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DOCUMENT DATE: 01/25/1999

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CASE REFERENCE:

PRM-050-065 64FR03790

KEY WORD: RULEMAKING COMMENTS

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| Comment Period Expires: 02/24 | /99 | Comment Period Extended: | | | | | Final Rule [| Final Rule Date: | | |
| Contact Person(s): | | Mail St | op(s): | | | | Telephone I | Extension(s): | | |
| a) David Meyer | | T-6D59 | 9 | | | | 301-415-7 | 162 | | |
| b) Carol Gallagher | | T-6D59 | | | | | 301-415-59 | 905 | | |
| c) Matthew Chiramal | | 0-9D4 | | | | <u></u> | 301-415-28 | 845 | | |
| Comments Entered in Database (No./Date/Initials) | Comments Distributed (Date/Initials) | , | In (E | dex Pr Date/Ini | inted tials) | Labo (Da | els Printed te/Initials) | Acknowledged (card; e-mail) (Date) | | |
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| 64FR3790 | PRM-50-65 | | | 01/2 | 5/99 | | | 15 |
| Comment Period Expires: 02/24 | 1/99 | Comment Period Extended: | | | | Final Rule Date: | | |
| Contact Person(s): | | Mail St | top(s): | | | | Telephone I | Extension(s): |
| a) David L. Meyer | | T-6D59 | 9 | | | | 301-415-7 | 162 |
| b) Carol Gallagher | | T-6D59 | 9 | | | | 301-415-5 | 905 |
| c) Matthew Chiramal | | 0-9D4 | | | | | 301-415-28 | 345 |
| Comments Entered in Database (No./Date/Initials) | Comments Distributed (Date/Initials) |) | in (D | dex P late/lr | rinted hitials) | Labe (Dat | els Printed te/Initials) | Acknowledged (card; e-mail) (Date) |
| Ltr fm Michael Mariotte 01/26/99 ATB | Ltr fm Michael Mar 01/26/99 | riotte ATB | 01/26/ | '99 | АТВ | | | |
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| #11_02/03/99 ATB | #11 02/03/99 | ATB | 02/02/ | <u>'99</u> | АТВ | 02/04/9 | 9 <u>ATB</u> | 02/04/99 |
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| #23-25 02/11/99 ATB | #23-25 02/11/99 | АТВ | 02/11/ | 99 | ATB | 02/12/9 | <u>9 ATB</u> | 02/12/99 |
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| #35 02/18/99 ATB | #35 02/18/99 | АТВ | 02/18/ | /99 | АТВ | 02/24/9 | 9 <u>ATB</u> | 02/24/99 |
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| #38-45 02/23/99 ATB | #38-45 02/23/99 | АТВ | 02/23/ | /99 | ATB | 02/24/9 | 9 ATB | 02/24/99 |
| #46-47 02/24/99 ATB | #46-47 02/24/99 | АТВ | 02/24/ | /99 | АТВ | 02/25/9 | 9 ATB | 02/25/99 |
| #48-57 02/25/99 ATB | #48-57 02/25/99 | АТВ | 02/25/ | /99 | ATB | 03/03/9 | <u>9 ATB</u> | 03/03/99 |
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| #59-60 03/03/99 ATB | #59-60 03/03/99 | АТВ | 03/03/ | /99 | ATB | 03/04/9 | <u>9 ATB</u> | 03/04/99 |
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FR Cite: 64FR03790

10/05/2000

In the Matter of

| | Com Numi | nent Der | Comment Submitted by | Representing | Docket Date | Document Date | Miscellaneous Description | Accession Number |
|---|-------------|------------------|-------------------------|-----------------------------------|----------------|------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|
| 6 | | | | | 12/11/1998 | 12/10/1998 | Letter from Michael Mariotte, Executive Director, NIRS, submitting PRM re shutdown o nuclear facilities not compliant with date-sensitive, computer- related issues re Y2K | f |
| | | | | | 01/19/1999 | 01/15/1999 | Federal Register Notice - Receipt of Petition for Rulemaking | |
| | 1 | Marvi | n Lewis | Self | 01/26/1999 | 12/11/1998 | | |
| | 2 | Nancy | Katharine Woods | Self | 01/26/1999 | 12/15/1998 | | |
| | 3 | Steve Field I | Haberman Director | Seacoast Anti-Pollution League | 01/26/1999 | 12/28/1998 | | |
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FR Cite: 64FR03790

In the Matter of

10/05/2000

Nuclear Information and Resource Service; Receipt of Petition for Rulemaking

| lumber | Submitted by | Representing | Docket Date | Document Date | Miscellaneous Description | Accession Number |
|----------------|--------------|-------------------------------------------|----------------|------------------|------------------------------|---------------------|
| 4 Joy | Nelson | Self | 01/26/1999 | 01/02/1999 | | |
| | | | | | | |
| 5 Joan | King | Self | 01/26/1999 | 01/04/1999 | | |
| | | | | | | |
| 6 Johr Co-J | M. LaForge | Nukewatch - The Progressive Foundation | 01/26/1999 | 01/13/1999 | | |
| 7 Ruff | Niswander | Self | 01/29/1999 | 12/12/1998 | | |
| , | | | | | | |
| 8 Jue | Oltich | Self | 02/02/1999 | 01/23/1999 | | |

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In the Matter of

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|------------|-------------|-------------------------|--------------|----------------|------------------|------------------------------|---------------------|
| 9 | Guy H | . Davant | Self | 02/02/1999 | 01/26/1999 | | |
| 10 | Mary . | I. Feldman | Self | 02/02/1999 | 01/28/1999 | | |
| 11 | Garlan | d Favorito | Self | 02/03/1999 | 01/27/1999 | - | |
| 12 | Jeff T | oste | Self | 02/08/1999 | 02/02/1999 | | |
| 13 | Kay P | lummer | Self | 02/08/1999 | 02/03/1999 | | |

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10/05/2000

In the Matter of

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| 4 | Kyle | Rabin | Self | 02/08/1999 | 02/04/1999 | · · · · | |
| | | | | | | | |
| 15 | Mille | e Livingston | Self | 02/09/1999 | 02/03/1999 | | |
| | | | | | | | |
| 16 | Miner | IX | Self | 02/10/1999 | 02/07/1999 | | |
| | | | | | | | |
| 17 | Christ | ina K. Higgins | Self | 02/10/1999 | 02/07/1999 | | |
| | | | · . | | | | |
| 18 | Jeffre | y Pease | South Carolina Electric & Gas Company | 02/10/1999 | 02/08/1999 | | |

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| 19 | Merrill Hodr | efield, et al. | Self | 02/10/1999 | 02/02/1999 | | |
| 20 | Gus Gulson | | Self | 02/10/1999 | 02/03/1999 | | |
| 21 | Suzanne Knu | itzen | Self | 02/10/1999 | 02/06/1999 | | |
| 22 | Alice Slater President | | Global Resource Action Center for the Environment | 02/10/1999 | 02/08/1999 | | |
| 23 | Jeff Ottle | | Self | 02/11/1999 | 02/06/1999 | | |

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In the Matter of

Nuclear Information and Resource Service; Receipt of Petition for Rulemaking

| Com Num | ment ber | Comment Submitted by | Representing | Docket Date | Document Date | Miscellaneous Description | Accession Number |
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| 24 | Joe P | erryman | Self | 02/11/1999 | 02/08/1999 | | |
| | | | | | | | |
| 25 | Nancy Co-Ch | Allen air, Maine Green Party | Maine Green Party | 02/11/1999 | 02/09/1999 | | |
| | | | | • | | | |
| 26 | Mike | Wright | Self | 02/11/1999 | 02/09/1999 | | ` |
| 27 | Tina | Dalv | Self | 02/12/1999 | 02/02/1999 | · . | |
| 27 | , mu | | | | | | |
| , 28 | Micha | el Onewing | Self | 02/16/1999 | 01/23/1999 | | |
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In the Matter of

| Com Num | ment ber | Comment Submitted by | Representing | Docket Date | Document Date | Miscellaneous Description | Accession Number |
|------------|-----------------|-------------------------|-------------------------------------------|----------------|------------------|------------------------------|---------------------|
| 29 | Laura | McDonald | Self | 02/16/1999 | 02/06/1999 | | |
| | | | | | | | |
| 30 | David | H. Martin | Self | 02/16/1999 | 02/10/1999 | | |
| | | | | | | | |
| 31 | David Board | H. Martin Member | Conservation Council of North Carolina | 02/16/1999 | 02/10/1999 | | |
| | | | | | | | |
| 32 | David Board | H. Martin Member | South River Association | 02/16/1999 | 02/10/1999 | | |
| | | | | | | | |
| 33 | Carol Execut | Jahnkow ive Director | The Peace Resource Center of San Diego | 02/16/1999 | 02/10/1999 | | |

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In the Matter of

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|------------|-------------|-------------------------|-------------------------------------------|----------------|------------------|------------------------------|---------------------|
| 1 4 | Mary | Elizabeth Lampert | Massachusetts Citizens for Safe Energy | 02/16/1999 | 02/10/1999 | | |
| 35 | Robin | 1 Mills | Self | 02/18/1999 | 02/04/1999 | | |
| 36 | Sophi | a Hegner | Self | 02/19/1999 | 02/15/1999 | | |
| 37 | Carol | Moore | Self | 02/19/1999 | 02/18/1999 | | |
| 38 | Duan | e Knoblauch | Self | 02/22/1999 | 02/15/1999 | | |

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| 9 ⁹ | Jerry] | Mitchell | Self | 02/22/1999 | 02/16/1999 | | |
| 40 | Mirian | 1 Dyak | Self | 02/22/1999 | 02/18/1999 | · | |
| 41 | Peg G | iffels | Self | 02/22/1999 | 02/18/1999 | | |
| 42 | Richar | d Berger | Self | 02/22/1999 | 02/18/1999 | | |
| 43 | Alice Preside | Slater ent | Global Resource Action Center for the Environment | 02/23/1999 | 02/18/1999 | | |

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| 14 | Nifer | | Self | 02/23/1999 | 02/21/1999 | | | - |
| 45 | Pat S. | Griffith | Self | 02/23/1999 | 02/19/1999 | | | |
| 46 | Mark . | J. Burzynski | Tennessee Valley Authority | 02/23/1999 | 02/19/1999 | | | |
| 47 | Scott I | M. Cullen, Esq. | STAR (Standing for Truth About Radiation) Foundation | 02/23/1999 | 02/19/1999 | · · · · · · | | |
| 48 | Amy | Callner | Self | 02/24/1999 | 02/24/1999 | | 1 | |

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In the Matter of

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| D ¹⁹ | Doole | y Kiefer | Self | 02/24/1999 | 02/24/1999 | | |
| 50 |) Daniel Robert | F. Stenger, Esq. and K. Temple, Esq. | Nuclear Utility Backfitting and Reform Group | 02/24/1999 | 02/24/1999 | | |
| 51 | Jay M | . Gould | Radiation and Public Health Project | 02/25/1999 | 02/19/1999 | | |
| 52 | 2 Anna | Cicirelli | Self | 02/25/1999 | 02/21/1999 | | |
| 53 | 3 Loren | Olson | Self | 02/25/1999 | 02/21/1999 | | |

