage*

The petitioner believes that there are no health or safety reasons that would require extraordinary accident insurance protection when a reactor station is without fuel, in a shutdown or dormant condition, and the licensee holds a possession only license awaiting decommissioning. The petitioner believes that there is no risk of an empty reactor vessel or an empty fuel pool achieving criticality. Therefore, the petitioner recommends that the Commission consider reducing substantially, or eliminating entirely, the requirement that a power reactor licensee maintain "minimum coverage limit for each reactor site of either \$1.06 billion or whatever amount of insurance is generally available from private sources, whichever is less." The petitioner further states that Commission regulations do not require accident insurance protection for other types of facilities that may be contaminated to some degree where the risk of criticality is absent. The petitioner also notes that the Commission regulations do not require insurance coverage for an Independent Spent Fuel Storage Installation licensed under 10 CFR part 72.

##### *Public Liability Insurance*

The petitioner states that there appears no reasonable risk of criticality which could produce a major nuclear incident, for which the \$200 million of primary liability insurance protection is intended, at a shutdown or dormant reactor when no nuclear fuel remains on the reactor site. The petitioner offers that, in the absence of in-reactor or in-pool fuel, it appears to be unreasonable for the owner of a permanently shutdown reactor, during many years of reactor dormancy, to continue to be liable for retrospective premium charges for a pro-rata share of the \$7.6 billion of

secondary liability financial protection in the event of a nuclear accident at some operating reactor elsewhere in the industry when the occurrence of a nuclear accident is not considered possible at the dormant, unfueled reactor.

#### Conclusion

Because the Department of Energy does not have a facility that is ready to receive high-level radioactive waste such as commercially generated spent fuel, the petitioner states that amendment of the NRC regulations to revise both on-site property damage insurance and public liability insurance requirements is of immediate importance. The petitioner asserts that the insurance now required by the NRC during an extended period of SAFSTOR dormancy will result in significant collections from utility ratepayers during the reactor's current operating years. The petitioner believes that the cost of this insurance may discourage or preclude altogether the election of the SAFSTOR decommissioning option. The petitioner states that the SAFSTOR option could reduce worker exposure to radioactivity during decommissioning considerably and also reduce low level radioactive waste storage requirements substantially.

#### Proposed Amendments to 10 CFR Parts 50 and 140

The following language has been suggested by the petitioner to accomplish the desired amendments. The NRC has corrected the petitioner's suggested language by removing the term "Intermediate" and replacing it with the term "Independent." This correction is necessary to reflect the correct designation of the cited facility.

The petitioner proposes that in § 50.54 a new paragraph (w)(5) be added to read as follows:

#### § 50.54 Conditions of licenses.

(w) . . .

(5) When all nuclear reactors on a reactor station site have been shut down and all nuclear fuel has been removed from the reactor station site except as may be stored in a licensed Independent Spent Fuel Storage Installation, the requirement of paragraph (w) that each reactor site must have insurance or equivalent protection to stabilize and decontaminate the reactor and the site in the event an accident is waived.

The petitioner proposes that in § 140.11, a new paragraph (c) be added to read as follows:

#### § 140.11 Amounts of financial protection for certain reactors.

(c) In any case when all licensed electric power producing nuclear reactors at the same location have been shut down and all nuclear fuel has been removed from the location except for fuel as may be stored in a licensed Independent Spent Fuel Storage Installation, the requirement the licensees have and maintain financial protection in the amount set forth in paragraph (a)(4) of this section is waived.

Dated at Rockville, MD, this 10th day of January, 1992.

For the Nuclear Regulatory Commission.  
Samuel J. Chilk,  
Secretary of the Commission.  
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## DEPARTMENT OF ENERGY

### Office of Conservation and Renewable Energy

#### 10 CFR Part 440

[Docket No. CE-RM-91-110]

### Weatherization Assistance Program for Low-Income Persons

AGENCY: Department of Energy.

ACTION: Notice of proposed rulemaking; reopening of comment period.

**SUMMARY:** The Department of Energy issued a notice of proposed rulemaking for the Weatherization Assistance Program for Low-Income Persons on October 23, 1991, 56 FR 54932. The comment period was scheduled to end on January 7, 1992. The Department has decided to reopen the comment period to February 7, 1992, to accommodate additional comments from the public.

**DATES:** Written comments (6 copies) must be received on or before February 7, 1992.

**ADDRESSES:** All written comments (6 copies) should be addressed to: U.S. Department of Energy, Office of Conservation and Renewable Energy, Hearings and Dockets CE-90, room 6B-025, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-3012. In the event any person wishing to submit a written comment cannot provide six copies, alternative arrangements can be made in advance with the Hearings and Dockets Office.

**FOR FURTHER INFORMATION CONTACT:** James Gardner or Greg Reamy, Weatherization Assistance Program