

DOCKET NUMBER

PETITION RULE PRM 50-66
(64FR3791)

DOCKETED

[7590-01-P]

NUCLEAR REGULATORY COMMISSION

JAN 19 12:12

10 CFR Part 50

[Docket No. PRM-50-66]

Nuclear Information and Resource Service;
Receipt of Petition for Rulemaking

AGENCY: Nuclear Regulatory Commission.

ACTION: Petition for rulemaking; Notice of receipt.

SUMMARY: The Nuclear Regulatory Commission (NRC) has received and requests public comment on a petition for rulemaking filed by the Nuclear Information and Resource Service. The petition has been docketed by the Commission and has been assigned Docket No. PRM-50-66. The petitioner requests that the NRC amend its regulations to require every nuclear utility to conduct a full-scale emergency planning exercise that involves coping with a date-sensitive, computer-related failure resulting from a Year 2000 issue (Y2K). The petitioner requests that the NRC take this action to ensure that nuclear power plant licensees have developed and can implement adequate contingency and emergency plans to address major system failures that may be caused by a Y2K problem. o/

February 24, 1999

DATE: Submit comments by ~~(30 days following publication in the Federal Register)~~.

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.

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L-4-1 NRC License Pub. on 1/25/99

ADDRESSES: Submit comments to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Attention: Rulemakings and Adjudications Staff.

Deliver comments to 11555 Rockville Pike, Rockville, Maryland, between 7:30 am and 4:15 pm on Federal workdays.

For a copy of the petition, write: Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

You may also provide comments via the NRC's interactive rulemaking website through the NRC home page (<http://www.nrc.gov>). This site provides the capability to upload comments as files (any format), if your web browser supports that function. For information about the interactive rulemaking website, contact Ms. Carol Gallagher, (301) 415-5905 (e-mail: CAG@nrc.gov).

FOR FURTHER INFORMATION CONTACT: David L. Meyer, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Telephone: 301-415-7162 or Toll-Free: 1-800-368-5642 or E-mail: DLM1@NRC.GOV.

SUPPLEMENTARY INFORMATION:

Background

The Nuclear Regulatory Commission received three related petitions for rulemaking, each dated December 10, 1998, submitted by the Nuclear Information Resource Service concerning various aspects of Y2K issues and nuclear safety. This petition requests that the NRC amend its regulations to require nuclear power plant and major fuel cycle facilities to develop and implement adequate contingency and emergency plans to address potential system failures. The two related petitions would require that nuclear facilities be shutdown if

they are not compliant with Y2K issues (PRM-50-65) and that nuclear facilities provide reliable back-up sources of power for nuclear facilities (PRM-50-67).

Because of the nature of these petitions and the date-specific issues they address, the petitioner requests that the petitions be filed expeditiously and that public comment on the actions be limited to 30 days.

The Petitioner's Suggested Amendment

The petitioner requests that the NRC adopt the following text as a rule:

All licensees subject to 10 CFR Part 50 and Appendix E will conduct a full-scale emergency planning exercise (as normally required under 10 CFR 50.47) during 1999. This exercise shall include a component that includes failure of one or more computer or other digital systems (this is popularly known as the "Y2K bug") on January 1, 2000, or other relevant date. Licensees that do not conduct, or that fail, this exercise shall close their facilities licensed under this part by December 1, 1999, until such time as the licensees have conducted a successful exercise.

The NRC shall publish and provide to each licensee, within 30 days of the date of this rule, a Regulatory Guide that outlines potential emergency exercise scenarios. The NRC shall publish and provide to each licensee, by December 1, 1999, a Regulatory Guide that describes the various scenarios that have been undertaken and the successful (and unsuccessful) responses to the problem posed.

Discussion

The petitioner states that although the probability of Y2K-related events occurring that would require emergency response and the implementation of contingency plans is unknown, it

would fall within the range of safety matters for which NRC requires emergency planning exercises. Furthermore, the petitioner asserts that addressing Y2K-related problems will require the use of potentially unfamiliar contingency plans, relying on ingenuity to circumvent failure of essential communications systems or the failure of off-site emergency responders to perform their tasks effectively, and coping with issues not normally tested during emergency exercises.

The petitioner believes that it is prudent to require each licensee to conduct an exercise and that each exercise address a different aspect of the Y2K problem. The petitioner suggests that some exercises should test problems initiated by Y2K-related failures and that others should test problems exacerbated by Y2K-related failures. The petitioner believes that this would provide some familiarity with the possible range of issues that could develop and create an overall industry capability to address potential Y2K problems.

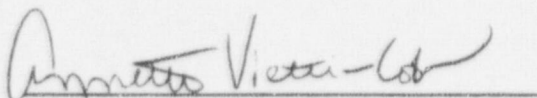
Under the petitioner's suggested regulation, the licensees would develop exercise scenarios that would be approved by the NRC in an expedited fashion and the NRC would publish and distribute regulatory guides that would outline potential emergency response scenarios and describe the scenarios that were tested and the successful responses to the problem posed.

The petitioner believes that this action would provide reasonable assurance that nuclear power plant licensees have developed and can implement adequate contingency and emergency plans to address major system failures that may be caused by the Y2K problem.

The petitioner also believes that other major fuel cycle facilities should be subject to a similar rule.

Dated at Rockville, Maryland, this 15th day of January, 1999.

For the Nuclear Regulatory Commission.

A handwritten signature in cursive script, appearing to read "Annette Vietti-Cook", written over a horizontal line.

Annette Vietti-Cook,
Secretary of the Commission.