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In the Matter of

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| 54 | Robert | Werberig | Self | 02/25/1999 | 02/20/1999 | | |
| 55 | Kathy | Willowoode Brown | Self | 02/25/1999 | 02/20/1999 | • • | |
| 56 | Quinne | ell Gutwein | Self | 02/25/1999 | 02/20/1999 | | |
| 57 | James | W. Davis | Nuclear Energy Institute | 02/25/1999 | 02/24/1999 | | |
| 58 | Willia Vice P Engine | m E. Ide resident, Nuclear eering | Arizona Public Service Company | 03/01/1999 | 02/23/1999 | | |

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In the Matter of

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| 59 | Gretch | nen Mages | Self | 03/02/1999 | 02/23/1999 | | <u></u> |
| 60 | C. Lar Sr. Vie Princij | nce Terry ce President and pal Nuclear Officer | TU Electric | 03/02/1999 | 02/23/1999 | | |
| 61 | Scott 1 | D. Portzline | Self | 03/03/1999 | 02/23/1999 | | |
| 62 | Alan (Manag Servic | C. Passwater ger - Corporate Nuclear es | AmerenUE | 03/03/1999 | 02/24/1999 | | |
| 63 | J. J. H Direct Opera | Iolden or - Site Nuclear tions | Florida Power Corporation | 03/03/1999 | 02/24/1999 | | |

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In the Matter of

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| 64 | L. J. Mana Comp | Maas ger - Regulatory lliance | Siemens Power Corporation | 03/03/1999 | 02/23/1999 | | |
| 65 | Micha Vice I Suppo | ael R. Kansler President, Operations ort | Entergy Operations, Inc. | 03/04/1999 | 02/22/1999 | | |
| 66 | Mark | V. McKeown | Northern States Power Company | 03/04/1999 | 02/24/1999 | | |
| 67 | Ted C Exect Chief | C. Feigenbaum tive Vice President and Nuclear Officer | North Atlantic Energy Service Corporation | 03/08/1999 | 02/24/1999 | | |
| | James Mana and C | s H. McCarthy ger - Nuclear Licensing operations Support | Virginia Power | 03/09/1999 | 02/19/1999 | | |

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10/05/2000

In the Matter of

| Comment Number | t Comment Submitted by | Representing | Docket Date | Document Date | Miscellaneous Description | Accession Number |
|-------------------|---------------------------|--------------|----------------|------------------|--------------------------------------------------------------|---------------------|
| 69 Dru | Saunders | Self | 04/14/1999 | 03/25/1999 | | |
| • | | | | | | |
| 70 Ric | hard A. Del Bago | Self | 04/28/1999 | 01/23/1999 | | |
| | | | | | | |
| | | | 08/18/1999 | 08/17/1999 | Federal Register Notice - Petition for rulemaking; Denial | |
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DOCKET NUMBER PETITION RULE PRM 50-65 (64FR3790)

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 30, 40, 50, and 70

[Docket No. PRM-50-65]

DOCKETED [7590-01-P]

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Nuclear Information and Resource Service; Petition for Rulemaking Denial

AGENCY: Nuclear Regulatory Commission.

ACTION: Petition for rulemaking; denial.

SUMMARY: The Nuclear Regulatory Commission (NRC) is denying a petition for rulemaking (PRM-50-65) from the Nuclear Information and Resource Service (NIRS). The petitioner requested that NRC amend its regulations to require the shutdown of nuclear facilities that are not compliant with date-sensitive, computer-related issues regarding the Year 2000 (Y2K) issue. The petitioner requested that NRC take this action to ensure that Y2K issues will not cause the failure of nuclear safety systems and thereby pose a threat to public health and safety. NRC is denying the petition because the Commission has determined that the actions taken by licensees to implement a systematic and structured facility-specific Y2K readiness program and NRC's oversight of the licensees' implementation of these Y2K readiness programs provide reasonable assurance of adequate protection to public health and safety.

ADDRESSES: Copies of the petition for rulemaking, the public comments received, and NRC's letters to the petitioners are available for public inspection or copying in the NRC Public

Pub. on 8/23/99 at 64FR45900

Document Room, 2120 L Street, NW. (Lower Level), Washington, DC, as well as on NRC's rulemaking website at http://ruleforum.llnl.gov.

FOR FURTHER INFORMATION CONTACT: Matthew Chiramal, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone 301-415-2845, E-mail address <mxc@nrc.gov>, or Gary W. Purdy, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone 301-415-7897, E-mail address <gwp1@nrc.gov>.



SUPPLEMENTARY INFORMATION:

Background

NRC received three related petitions for rulemaking (PRM-50-65, PRM-50-66, and PRM-50-67), each dated December 10, 1998, submitted by NIRS concerning various aspects of Y2K issues and nuclear safety. This petition (PRM-50-65) requested that NRC adopt regulations that would require facilities licensed by NRC under 10 CFR Parts 30, 40, 50, and 70 to be Y2K compliant. The second petition (PRM-50-66) requested that NRC adopt regulations that would require facilities licensed by NRC under 10 CFR Part 50 to develop and implement adequate contingency and emergency plans to address potential system failures. The third petition (PRM-50-67) requested that NRC adopt regulations that would require facilities licensed by NRC under 10 CFR Parts 50 and 70 to provide reliable sources of back-up power. Because of the nature of these petitions and the date-specific issues they address, the petitioner requested that the petitions be addressed on an expedited schedule.

On January 25, 1999, NRC published a notice of receipt of a petition for rulemaking in the *Federal Register* (64 FR 3789). It was available on NRC's rulemaking website and in the NRC Public Document Room. The notice of receipt of a petition for rulemaking invited interested persons to submit comments by February 24, 1999.

The Petition

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

"Any and all facilities licensed by the Nuclear Regulatory Commission under 10 CFR Parts 30, 40, 50, and 70 shall be closed by 12 pm Eastern Standard Time, December 1, 1999, unless and until each facility has: (a) fully and comprehensively examined all computer systems, embedded chips, and other electronic equipment that may be date-sensitive to ensure that all such systems that may be relevant to safety are Y2K compliant; (b) repaired, modified, and/or replaced all such systems that are not found to be Y2K compliant; (c) made available to the public all information related to the examination and repair, modification and/or replacement of all such systems; (d) determined, through full-scale testing, that all repairs, modifications, and/or replacements of all such systems are, in fact, Y2K compliant."

The petitioner noted that in NRC Generic Letter (GL) 98-01, "Year 2000 Readiness of Computer Systems at Nuclear Power Plants," dated May 11, 1998, the NRC has recognized the potential for date-related problems that may affect a system or application (the Y2K problem). These potential problems include not representing the year properly, not recognizing leap years,

and improper date calculations. These problems could result in the inability of computer systems to operate or to function properly. The petitioner stated that the Y2K problem could potentially interfere with the proper operation of computer systems, microprocessor-based hardware, and software or databases relied on at nuclear power plants. Further, the petitioner asserted that the Y2K problem could result in a plant trip and subsequent complications in tracking post-shutdown plant status and recovery as a result of a loss of emergency data collection. Additionally, the petitioner is also concerned that power grids providing offsite power to nuclear stations could be affected to the extent that localized and widespread grid failures could occur.

The petitioner acknowledged that NRC has recognized the potential safety and environmental problems that could result if date-sensitive electronic systems fail to operate or provide false information. The petitioner asserted that NRC has required its licensees of reactor and major fuel cycle facilities to report by July 1, 1999, on their programs to ensure compliance with Y2K issues. In addition, the petitioner asserted that NRC has not made explicit how it will define compliance nor what it plans to do for licensees of facilities that cannot prove compliance. In the petitioner's suggested regulatory text, NIRS defined compliance with Y2K issues as evaluation of all potential problems that may be safety-related, repair of all such problems, and full-scale testing of all solutions. The petitioner's proposed regulation would also require full public disclosure of all evaluation, repair, and testing data so that the information may be examined by independent experts and the public. Finally, the petitioner's proposed regulation would make it clear that nuclear facilities will be closed until they can demonstrate full compliance with Y2K issues.

The petitioner concluded by stating that NRC is obligated to act decisively to protect public health and safety and the environment. NIRS stated that anything short of the suggested

approach in the petition is insufficient to fulfill this obligation and that NRC should adopt the suggested regulation as soon as possible.

Public Comments on the Petition

In response to the petition, NRC received 70 comment letters, including 1 letter signed by 25 individuals from the State of Michigan, 3 letters from industry groups, 10 letters from utilities, 13 letters from private organizations, and 43 letters from private citizens.

Fifty-four letters supported the petition, 40 of which were from private citizens, 13 were from private organizations, and 1 that was signed by 25 individuals. The comments supporting the petition addressed concerns related to avoiding the occurrence of a catastrophic nuclear accident, the reasonableness of the petitioner's request, and opined that any uncertainty is too great for the nuclear industry.

Sixteen letters opposed the petition, of which 3 were from private citizens, 3 were from associated industries, and 10 were from utilities. The comments opposing the petition stated that the nuclear power industry has taken a coordinated approach to Y2K readiness, nuclear power plant licensees are implementing a structured Y2K program, NRC Y2K initiatives are underway, NRC staff is monitoring licensee activities, and current regulations and license conditions are adequate to address potential Y2K computer issues.

In some of the letters supporting the petition, the authors included the following additional comments that provide information or request action that was not contained in the petition. These comments noted:

 The date proposed in the petition, December 1, 1999, to shut down all non-Y2K compliant nuclear power plants should be moved up 1 to 6 months before the year 2000. The reasons given were to allow sufficient time to shut down and to provide additional safety.

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- Power grid failure would not allow controlled shutdown of the plant and plants could experience problems like the Russians. The Y2K problem could increase the chance of a core melt.
- 3. The problem of "embedded systems," microchips, microprocessors, and such systems-within-systems are difficult to identify and the effects of their multiple failures are poorly understood, especially in the U.S. power grid.

4. The audits conducted by NRC staff are too few.

These comments are addressed specifically in the discussion of "Reasons for Denial."

Reasons for Denial

The NRC is denying the NIRS petition because the NRC has determined that: (1) the actions taken by licensees to implement a systematic and structured facility-specific Y2K readiness program; and (2) NRC's oversight of licensees' implementation of these Y2K readiness programs together constitute an effective process for addressing Y2K issues such that there will continue to be reasonable assurance of adequate protection of public health and safety. NIRS has not presented any information (and no public comments have been received)

that demonstrates that: (1) the licensees' activities are fundamentally incapable of effectively addressing Y2K issues in a timely fashion; (2) licensees are not adequately implementing the Y2K readiness programs; (3) NRC's inspection, audit, and oversight activities are fundamentally incapable of providing adequate regulatory control with respect to licensee implementation of Y2K readiness programs; and (4) the NRC is not effectively implementing its inspection, audit, and oversight activities with respect to Y2K issues. Finally, NIRS has not provided any basis why the NRC's current regulatory approach, which retains the regulatory authority to order licensees to discontinue or modify their licensed activities if the NRC finds that reasonable assurance of adequate protection to public health and safety will not be provided because of Y2K issues, will be inadequate in view of the 6-month time period between July 1, 1999, when licensees are required to inform the NRC of the status of their Y2K remediation activities and the December 31, 1999, date, when Y2K-induced problems are most likely to begin occurring.

Parts (a), (b), and (d) of the NIRS proposed rule are addressed below in Sections I, II, III, IV, and V for Part 50 operating nuclear power plants, Part 50 non-power reactors, Part 50 decommissioning nuclear power plants, major licensees under Parts 40 and 70, and Part 30 and minor Parts 40 and 70 licensees, respectively. Part (c) of NIRS' proposed rule, concerning public access to Y2K information, is addressed for all types of licensees in Section VI.

I. Part 50 Operating Nuclear Power Plant Licensees

A. Industry and NRC Activities Addressing Y2K

To alert nuclear facility licensees to the Y2K problem, NRC issued Information Notice (IN) 96-70, "Year 2000 Effect on Computer System Software," on December 24, 1996. IN 96-70

described the potential problems that nuclear power plant computer systems and software may encounter as a result of the change to the new century and how the Y2K issue may affect NRC licensees. IN 96-70 encouraged licensees to examine their uses of computer systems and software well before the year 2000 and suggested that licensees consider appropriate actions for examining and evaluating their computer systems for Y2K vulnerabilities.

In 1997, the nuclear industry began to assess the Y2K challenge and work with key Federal agencies to help nuclear power plant operators prepare for continued safe operations at the start of the year 2000. In July 1997, the Nuclear Utilities Software Management Group (NUSMG), a nuclear industry working group, conducted the first industry-wide workshop on Y2K readiness.

In October 1997, the Nuclear Energy Institute (NEI) and NUSMG issued a Y2K program plan guidance document, NEI/NUSMG 97-07, "Nuclear Utility Year 2000 Readiness," to all U.S. nuclear power plant licensees. This document provides a step-by-step method to identify, test, and repair potential Y2K computer problems and contains detailed procedures and checklists for resolving Y2K issues, based on the best utility practices.

NEI/NUSMG 97-07 presented a strategy for developing and implementing a nuclear utility Y2K program. The strategy recognizes management, implementation, quality assurance (QA) measures, regulatory considerations, and documentation as the fundamental elements of a successful Y2K project. The document contains examples currently in use by licensees and also recommends that the Y2K program be administered using standard project management techniques. The recommended components for management planning are management awareness, sponsorship, project leadership, project objectives, the project management team,

the management plan, project reports, interfaces, resources, oversight, and QA. The suggested phases of implementation are awareness, initial assessment (which includes inventory, categorization, classification, prioritization, and analysis of initial assessment), detailed assessment (including vendor evaluation, utility-owned or utility-supported software evaluation, interface evaluation, and remedial planning), remediation, Y2K testing and validation, and notification.

Y2K testing is used both as an investigative tool to examine systems and components to identify Y2K problems and as a validation tool to confirm that the corrective actions have eliminated the Y2K problem. Y2K testing in support of evaluation efforts to determine whether a Y2K problem is present is performed during detailed assessments. Systems and components will then be repaired or replaced in a process known as "remediation." Y2K testing subsequent to remediation is performed to determine whether the remediation efforts have eliminated the Y2K problem and no unintended functions are introduced. Y2K testing may be performed at several levels:

- Unit testing, which focuses on functional and compliance testing of a single application or software module;
- Integration testing, which tests the integration of related software modules and applications; and

System testing, which tests the hardware and software components of a system.

For systems, components, and equipment classified as safety-related or critical to operations, the Y2K remediation activities include Y2K testing. On one end of the spectrum, there are the stand-alone, date-aware, microprocessor-based components that do not communicate digital information to any other devices. Properly performed bench testing of these devices, by the licensee or the vendor, coupled with software/firmware revision-level verification of the field devices as required, is adequate to establish their Y2K status. Repeating this test in the field as part of a plant-wide integrated test will not add any additional benefits related to system Y2K readiness. On the other end of the spectrum, the most highly complex systems, such as distributed control systems, may require in-plant testing of the remediated system. This testing may include a large portion of the plant equipment. However, even in this case, the maximum bounds of the test would involve the individual system being tested and the other devices and systems with which it communicates digital/date-related information.

NEI/NUSMG 97-07 specifies the QA measures that will apply to the activities in NEI/NUSMG 97-07 that apply primarily to project management and implementation. Documentation of Y2K program activities and results includes documentation requirements, project management documentation, vendor documentation, inventory lists, checklists for initial and detailed assessments, and record retention. NEI/NUSMG 97-07 also contains examples of various plans and checklists as appendices that may be used or modified to meet the licensee's specific needs and/or requirements.

After issuing NEI/NUSMG 97-07, NEI conducted workshops and other means of sharing the experiences on the use of the document. In November 1997, NEI and NUSMG conducted the first in a series of industry-wide workshops on Y2K issues for project managers in charge of ensuring Y2K readiness at all operating nuclear power plants. In December 1997, NEI created

an on-line bulletin board to share technical information and experiences related to testing and repairing computers and equipment.

In January 1998, the NRC issued a draft generic letter for public comment which proposed: (1) that licensees of operating nuclear power plants be required to provide certain information regarding their programs that address the Y2K problem in computer systems at their facilities; and (2) to endorse the guidance in NEI/NUSMG 97-07 as one possible approach in implementing a plant-specific Y2K readiness program, if augmented in the area of risk management, contingency planning, and remediation of embedded systems [Federal Register (63 FR 4498)]. In the absence of adverse comment on the adequacy of the guidance in NEI/NUSMG 97-07, the NRC issued GL 98-01 on May 11, 1998 [Federal Register (63 FR 27607)]. In August 1998, NEI issued an industry document, NEI/NUSMG 98-07, "Nuclear Utility Year 2000 Readiness Contingency Planning," that provided additional guidance for establishing a plant-specific contingency planning process. NEI/NUSMG 98-07 addressed management controls, preparation of individual contingency plans, and development of an integrated contingency plan that allows the licensee to manage internal and external risks associated with Y2K-induced events. External events that should be considered for facility-specific contingency planning include electric grid/transmission/distribution system events, such as loss of off-site power, grid instability and voltage fluctuations, load fluctuations and loss of grid control systems; loss of emergency plan equipment and services; loss of essential services; and depletion of consumables. NRC considers the guidance in NEI/NUSMG 98-07, when properly implemented, as an acceptable approach for licensees to mitigate and manage Y2K-induced events that could occur on Y2K-critical dates. In GL 98-01, NRC required all operating nuclear power plant licensees to submit written responses regarding their facility-specific Y2K readiness program in order to confirm that they are addressing the Y2K problem effectively. All licensees

have responded to GL 98-01, stating that they have adopted a plant-specific Y2K readiness program based on the guidance of NEI/NUSMG 97-07, and the scope of the program includes identifying and, where appropriate, remediating, embedded systems, and provides for risk management and the development of contingency plans.

GL 98-01¹ also requests a written response, no later than July 1, 1999, confirming that these facilities are Y2K ready with regard to compliance with the terms and conditions of their license and NRC regulations. Licensees that are not Y2K ready by July 1, 1999, must provide a status report and schedule for the remaining work to ensure timely Y2K readiness. By July 1, 1999, all licensees responded to GL 98-01, Supplement 1. The responses indicated that 68 plants are Y2K ready and 35 plants need to complete work on a few non-safety computer systems or devices after July 1, 1999 to be Y2K ready.

As part of its oversight of licensee Y2K activities, NRC staff conducted sample audits of 12 plant-specific Y2K readiness programs. The objectives of the audits were to —

Assess the effectiveness of licensees' programs for achieving Y2K readiness and in addressing compliance with the terms and conditions of their license and NRC regulations and continued safe operation.

¹On January 14, 1999, NRC issued GL 98-01, Supplement 1, "Year 2000 Readiness of Computer Systems at Nuclear Power Plants," which provided licensees with a voluntary alternate response to that required by GL 98-01. The alternate response, also due by July 1, 1999, should provide information on the overall Y2K readiness of the plant, including those systems necessary for continued plant operation that are not covered by the terms and conditions of the license and NRC regulations.

- Evaluate program implementation activities to ensure that licensees are on schedule to achieve Y2K readiness in accordance with GL 98-01 guidelines.
- Assess licensees' contingency planning for addressing risks associated with events resulting from Y2K problems.

The NRC determined that this approach was an appropriate means of oversight of licensee Y2K readiness efforts because: (1) all licensees had committed to the nuclear power industry Y2K readiness guidance (NEI/NUSMG 97-07) in their first response to NRC GL 98-01; and (2) the audit would verify that licensees were effectively implementing the guidelines. The audit sample of 12 licensees included large utilities such as Commonwealth Edison and Tennessee Valley Authority as well as small single-unit licensees such as North Atlantic Energy (Seabrook) and Wolf Creek Nuclear Operating Corporation. The NRC staff selected a variety of types of plants of different ages and locations in this sample in order to obtain the necessary assurance that nuclear power industry Y2K readiness programs are being effectively implemented and that licensees are on schedule to meet the readiness target date of July 1, 1999, established in GL 98-01. Also, NRC staff had not identified any Y2K problems in safety-related actuation systems as part of its audit activities.

In late January 1999, the NRC staff completed the 12 audits. At the conclusion of the audits, the NRC staff had the following observations:

Plant-specific Y2K projects based on NEI/NUSMG 97-07 began in mid to late
1997. Use of NEI/NUSMG 97-07 guidance results in an effective, structured
program. The programs are generally on schedule for plants to be Y2K ready by

July 1, 1999. However, at some plants the licensees have scheduled some remediation, testing, and final certification for the fall 1999 outage.

- Management oversight is vital for program effectiveness.
- Sharing information through owners groups, utility alliances, the Electric Power Research Institute, and NEI is aiding the overall nuclear industry effort.

Independent audits and peer reviews of programs are very useful.

- Safety system functions are usually not affected. There is limited computer use in safety-related systems and components.
- Failures identified in embedded devices have generally not affected the functions performed but have led to errors such as incorrect dates in printouts, logs, or displays.
- Central control of Y2K program activities, effective QA (including the use of existing plant procedures and controls), and independent peer reviews promote consistency across activities and improve the program.

On the basis of these audit observations, the NRC staff concluded that the audited licensees are effectively addressing Y2K issues and are undertaking the actions necessary to achieve Y2K readiness in accordance with the GL 98-01 target date, although some plants will have some remediation, testing, and final certification scheduled for the fall 1999 outage. The

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NRC staff did not identify any issues that would prevent these licensees from achieving Y2K readiness.

Licensee Y2K contingency planning efforts had not progressed far enough during the original 12 audits for a complete NRC staff review of the adequacy of implementation of the Y2K activities. Therefore, the NRC staff audited the contingency planning efforts of six licensees different from the 12 included in the initial sample Y2K readiness audits. These audits focused on the licensee's approach to addressing both internal and external Y2K risks to safe plant operations based on the guidance in NEI/NUSMG 98-07. These audits were completed in June 1999.

In addition to NRC staff activities addressed above, NRC regional staff reviewed plantspecific Y2K program implementation activities at all operating nuclear power plants. The regional staff used guidance prepared by NRC Headquarters staff, which conducted the 12 sample audits. These reviews were completed by July 1999. One of the public comments received by NRC in response to the petition indicated that the audits conducted by NRC staff are too few. On the basis of the information above, the NRC staff has reviewed the Y2K programs at all operating nuclear power plants, thereby addressing this comment.

NRC staff will continue its oversight of Y2K issues at nuclear power plants through the remainder of 1999. On the basis of the reviews of the licensee responses to GL 98-01, Supplement 1, findings of the additional audits and reviews, and any additional information, NRC will, by September 1999, determine the need for issuing orders to address Y2K readiness issues, including, if warranted, shutdown of a plant. At this time, NRC believes that all licensees

will be able to operate their plants safely during the transition from 1999 to 2000 and does not believe that significant plant-specific action directed by NRC is likely to be needed.

As discussed above, GL 98-01 set a date of July 1, 1999, for licensees to submit information on their efforts to complete their plant-specific Y2K program. The July 1, 1999, date was selected to ensure that there would be adequate time for the Commission to determine what additional regulatory action, if any, would be necessary to ensure that Y2K problems will not threaten adequate protection to public health and safety. Licensees of plants with a projected completion date by September 30, 1999, will be monitored to ensure that the schedules are maintained. Completion of plant-specific items identified by licensees in the generic letter responses will be documented in routine NRC inspection reports. The licensees of the plants that are scheduled to be Y2K ready after September 30 will receive additional scrutiny on a case-by-case basis to ensure that no Y2K deficiencies remain. If, by September 30, 1999, it appears that Y2K readiness activities will not be completed by December 31, 1999 transition such that there is sufficient assurance that all license conditions and relevant NRC regulations² are met, the NRC will take appropriate regulatory action, including the issuance of orders requiring specific actions, if warranted.

²These regulations are —

- 10 CFR 50.36, "Technical Specifications," paragraph (c)(3), "Surveillance requirements," and paragraph (c)(5), "Administrative controls."
- 10 CFR 50.47, "Emergency Plans," paragraph (b)(8).
- Appendix B to 10 CFR Part 50, Criterion III, "Design Control," and Criterion XVII, "Quality Assurance Records."
- Appendix E to 10 CFR Part 50, Section VI, "Emergency Response Data System."

Appendix A to 10 CFR Part 50, General Design Criterion (GDC) 13, "Instrumentation and Control"; GDC 19, "Control Room"; and GDC 23, "Protection System Failure Modes."

NIRS presents no information or argument why these above actions by the licensees and the inspection, auditing, and oversight activities of the NRC are insufficient to address Y2K problems, such that actions required in NIRS' proposed rule are necessary.

B. The Need for Y2K "Compliance," as Opposed to "Readiness"

NIRS' proposed rule would require that nuclear power plants be shut down by December 1, 1999, unless licensees demonstrate that Y2K compliance has been achieved. However, NIRS has not explained why "Y2K compliance," as opposed to "Y2K readiness," is necessary. "Y2K compliant" is generally understood as referring to computer systems or applications that accurately process date/time data (including but not limited to calculating, comparing, and sequencing) from, into, and between the 20th and 21st centuries, the years 1999 and 2000, and leap-year calculations. "Y2K ready" is generally understood as referring to a computer system or application that has been determined to be suitable for continued use into the year 2000 even though the computer system or application is not fully Y2K compliant. For "Y2K ready" systems, licensees may have to rely upon work arounds and other activities to ensure that the systems, components, and equipment function as intended. Prudence might lead to Y2K compliance as an objective for remedial activities in order to reduce licensee costs of implementing workarounds and other activities in the interim until full Y2K compliance is achieved. However, protection of public health and safety does not necessitate establishment of Y2K compliance as a regulatory requirement, and failure to achieve compliance should not require plant shutdown, so long as Y2K readiness is achieved. Accordingly, the NRC does not believe that a rule that requires Y2K compliance, or Y2K readiness, is appropriate or necessary for ensuring reasonable assurance of adequate protection at nuclear power plants after December 1, 1999.

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C. Limited Susceptibility of Nuclear Power Plant Systems to Y2K Problems

NRC audits and reviews indicate that most nuclear power plant systems necessary for shutting down the reactor and maintaining it in a safe shutdown condition are not susceptible to Y2K problems. The majority of commercial nuclear power plants have protection systems that are analog rather than digital. Because Y2K concerns are associated with digital systems, analog reactor protection system functions are not affected by the Y2K issue. Errors such as incorrect dates in printouts, logs, or displays have been identified by licensees in safety-related devices, but the errors do not affect the functions performed by the devices or systems. Most Y2K issues are in balance-of-plant and other systems that have no direct functions necessary for safe operation of the reactor.

With respect to safety systems using digital electronics that are necessary for performing safe-shutdown and maintaining the reactor in a safe shutdown condition, licensees are undertaking the NEI/NUSMG 97-07 and NEI/NUSMG 98-07 processes described above for addressing Y2K problems. With respect to balance-of-plant systems, licensees implementing their plant-specific Y2K program are classifying important balance-of-plant and other non-safety-related systems (such as those that support continued plant operations, provide information and aid to the plant operators like sequence-of-events monitoring for tracking post-shutdown status of plants, and whose failure could lead to a plant transient or trip) as "mission-critical" or "high." Systems and equipment classified as mission-critical or high, when found to be Y2K susceptible during the assessment stage of the Y2K program, are also scheduled to be remediated similar to safety-related systems.
In sum, the NRC believes that the actual scope of plant systems necessary to provide reasonable assurance of adequate protection to public health and safety, which are potentially susceptible to Y2K problems, is relatively limited and that the licensees' current activities are sufficient to ensure that Y2K problems will not adversely affect safety-related or balance-of-plant systems.

D. Public Comments

One public comment in support of the NIRS petition stated that embedded chips are difficult to identify and the effects of their failures are poorly understood, especially in the U.S. power grid. When the NRC staff was developing GL 98-01, it recognized that embedded systems pose a potential Y2K problem that must be recognized and addressed in any successful Y2K effort. Accordingly, GL 98-01 informed licensees that Y2K programs should be augmented to address remediation of embedded systems. Licensees have stated in their responses to the generic letter that embedded systems are being addressed in their Y2K programs, and these statements have been confirmed by NRC audits to date. NRC understands that the electric utilities providing power to the grid have similar efforts underway that are being monitored by the North American Electric Reliability Council.

One public comment in support of the petition indicated that the rule should require nuclear power plants to shut down 6 months before the end of the 1999 to allow a safe period of time to shut down the plant. The NRC does not agree that it takes 6 months to safely shut down a plant. Under normal conditions, it takes several hours to safely shut down a nuclear power plant by reducing reactor power gradually. However, in an emergency, the reactor can be shut down safely within seconds, either automatically or manually. The reactor will be shut down

automatically by the reactor protection system upon the sensing of an unusual condition. Moreover, the operator always has the capability to manually shut down the reactor using the reactor protection system. Accordingly, the NRC does not agree that it is necessary to shut down nuclear power plants 6 months before the end of 1999 in order to ensure a safe shutdown of the plants.

A commenter in favor of the petition stated that the Y2K problem could increase the chance of a meltdown. However, the commenter did not provide any basis for this assertion. The NRC disagrees with the commenter. Safety functions performed by the reactor protection system for shutting down the reactor and by the engineered safety features actuation for mitigating accidents, cooling down the reactor, and providing emergency power to safety systems upon a loss of offsite power are not affected by the Y2K problem. Although there is some concern that the reliability of the offsite power sources may be lower during the Y2K transition, if a loss of offsite power were to occur because of Y2K, the plant would trip automatically because all nuclear plants are designed for such an event. The emergency onsite power supply system would provide power to the safety system equipment automatically. This sequence of events is not affected by the Y2K problem because all these safety systems do not rely upon computer-operated systems or components that are date-sensitive. For these reasons, the NRC disagrees that a Y2K problem could increase the probability of a core melt accident at a nuclear power plant.

One public comment in support of the petition indicated that the audits conducted by NRC staff are too few. The NRC has responded to this comment in section I.A.

E. Summary

The NRC believes that licen**sees'** Y2K activities and programs, considered together with NRC oversight activities, provide a reasonable approach for ensuring that Y2K problems will not pose an unreasonable threat to public health and safety. NIRS has not explained why this regulatory approach will not provide reasonable assurance of adequate protection from any potential Y2K-initiated problems at operating nuclear power plants, such that the rule proposed by NIRS is necessary.

II.

Part 50 Non-Power Reactor Licensees

NRC used several methods to inform all non-power reactor (NPR) licensees of the need to ensure that their facilities are ready for the year 2000. In 1996, NRC staff contacted all NPR licensees informing them of a potential for problems in systems either controlling or supporting the reactor because of Y2K issues. In December 1996, NRC issued IN 96-70 to alert nuclear facility licensees to the Y2K problem. IN 96-70 described the potential problems that nuclear power plant computer systems and software may encounter as a result of the change to the new century and how the Y2K issue may affect NRC licensees. IN 96-70 encouraged all licensees to examine their uses of computer systems and software well before the year 2000. IN 96-70 also suggested that licensees consider appropriate actions for examining and evaluating their computer systems for Y2K vulnerabilities.

NRC also coordinated with the Organization of Test, Research and Training Reactors (TRTR) to distribute information about the Y2K problem through TRTR newsletters. These newsletters were distributed to all members of the organization to focus attention on the Y2K

problem and related ongoing activities. The staff at all 37 licensees with operating reactors receive copies of the TRTR newsletter. The TRTR newsletters articles included "Concerns about the Millennium," February 1997; "Year 2000 Concerns," February 1998; "NRC Response on Year 2000," May 1998; "More on the Y2K Issue," August 1998; and "Another Y2000 Notice," November 1998. NRC staff has confirmed through several telephone conversations and discussions during inspections that all licensees of operating reactors are aware of the Y2K concerns and have ongoing actions to be Y2K ready by the end of the year or sooner.

Since 1998, while conducting inspections of NPR facilities, the NRC staff is also verifying that licensees are addressing the Y2K problem with regard to reactor safety. NRC staff has inspected about 50 percent of the operating reactors and intends to complete the inspections of all operating NPRs by October 1999. These inspections will verify that the licensees have programs to deal with Y2K and that all digital safety equipment at these facilities are considered in the program. Moreover, most institutions that operate the NPRs have their own Y2K programs that include the NPRs.

The safety systems at most operating reactors are analog systems that are not affected by the Y2K problem. Several operating reactors have digital safety equipment that provides instrument indication to the facility operator that is part of the licensee's Y2K program. Also, seven of these reactors have digital reactor protection system functions also considered in the licensee's Y2K program. These systems operate in parallel with the analog reactor protection systems, which are not affected by Y2K. Also, the digital systems initiate reactor scrams in case of a malfunction in the digital equipment. The analog systems generally provide the required reactor safety functions. The analog systems are independent of the digital equipment and have built-in redundancy to ensure that the reactor scrams. The power levels of these reactors are

low (up to a maximum of 2 MWt) and many of them operate at low temperatures in relatively large pools of water. The only safety function that is generally required is for the reactor to scram. Thus, the Y2K concern poses very low risk. NIRS does not explain why the licensees' Y2K program activities and NRC's oversight of the licensees' implementation of the programs are inadequate such that the rule proposed by NIRS is necessary to provide reasonable assurance of adequate protection.

III. Part 50 Decommissioning Nuclear Power Plant Licensees

The suggested rule language in the petition would require that all facilities not compliant with Y2K issues be shut down by December 1, 1999. Nuclear power plants that are permanently shutdown with fuel removed from the reactor core would, therefore, not be subject to the rule as proposed by NIRS. However, since the purpose of the proposed rule appears to be directed to ensuring that Y2K problems at all nuclear power plants — both operating and decommissioning — will not pose a threat to public health and safety, the following discussion on the activities for addressing the Y2K problem at decommissioning nuclear power plants is provided.

There are two potential radiological health and safety concerns with respect to Y2K problems at decommissioning plants: (1) spent fuel storage, including site security; and (2) the actual conduct of dismantlement and decommissioning activities. Of greater concern is the spent fuel storage. The concerns in this area relate to providing sufficient cooling to the spent fuel and providing sufficient security against diversion and sabotage of the spent fuel. There are 21 decommissioning nuclear power plants that have been shut down more than a year, 6 of which have had spent fuel removed from the site. Accordingly, there are only 15

decommissioning nuclear power plants where spent fuel storage is of concern. Although licensees for all of these facilities are implementing Y2K programs, it is unlikely that Y2K problems would pose a significant problem to providing sufficient spent fuel cooling. First, electrical and makeup water systems for spent fuel pools are not computer-controlled. Moreover, even if there was an interruption in electrical power, there is a long time period for the licensee to respond to the problem before integrity of the spent fuel rods becomes an issue because sufficient time is available to take compensatory action before boiling starts. The spent fuel pool is conservatively estimated (based on the Zion units) to begin boiling 68 hours after loss of the spent fuel pool cooling system. Boiling does not become a concern until the fuel rods begin to be uncovered by boil-off of cooling water. Since fuel rods are normally covered by 23 feet of water (for purposes of shielding), and it would take approximately two weeks or more to begin uncovering the spent fuel rods (assuming that no make-up water is added to the pool), the NRC believes that there is sufficient time to recover electrical power and/or provide makeup water to prevent the fuel rods from uncovering.

The other threat to spent fuel is diversion and sabotage. Licensees of decommissioning reactors are taking steps to ensure that Y2K problems will not disable necessary security and safeguards systems and controls. Licensees with computer-based site security systems that have been identified as potentially Y2K vulnerable have tested the system for Y2K, upgraded the system to be Y2K compliant, or will make the system Y2K compliant before the end of 1999.

With respect to the safety of conducting dismantlement and decommissioning activities, the NRC does not believe that these activities are subject to Y2K problems that would pose a threat to public health and safety because the conduct of these activities in the field do not rely upon computer-controlled devices to ensure protection against radiological dangers.

In sum, licensees of decommissioning nuclear power plants are implementing Y2K activities that address equipment and systems important to safety, such that there is reasonable assurance of adequate protection to public health and safety.

IV. Major Parts 40 and 70 Licensees

To alert major Parts 40 and 70 licensees of the potential Y2K problem, NRC issued Information Notice (IN) 96-70, "Year 2000 Effect on Computer System Software," dated December 24, 1996. IN 96-70 described the potential Y2K problems, encouraged licensees to examine their uses of computer systems and software well before the year 2000, and suggested that licensees consider appropriate actions to examine and evaluate their computer systems for Y2K vulnerabilities.

In order to gather Y2K information regarding materials and major fuel cycle facilities, NRC formed a Y2K Team within the Office of Nuclear Material Safety and Safeguards (NMSS) in 1997. From September 1997 through December 1997, this NMSS Y2K Team visited a crosssection of materials licensees and fuel cycle facilities and conducted Y2K interviews. Each licensee or facility visited by the team indicated that they were aware of the Y2K issue and were in various stages of implementing their Y2K readiness program.

On June 22, 1998, the NRC staff issued Generic Letter (GL) 98-03, "NMSS Licensees' and Certificate Holders' Year 2000 Readiness Programs." This GL requested major Parts 40 & 70 licensees to submit by September 20, 1998, written responses regarding their facility-specific Y2K readiness program in order to confirm that they were addressing the Y2K problem effectively. All licensees responded to GL 98-03 by stating that they have adopted a facility-

specific Y2K readiness program and that the scope of the program included identifying and, where appropriate, remediating, hardware, software, and embedded systems, and provided for risk management and the development of contingency plans.

GL 98-03 also requested a written response, no later than December 31, 1998, which confirmed that these facilities were Y2K ready or provided a status report of work remaining to be done to become Y2K ready, including completion schedules. All licensees provided a second response to GL 98-03, which identified work remaining to be done, including completion schedules. Furthermore, following the second response, NRC requested a third written response, no later than July 1, 1999, which would confirm that these facilities are Y2K ready or would provide an updated status report.

On August 12, 1998, IN 98-30, "Effect of the Year 2000 Computer Problem on NRC Licensees and Certificate Holders," provided licensees additional information on the Y2K issue. IN 98-30 provided definitions of "Y2K ready" and "Y2K compliant," encouraged licensees to contact vendors and test their systems for Y2K problems, and described elements of a Y2K readiness program.

Between September 1997 and October 1998, the major Parts 40 & 70 licensees were also asked Y2K questions during other inspections. Based on these Y2K inspections, the licensees were aware of the Y2K problem and were adequately addressing Y2K issues. There have been no identified risk-significant Y2K concerns for major Parts 40 & 70 licensees.

NIRS' proposed rule would require that licensees be shutdown by December 1, 1999, unless licensees demonstrate that "Y2K compliance" has been achieved. However, NIRS has

not explained why "Y2K compliance" as opposed to "Y2K readiness" is necessary. NIRS asserted that NRC has not made explicit how it will define "Y2K compliance." However, NRC explicitly defined the terms "Y2K ready" and "Y2K compliant" in GL 98-03. "Y2K ready" was defined as a computer system or application that has been determined to be suitable for continued use into the year 2000, even though the computer system or application is not Y2K compliant. "Y2K compliant" was defined as a computer system or application that accurately processes date/time data (including, but not limited to, calculating, comparing, and sequencing) from, into, and between the years 1999 and 2000, and beyond, including leap-year calculations. Thus, by definition, systems that are "Y2K ready" are able to perform their functions properly. There is no discernable safety reason why achieving Y2K readiness rather than Y2K compliance should result in facility shutdown. Accordingly, there is no basis for requiring facility shutdown if a licensee cannot demonstrate Y2K compliance.

NIRS presents no information or argument why those actions by the licensees and NRC described above are insufficient to address Y2K problems and to demonstrate that reasonable assurance of adequate protection will not be provided after December 1, 1999, so that facility shutdown is necessary.

V. Part 30 and Minor Parts 40 and 70 Licensees

To alert Part 30 and minor Parts 40 and 70 licensees, the NRC issued INs 96-70 and 98-30, which have been discussed in Section IV, "Major Parts 40 and 70 Licensees."

In addition to the efforts by the NMSS Y2K Team to gather information regarding materials licensees and major fuel facilities from September through December 1997, discussed

under Section IV, NMSS staff also conducted telephone interviews with device manufacturers and distributors. Further, NRC determined that few of approximately 5,800 materials licensees use processes or have safety systems that are computer-controlled, thus minimizing potential Y2K impacts. The interviews and site visits confirmed that licensees were identifying and addressing potential Y2K problems.

From the interviews conducted by the NMSS Y2K Team, NRC learned that early versions of some treatment planning systems (computer systems for calculating dose to medical patients being treated with radiation or radioactive material) have Y2K problems and that upgrades for treatment planning systems were available. However, treatment planning systems are regulated by the U.S. Food and Drug Administration (FDA) and not by NRC because the systems do not contain licensed material. NRC has shared information on non-Y2K- compliant treatment planning systems with the FDA. For materials licensees, the NMSS Y2K Team did not identify any Y2K issues for NRC-regulated material. As a result of the interviews and site visits, NRC's focus has been to determine if any commercially available devices (medical and industrial) have potential Y2K vulnerabilities and to ensure that licensees evaluate self-developed systems, commercial off-the shelf software and hardware, and safety systems.

In addition to Y2K interviews, materials inspectors have been instructed to confirm receipt of NRC's information notices, determine whether the licensees have identified any potential problems associated with the Y2K issue, and note any corrective actions taken by the licensees. Through the routine inspection process, NRC has made assessments of the Y2K status of its materials licensees and continues to do so. To date, only the treatment planning systems described above, dose calibrators, and a tote position display for an irradiator have been identified through the inspection process as having Y2K problems. NRC materials

inspectors have indicated that licensees are aware of available upgrades for treatment planning systems and dose calibrators. The irradiator tote position display is not a safety system. Further, the irradiator tote position display system that had the Y2K problem was a one-of-a-kind modification made by the licensee (the licensee was authorized by NRC to make the modification). The irradiator licensee is updating the tote position display system to eliminate the Y2K problem. No generic Y2K issues for NRC-regulated material used by materials licensees have been identified.

NIRS asserted that NRC has not made explicit what it plans to do about those facilities that cannot prove compliance. As discussed in Section IV, "Major Parts 40 and 70 Licensees" above, NIRS has not explained why "Y2K compliance" as opposed to "Y2K readiness" is necessary. Furthermore, Y2K readiness is not required for protection of public health and safety for Part 30 and minor Parts 40 and 70 licensees due to the amount and type of licensed material used by them. The risks to the public from these facilities are low. In addition, NRC has determined that few of the approximately 5,800 materials licensees use processes or have safety systems that are computer-controlled, thus minimizing potential Y2K impacts. Accordingly, there is no basis for requiring facility shutdown if a licensee cannot demonstrate "Y2K compliance."

NIRS presents no information or argument why those actions by the licensees and NRC described above are insufficient to address Y2K problems and to demonstrate that reasonable assurance of adequate protection will not be provided after December 1, 1999, so that facility shutdown is necessary.

VI. <u>Public Information</u>

NIRS requested in item (c) of its petition that NRC adopt regulations that would require that licensees make available to the public by December 1, 1999, all information related to the examination and repair, modification, and/or replacement of all computer systems, embedded chips, and other electronic equipment that may be date-sensitive. NIRS indicated that this rule provision is necessary in order to allow "independent experts" and the public to examine this information.

The NRC has already made available to the public substantial information on Y2K and the status of licensees' activities to address potential Y2K problems and will continue to make this information public. The audit reports of the NRC staff reviews of the 12 nuclear power plant-specific Y2K readiness project activities and documentation are publicly available both in the Public Document Rooms and the NRC Year 2000 Web site. The Y2K readiness information submitted in July 1999 by nuclear power plant licensees under GL 98-01, Supplement 1, is available to the public, as with any other correspondence that is received from licensees. The reports documenting the NRC staff audits of the six nuclear power plant-specific contingency planning activities and the results of the facility-specific Y2K program reviews of all operating nuclear power plants are also available to the public. The NRC inspection reports with Y2K information from Parts 30, 40, and 70 licensees and the licensees' responses to GL 98-03 have been placed in the PDR. Summaries of (1) inspection reports with Y2K information, (2) GL 98-03 responses, and (3) interviews with a cross-section of materials and fuel cycle licensees on Y2K issues are available on the NRC Year 2000 Web site.

In view of the information that has been made available and will be made available to the public, NIRS has not provided any basis for requiring licensees, by rule, to provide public access to Y2K information beyond that which the NRC has determined must be submitted to the NRC in furtherance of the NRC's regulatory oversight.

Conclusion

The rule proposed by NIRS is not needed because the Commission has determined that the activities taken by licensees to implement a systematic and structured facility-specific Y2K readiness program, together with the NRC's oversight of the licensees' implementation of these Y2K readiness programs, provide reasonable assurance of adequate protection to public health and safety.

For these reasons, the Commission denies the petition.

Dated at Rockville, Maryland, this <u>17</u> day of <u>Curput</u>, 1999.

For the Nuclear Regulatory Commission.

Andrew L. Bates Acting Secretary of the Commission.

DOCKET NUMBER PETITION RULE PRM 50-65 (64 FR 3790)

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M LECH WARY

January 23, 1999

ATTN: Chief, Docketing and Service Branch

United States Nuclear Regulatory Commission

Washington D.C. 20555

This letter supports the three Nuclear Information Resource Service (NIRS) petitions for rulemaking regarding Y2K emergency planning, shutdown of non-compliant facilities, and assurance of reliable back-up sources of power submitted to the NRC on December 10th, 1998.

As you know, nuclear energy is a super-lethal force delicately contained by nuclear power plants. It is pure grace, supporting the efforts of nuclear power plant operators, that keeps the energy produced in those plants controlled to the extent that it is. There are constant threats to that control by power outages, faulty equipment, human error, and earthquakes to name a few. Y2K poses an additional threat. The likelihood of a Y2K-nuclear disaster does not matter. As always, there is a chance of meltdown. Y2K increases the chance, and calls for heightened responsibility by the NRC, and ultimately, the nuclear power plant operators.

What is distracting certain people in the nuclear and nuclear regulatory industries from taking necessary responsibility for Y2K preparedness and ongoing nuclear safety for that matter? Meltdown is a far greater threat to humanity and all life on Earth then any lost profits, political incorrectness, or national or global economic recession. Nuclear meltdown can render the Earth uninhabitable or a living hell for thousands of years. It is obvious which is more threatening. It is also obvious that the NRC has the responsibility to do everything in its power to prevent meltdown. The three NIRS petitions for rulemaking ask the NRC to do only the minimum to ensure nuclear safety. I ask the NRC to at least enact the three NIRS petitions immediately. If the minimum is all the NRC will do, so be it. Ultimately, Y2K or not, nuclear power production has no ethical, or humane role. It is too dangerous and needs to be discontinued.

Please act on your own conscience.

Sincerely,

Libel A. Del Jabo 12733 Manor Dr. Apubuum CA 95603 530- 889- 2704

Acknowledged by card

MAY - 6 1999

U.S. NUCLEAR REGULATORY COMMISSION RULEMAKINGS & ADJUDICATIONS STAFF OFFICE OF THE SECRETARY OF THE COMMISSION

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25 March 1999

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Dru Saunders P.O. Box 6040 B'ham. , WA

OFFICE OF SECTION RULENT MERSION ADJUDICALIZES STAFF

Editor NewYork Times

> DOCKET NUMBER PETITION RULE PRM 50-65 (64FR 3790)

Dear People of the World,

Get Real ! Pulling the comforter over your head will not make the impending, though still very preventable, Y-2-K induced Nuclear Disasters go away!

Dr. Helen Caldicott, along with many other experts and evaluators of nuclear situations, have given a clear and highest priority Warning to Humanity; We must All insist and work to see that those at the highest level of authority in our world society see to an immediate shutdown of the over 400 Nuclear Power Plants and also make sure all Nuclear weapons are deactivated/neutralized!

If these tasks are not accomplished soon, the nuclear experts are predicting a very high probability of an accidental limited Nuclear Warhead exchange, and also, almost certainly many Nuclear Power plant Meltdowns! This is not acceptable.

The younger occupants/co-passengers of this Spaceship Planet Earth are relying on the hopefully wiser and older passengers to Take Action and DO SOME-THING! Write, call, speak to leaders at all levels until we solve this epidimal survival situation. To do nothing is nothing less than condemning all future life to live in a very harsh, deadly, and contaminated radioactive environment!

Do you think pollution is making lifeforms sick now? If the people of this planet don't immediately begin to deal with this ultimate challenge, the living will envy the dead in a post nuclear disaster world.

Please act now. Demand coverage from the media on this issue now! Also demand that our public safety officials make it known to us as to the status of Y-2-K compliance with respect to our military and civilian nuclear operations.

U.S. NUCLEAR REGULATORY COMMISSION RULEMAKINGS & ADJUDICATIONS STRAFF OFFICE OF THE SECRETARY OF THE COMMISSION

Document Statistics Postmark Date <u>nv postmark</u> (Rec'd on 4/14/99) Copies Received <u>1</u> Add'l Copies Reproduced <u>5</u> Special Distribution <u>meyer</u> <u>Jallagher huranal</u> <u>PDR RIDS</u> This letter is being written in an effort to increase general awareness, thus hopefully spuring on resolute action! It's not a question of IF we can do this, IT MUST BE DONE.

Finally, we can collectively decide by the force of our will to TURN OFF/NEUTRALIZE ALL COMMERCIAL NUCLEAR POWER GENERATING PLANTS NOW. We must also DISARM ALL NUCLEAR WEAPONS! What are we waiting for?!?

> For Real, Dru Saunders

Dry Saunders P.D. Box 6040 Ballingham, WA

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http://www.y2ktimebomb.com/Tip/Lord/lord9836.htm

nowhere to be found. At this point, they don't have a Y2K clue but that won't last long. Awareness of the Year 2000 Crisis is growing dramatically. Before long, the environmentalists will realize what's happening and when they do,

They're going to go stark, raving nuts.

They're going to want to shut down everything and here's the great irony - they're probably right. We probably can't take the chance of massive, simultaneous, global failures in environmentally sensitive systems. At a minimum, we need to start testing these facilities by turning the computers ahead to the Year 2000 in a carefully controlled and isolated fashion.

When the environmentalists finally get up to speed on Y2K, they will play an immensely important role in the public discourse. Theirs will be one of the loudest up voices on the scene. With their potent, international political clout and their superb, is global organization, their Luddite tendencies will rise to the surface.

The drama of this confrontation will be compelling and political leaders all over the world will be trapped in a fascinating corner. Save the world by shutting it down and ruining the global economy. Meanwhile, all those tens of billions of clock chips keep ticking, ticking, ticking.

(Just a passing thought - consider poor AI Gore. Both ends of his stick, technology and the environment are about to turn malodorous. It'll be fascinating to watch him as well.)

My Tip of the Week is to watch the environmental movement like a hawk. When they become fully engaged in this issue, they will put immense pressure on the politicians and could very well determine the nature of the broad political response to Y2K.

Good Luck!

Browse the Y2K Tip of the Week Archives for previous editions of this column, and see many more practical Y2K Tips such as these in my book, A <u>Survival Guide</u> for the Year 2000 Problem, a sample of which can be previewed at www.SurviveY2K.com.

Read Jim Lord's Bio See Jim Lord's Speaking Engagements

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NUCLEAR POWER AND Y2K

In mid-1998, a nuclear utility in Sweden decided to see what would happen if it switched the clocks in its reactor's computers to read January 1, 1999. The response surprised utility officials, who had expected business as usual. The reactor's computers couldn't recognize the date (1/1/99) and thus turned the reactor off. If the utility had waited to run this test. New Year's Eve would have been rather cold in Sweden. The Y2K computer bug caused the problem.

The Y2K computer bug has the potential to affect the safety and operation of commercial nuclear power reactors, other major nuclear facilities, and the entire electrical power grid. This is true in the U.S. and abroad. While utilities are working to correct their Y2K vulnerabilities, it is not clear that all such problems will be fixed in time. Citizens can play an important role in ensuring that any Y2K-related disruptions are minimized by encouraging their utilities, state and local governments, and federal regulators and officials to devote the resources necessary to address the issue and to make appropriate contingency and emergency plans to cope with unexpected circumstances.

BACKGROUND

The Y2K computer bug stems from the early days of computers, when memory was very expensive. Software designers saved on memory costs by writing date-sensitive functions with a two-digit year (i.e. 98 instead of 1998). Thus, when the program reaches the year 2000, it may read it as 1900, with unpredictable ramifications. Many of these early programmers assumed their programs would be obsolete by 2000. Unfortunately, the practice continued for many years, and affects not only the early mainframe computers, but also personal computers and other electronic devices that use preprogrammed "embedded chips."

In addition, depending on how programs were written, other dates may set off problems, including January 1, 1999, September 9, 1999, February 29, 2000, and others.

YZK AND NUCLEAR SAFETY

The federal Nuclear Regulatory Commission and the nuclear power industry, through its trade association Nuclear Energy Institute (NEI), claim that the Y2K bug does not affect the safety of atomic reactors.

This attitude, while reassuring, may be overly optimisuc. For example, an NRC audit of the Seabrook

reactor in New Hampshire, released November 6. 1998, found, in this single power plant, 1.304 separate software items and embedded chips that were affected by the Y2K bug. Twelve of these were described as having "safety implications." including the critical Reactor Vessel Level Indication System; another 13 could cause the reactor to trip (itself a potential safety issue); 160 affected systems required by regulations: and 800 were "significant to business"—in other words, keeping the supply of electricity from the plant running. Only about 40% of the items were described as having "minimal" or "no impact" on plant operations.

The NRC plans to conduct audits of only 12 reactor sites (out of more than 70) and, by December 1, 1998, had completed and published only three of these. All showed some potential compromise of safetyrelated systems.

In addition, the unpredictable nature of computer and embedded chip responses to an unreadable date means that some failures of systems not directly related to safety could adversely affect safety systems or operator responses to unrelated emergencies (e.g., by providing incorrect data).

REACTORS NEED ELECTRICITY

The Y2K bug threatens to disrupt the electrical grid, and could cause local or regional blackouts. Some have predicted a national electrical blackout. Consider that there are more than 1,000 different utilities, public and private, and non-utility generators of electricity in the U.S. and Canada. In June 1998, a U.S. Senate Committee issued a survey of the ten largest U.S. utilities. The Committee concluded that "there is significant cause for concern" about utilities efforts to remedy the Y2K problem, that "assurances of timely Y2K compliance [are] little more than a hope," and that, because the utilities surveyed are the largest in the nation. "we are pessimistic about the implications for the rest of the utility sector."

Failure of some small utilities could cause instability in the electrical grid, leading to localized blackouts; failure of one or more larger utilities could lead to regional blackouts. While this would be inconvenient at best for most people, it is potentially disastrous for nuclear reactors.

A little-known reality of nuclear power is that atomic reactors need a steady source of electricity to 400 cool their cores and irradiated fuel poets even when 300 they are snut down. Without this cooling ability, even closed reactors would melt down; fuel pools would boil dry and release their highly-radioactive inventories. The Nuclear Regulatory Commission considers this "station blackout" scenario to be among the largest contributors to risk of operating reactors.

To compensate, nuclear plants are required to have back-up power sources. These are normally giant generators that run on diesel oil and each reactor is required to have two of them (although some multireactor sites share generators). But these diesel generators can be unreliable. At best, the NRC says they are 95% reliable. That means that if all 200 or so generators were required at one time, 10 may fail. Moreover, there is reason to believe, given the operating history of these generators, that the 95% level is little more than wishful thinking.

WE'VE GOT EMERGENCY PLANS, OR DO WE?

Nuclear utilities have been slow to design and implement contingency plans to cope with unforeseen Y2K-related problems. The Senate Committee found, in June 1998, that "none of the utilities surveyed had completed contingency plans..."

For the most part, contingency plans will be folded into existing emergency response plans at nuclear utilities. But these emergency plans, which include emergency evacuation capabilities, are tested only once every two years, meaning that under current regulations, at least half the utilities will never even test their Y2K-related plans.

All nuclear emergency plans rely heavily on off-site sources of assistance, including police, fire and other essential services. But these services, as well as critical communications abilities, also may be vulnerable to the Y2K bug if not properly assessed, remedied and tested.

THE INDUSTRY RESPONSE TO YZK

The utility industry, including the nuclear utilities and the NRC, has been working to resolve Y2K issues. For the most part, they say they will be "Y2K ready" (which does not necessarily mean compliant) by the turn of the millennium.

But many utilities began working on the problem late, and some have not even completed their initial assessments of the scope of their problems. Once the assessments are completed, utilities must repair the problems, if possible, or purchase and install new systems. Then systems must be tested, itself a timeconsuming process that may reveal still more bugs and uncompatibilities. Few utilities have allowed themselves more than a few months to fully test all systems and repair any new problems found.

WHAT YOU CAN DO

Citizens can take several proactive steps to help assure that Y2K-related disruptions will be minimized and that effective emergency and contingency plans are implemented.

In December 1998, the Nuclear Information and Resource Service (NIRS) submitted three emergency petitions for rulemaking to the NRC. These call for:

- the shutdown of all reactors that are not demonstrably Y2K compliant through full testing, by December 1, 1999 until they are compliant;
- installation of additional sources of backup power to replace or supplement the existing diesel generators. These may include solar, wind, natural gas, hydro or other dedicated power systems;
- a requirement that every nuclear utility test a full-scale emergency plan during 1999 with a scenario that includes a Y2Krelated component.

Concerned people should write to the NRC (U.S. NRC, Washington, DC 20555, Attn: Docketing and Service Branch) in support of these petitions. Copies of the petitions are available from NIRS.

People can also contact your state and local officials and urge them to institute separate emergency and contingency plans for your state, paying special attention to the possibility of electrical blackouts and telecommunications failures.

Finally, people should contact their federal legislators and demand continued congressional hearings on the nuclear industry and Y2K, and ask their Congressmembers to support the NIRS petitions.

The Y2K issue is, by its very nature, rapidly changing. New information continually is being developed. For the latest information, check the NIRS website (<u>http://www.nirs.org</u>) or contact NIRS.

Michael Mariotte, December 1998 Nuclear Information and Resource Service 1424 16th Street NW, #404, Washington DC 20036 202.328.0002; fax: 202.462.2183 <u>nirsnet@nirs.org</u>, http://www.nirs.org

WORLD.WATCH

HOW MANY CHERNOBYLS?

The Nuclear Power Industry Could Produce Three More Chernobyl-Sized Accidents by the Year 2000

BY CHRISTOPHER FLAVIN

hrough April 25, 1986, the Chernobyl 4 nuclear reactor was one of the world's most reliable. It had the best operating record of any power reactor in the Soviet Union, producing at 83 percent of capacity in 1985. But on April 26th it exploded, hurling the contents of its radioactive core across Europe.

That such a seemingly reliable reactor should be the site of the world's worst nuclear power accident raises fundamental questions about the safety of nuclear power everywhere. Like Three Mile Island before it, Chernobyl reminded us that capturing the energy of the atom is, by its nature, a risky proposition. But how risky is it? How many Chernobyls might nuclear power have in store for us?

Long before Chernobyl, nuclear experts had agreed about the possibility of accidents killing people and irradiating large areas. Indeed, despite major design differences between the Chernobyl plant and those used in the West, the risk of a serious accident is one characteristic that all large nuclear reactors share.

The real argument is over the frequency of serious accidents. Defenders of the industry claim catastrophic accidents are extremely rare events. At the United States Atomic Energy Commission, precursor to the Nuclear Regulatory Commission-(NRC), Dixie Lee Ray often argued that nuclear power was safer than eating because more people had choked to death than had died from nuclear power.

Since the accident at Chernobyl, however, it seems inevitable that many people will die from nuclear power, and for the most part, the risk they have taken is an involuntary one.

The Calculus of Catastrophe

To calculate the odds of nuclear disaster, engineers developed a modeling tool in the early 1960s known as probabilistic risk assessment. Using this method, analysts study accident scenarios and failure probabilities of critical components, estimate safety margins, and develop overall estimates of risk.

Government-sponsored studies in the United States and West Germany have estimated that severe nuclear core-damaging accidents should occur once every 10,000 "reactor years." (A reactor year is a unit used in discussing experience in operating nuclear reactors. The world's current total of 366 operating nuclear power reactors chalked up 366 reactor years in 1986, for example, regardless of how many days they were actually on line.)

Even if the one-in-10,000 figure is correct, assuming that 500 nuclear plants are in operation by the late 1990s, there would be one core-damaging accident every 20 years. However, a post-Three Mile Island study by the Oak Ridge National Laboratory in 1982 raised the risk to once in 4,000 reactor years, or once every eight years.

Experience so far indicates that these estimates are based on uncertain assumptions that often do not reflect actual plant conditions. For example, circuit breakers connected to crucial safety systems at the Salem nuclear plant in New Jersey were estimated to have a one in 33,000 chance of failing. Yet, two circuit breakers malfunctioned in one week. Only prompt action by an alert operator prevented a serious accident.

Redundant safety systems have also been simultaneously destroyed, supposedly a highly improbable event, leaving no margin for safety. The 1975 Browns Ferry fire in Alabama destroyed several redundant electrical systems, shutting down the control room and threatening catastrophe.

January • February 1988

The limitations of probabilistic risk assessment as an accurate forecasting tool were detailed in a 1986 report by the Paris-based Nuclear Energy Agency, which concluded that they are useful in evaluating the reliability of particular plant components but of uncertain validity when assessing overall safety.

So far nuclear power has been more accident-prone than predicted by the experts. Three Mile Island occurred after 1,500 reactor years, and Chernobyl after another 1,900 (see Figure 1). Core-damaging accidents are occurring at over twice the rate predicted by the Oak Ridge study, casting doubt on the accuracy of these major probabilistic assessments.

Of course, not all core-damaging accidents t in major releases of radioactive material; hree Mile Island the secondary containment vessel held virtually all the core material inside. On the other hand, much of the Chernobyl core was deposited on forests and farmland thousands of kilometers away.

With more nuclear power plants coming on line, especially in Europe, the chances and likely frequency of a serious accident are increasing as well. Assuming a continuation of the accident rate of one core-damaging accident every 1,900 reactor years, there would be three additional accidents by the year 2000.

At that point, with 500 reactors in operation, core-damaging accidents would occur

four years. Scientists in Sweden and West nany have used this data to estimate a 70 percent probability that another such accident will occur in the next 5.4 years.

These figures are not a prediction of what will happen in the future, but rather an indication that the worldwide nuclear accident rate has already become unacceptable. The nuclear industry cannot, and perhaps should not, survive the public opposition that would be the unavoidable consequence of a continuation of this dismal history.

Blind Faith in Technology

When Pennsylvania's Governor Richard Thornburgh toured nuclear facilities in the Soviet Union in 1979, he was informed that nuclear safety was "a solved problem" and that it would soon be possible to safely operate a reactor in Red Square. Three Mile Island, he was told, had little relevance to the Soviet nuclear program. Complacency and arrogance clearly helped sow the seeds of disaster in the Ukraine. The Chernobyl plant exploded when operators overrode multiple safety systems during a test. These actions, along with statements by Soviet officials, demonstrate that the Soviets had an almost blind faith in technology.

Ironically, the excellent performance of the Chernobyl plant may have bolstered this overconfidence, encouraging the operators' blatant violations of safety procedures.

Figure 1.



Cumulative Years of Nuclear Reactor

Operation

Worldwide.

2000

1960-85, with

Projections to

The accidents at Chernobyl and Three Mile Island can be traced to human mistakes and, more specifically, to the "man-machine interface" at the center of complex technology.

The President's Commission on the Accident at Three Mile Island stated in its 1979 report: "Equipment can and should be improved to add further safety to nuclear power plants...But as the evidence accumulated, it became clear that the fundamental problems are people-related problems and not equipment problems."

The conclusions of the official Soviet report on the Chernobyl disaster were similar: "The prime cause of the accident was an extremely improbable combination of violations of instructions in operating rules committed by the staff of the unit. . . The accident assumed catastrophic proportions . . . because all the negative aspects of the reactor design . . . were brought out by the operators."

www.utne.com/y2k available online at This book is also

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We can't fix critical problems or plan work-arounds without such information. Accordingly, all of us need to press businesses and governments for much more openness about the state of their Y2K compliance efforts. We need to know about the risks associated with the failure of embedded chips in hospital medical devices and systems, and breakdowns of the supply chain for life-preserving pharmaceuticals. We need to know the Y2K status of key infrastructure components in our localities, such as transportation and firefighting systems. We need to develop contingency plans for possible failures in power grids, in communications systems, in water and food supply networks, and in solid waste disposal.

We must make contingency plans to address some of the "worst-case" scenarios if we hope to be able to mitigate them. Community organizing efforts led by churches, synagogues, schools, and other local institutions, for instance, could consider setting up emergency relief centers, complete with supplies of food, water, and blankets, as well as backup generators and fuel. Such relief centers might help members of the public feel protected against freezing or starving in the event of a major infrastructure breakdown. If people are aware that such relief centers and plans exist, they will have the confidence to remain calm and can help prevent or minimize the risk of civil disorder that could follow from hoarding and other individual/exclusive behaviors, rather than community/ inclusive responses to infrastructure breakdowns.

We must be citizens of the world and participate in setting global priorities—identifying and attending to those Y2K-related risks that threaten us with global disruption and massive damage to public health and the natural world. At the top of the list should be <u>nuclear power plants</u> and other ultrahazardous processes such as toxic chemicals and weapons systems.

Obviously, no individual or group can solve the Y2K challenge alone. Each of us must take responsibility, individually and collectively. The Y2K crisis requires collaboration among neighborhoods, communities, cities, states, and governments across the traditional boundaries of competition and national borders. In working together to meet this formidable challenge we can affirm our interconnectedness and common humanity.

Charles R. Halpern is president and chief executive officer of the Nathan Cummings Foundation, a national grantmaking organization that supports the arts, environment, Jewish Life and democratic values. During the past six months, he has convened a number of foundation meetings on Y2K. He is a pioneer of the public interest law movement and served as founding dean of the City University of New York Law School at Queens College.

r a soto ie ac-brical Center 5000 Dominion Boulevard Glen Allen Atrginia 23060



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GL99-008

February 19, 1999

Secretary U. S. Nuclear Regulatory Commission Washington, D.C. 20055-0001 Attn: Rulemakings and Adjudications Staff

DOCKET NUMBER PETITION RULE PRM 50-65 (64FR3790)

F

NUCLEAR INFORMATION AND RESOURCE SERVICE; RECEIPT OF PETITION FOR RULEMAKING

Virginia Power appreciates the opportunity to comment on three Year 2000 (Y2K) related petitions for rulemaking published in the Federal Register on January 25, 1999. The petitions were filed by the Nuclear Information and Resource Service to request that the NRC amend its regulations to:

- 1) require the shutdown of nuclear facilities that are not Y2K compliant (PRM-50-65),
- 2) require every nuclear utility conduct a full-scale emergency planning exercise that involves coping with Y2K induced failures (PRM-50-66), and
- 3) require that nuclear facilities ensure the availability of electricity to power atomic reactor and other safety systems in the event of a Y2K induced failure.

Virginia Power supports the industry comments submitted by the Nuclear Energy Institute (NEI) which recommend that these petitions be denied. The following discussion explains our position:

Current regulations address the issues raised by the petitions. Current regulations provide adequate means for licensees and the NRC to evaluate Y2K issues affecting plant systems or components important to safety. Current regulations also provide adequate means for reporting and correcting Y2K issues that threaten plant safety consistent with the facility operating license, Technical Specifications, and regulatory requirements. NRC Generic Letter 98-01 clearly establishes that the planning, development, and implementation of appropriate contingency plans or compensatory actions is important in addressing Y2K concerns.

Petition Number 1; PRM-50-65. The NRC has adequate authority within existing regulations to order the shutdown of any facility that has not taken the necessary and appropriate action to assess and remediate Y2K concerns that would threaten public health and safety. The industry proactively developed the NEI/NUSMG 97-07 Y2K

| U.S. NUCLEAR REGULATORY COMMISSION BULEMAKINGS & ADJUDICATIONS STAFF | |
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Virginia Power GL99-008 February 19, 1999 Page 2

Readiness and NEI/NUSMG 98-07 Y2K Readiness Contingency Planning guidelines to address Y2K concerns. These industry guidelines are consistent with the recommendations of NRC Generic Letter 98-01. Virginia Power has established a Y2K program based on these guidelines that includes identification, assessment, and remediation of Y2K issues affecting systems important to safety.

Petition Number 2; PRM-50-66. The NEI/NUSMG 98-07 Y2K Readiness Contingency Planning guidelines provide a process and methods for assessing and mitigating the risks associated with potential Y2K induced failures. The need for simulated excercises, development of special procedures, and Y2K specific training is considered in the contingency planning process. Contingency plan verification is included in the guidelines to provide confidence that the plans can be executed as intended.

Petition Number 3. The North American Electric Reliability Council's findings documented in a report to the U. S. Department of Energy dated January 11, 1999 indicate that the transition through critical Y2K rollover dates should have minimal impact on electric systems operations in North America. These findings do not support the need for additional regulations that would require licensees have a 60-day supply of fuel for emergency generators.

In addition, existing plant Technical Specifications establish limiting conditions for operation and surveillance requirements for offsite and onsite A.C. electrical power sources. The Technical Specifications are intended to ensure that sufficient power will be available to supply safety-related equipment required for safe shutdown and mitigation and control of accident conditions within the facility.

NRC efforts to date to address the potential impact of Y2K concerns on nuclear power plants constitute responsible actions to protect the public health and safety. The nuclear industry is adequately addressing Y2K concerns in accordance with NRC expectations established in Generic Letter 98-01. Virginia Electric and Power Company recognizes its responsibility to continue to provide safe, reliable electric power to the public. Additional regulations are not needed to fulfill this responsibility regarding Y2K issues.

If you need further information, please contact Marc Gaudette at (804) 273-2232, or Gwen Newman at (804) 273-4255.

Respectfully,

FOR J.H. M. CARTHY

James H. McCarthy, Manager Nuclear Licensing and Operations Support







North Atlantic Energy Service Corporation Seabrook, NH 03874

The Northeast Utilities System

February 24, 1999

NYN-99028

P.O. Box 300

(603) 474-9521

Chief, Rules and Directives Branch Division of Administrative Services Office of Administration U.S. Nuclear Regulatory Commission Washington, DC 20555-0001

DOCKET NUMBER PETITION RULE PRM 50-65 (64FR 3790)

Northeast Nuclear Energy Company & North Atlantic Energy Service Corporation Millstone and Seabrook Nuclear Power Stations Comments On Petitions Related to Year 2000 Computer Readiness PRM-50-65, PRM-50-66, PRM-50-67 (64 Fed. Reg. 3790 - January 25, 1999)

The purpose of this letter is to provide the NRC with the Northeast Nuclear Energy Company (NNECO) and North Atlantic Energy Service Corporation (North Atlantic) responses to the request for comments on three petitions for rulemaking from the Nuclear Information and Resource Service. These petitions are related, discussing date-sensitive, computer-related issues related to year 2000, commonly referred to as Y2K issue. (64 Fed. Reg. 3790 - January 25, 1999)

NNECO and North Atlantic recommend that the Commission deny the three Y2K related petitions from Nuclear Information and Resource Services. Current regulations are adequate to address potential issues that may arise from potential Y2K computer issues.

NNECO and North Atlantic endorse the comments being provided by the Nuclear Energy Institute (NEI) for the nuclear industry. NNECO and North Atlantic have closely coordinated our efforts to assure year 2000 readiness, and have endorsed NEI/NUSMG 97-07, "Nuclear Utility Year 2000 Readiness" issued on October 20, 1997.

If you have any questions regarding these comments, please contact Mr. Terry L. Harpster, Director of Licensing Services at (603) 773-7765

Very truly yours,

NORTH ATLANTIC ENERGY SERVICE CORP.

Ted C. Feigenbaum Executive Vice President and Chief Nuclear Officer

U.S. NUCLEAR REGULATORY COMMISSION RULEMAKINGS & ADJUDICATIONS STAFF OFFICE OF THE SECRETARY OF THE COMMISSION

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United States Nuclear Regulatory Commission NYN-99028 / Page 2

cc: H. J. Miller, Region I Administrator

J. T. Harrison, NRC Project Manager, Project Directorate 1-2

R. K. Lorson, NRC Senior Resident Inspector, Seabrook

L.L. Wheeler, NRC Project Manager, Millstone Unit No. 1

S. Dembek, NRC Project Manager, Millstone Unit No. 2

J. W. Andersen, NRC Project Manager, Millstone Unit No. 3

D. P. Beaulieu, NRC Senior Resident Inspector, Millstone Unit No. 2

A. C. Cerne, NRC Senior Resident Inspector, Millstone Unit No. 3

D. L. Meyer, Chief, Rules and Directives Branch



Northern States Power Company

Minneapolis, Minnesota 55401-1993

Telephone (612) 330-5500

414 Nicollet Mall



'99 MAR -4 P3:12

February 24, 1999



DOCKET NUMBER PETITION RULE PRM 50-65 (64FR3790)

Secretary U.S. Nuclear Regulatory Commission Washington, DC 20555

Attention: Rulemakings and Adjudication Staff

SUBJECT: Comments On Petitions Related To Year 2000 Computer Readiness

Northern States Power Co. (NSP) has reviewed the three, Year 2000, Petitions and endorses the comments submitted by Nuclear Energy Institute (NEI). The three petitions are related, discussing:

- PRM-50-65: All nuclear facilities should be shutdown on 12/1/99 unless and until each is evaluated for Y2K compliance, remediation is complete, related information is made public, and full-scale testing is completed.
- PRM-50-66: Perform a full-scale emergency planning exercise involving coping with a Y2K related failure.
- PRM-50-67: Ensure the availability of "electricity to power atomic reactor and other nuclear facility safety systems" in the event of a Y2K incident.

We recommend that the Commission deny the three Year 2000 related petitions from Nuclear Information and Resource Services as discussed in the NEI response.

Sincerely,

V. Ullellerun

Mark V. McKeown Sr. Nuclear Consultant Northern States Power Co.

c: Roger Anderson Jim Davis (NEI) 1999) 1997 - Br

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DOCKETED USNRC Entergy Operations, Inc. P.O. Box 31995 Jackson. MS 39286-1995 Tel 601 368 5760

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Michael R. Kansler Vice President Operations Support

OFFIC ADJU

February 22, 1999

Mr. John C. Hoyle, Secretary U. S. Nuclear Regulatory Commission Washington, DC 20555 Attn: Rulemakings and Adjudications Staff DOCKET NUMBER PETITION RULE PRM 50-65 (64FR3790)

Subject: Petition for Rulemaking Related to Year 2000 Computer Readiness

Reference: Federal Register Vol. 64, Pages 3789 - 3793, dated January 25, 1999

CNRO-99/00008

Dear Mr. Hoyle:

In the referenced *Federal Register* notices, the NRC requested comments on petitions for public rulemaking (PRM-50-65, -66, and -67) filed by the Nuclear Information and Resource Service (NIRS) pertaining to Year 2000 (Y2K). Entergy Operations, Inc. (Entergy) appreciates the opportunity to provide comments on these petitions. In addition to the general comments presented below, Entergy strongly supports and endorses the comments submitted by the Nuclear Energy Institute (NEI) and the Nuclear Utility Backfitting and Reform Group (NUBARG).

Entergy strongly opposes the NIRS petitions for rulemaking. The issues raised in the proposed rulemaking petitions are adequately addressed in current regulations. Each nuclear licensee is obligated to meet these regulations, as specified in the facility operating license, regardless of identified pending situations and conditions such as the Y2K issue.

The Y2K issue is of great concern to the nuclear utility industry. Through various agencies, including NEI and the National Energy Resource Council (NERC), utilities are diligently working to ensure their plants are Y2K ready by December 1999. The nuclear industry is providing periodic status reports to NEI and NERC, which are available to the public. These reports not only provide a viable forum for exchange of information among the utilities, but also allow the public to discern the efforts being put forth by these entities.

As you are aware, the NRC is also gathering valuable information through the various plant audits and through information provided via Generic Letter 98-01, "Year 2000 Readiness of Computer Systems at Nuclear Power Plants."

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Petition for Rulemaking Related to Year 2000 Computer Readiness CNRO-99/00008 February 22, 1999 Page 2 of 2

In a public meeting held in October 1997, participants comprised of the NRC staff, industry experts, and other interested parties reviewed current regulatory requirements. The participants concluded these requirements are adequate to address the Y2K concern and no additional regulations are required. The NIRS petitions raise no new issues that would change this conclusion.

Because of current efforts by both the nuclear industry and the NRC, Entergy believes the NIRS petitions for rulemaking are unnecessary and would, if enacted, place unnecessary burdens on the nuclear industry without any appreciable increase in public health and safety. Therefore, Entergy urges the NRC to oppose these unnecessary and overly burdensome proposed rules.

Again, thank you for the opportunity to provide our comments.

Sincerely,

MRK/&JB/GHD/baa

cc: Mr. C. M. Dugger (W-GSB-300) Mr. W. A. Eaton (G-ESC3-VPO) Mr. R. K. Edington (R-GSB-40) Mr. C. R. Hutchinson (N-GSB) Mr. J. R. McGaha (M-ECH-65)

> Mr. G. F. Dick, NRR Project Manager, GGNS Mr. R. J. Fretz, NRR Project Manager, RBS Mr. N. D. Hilton, NRR Project Manager, ANO-1 Mr. M. C. Nolan, NRR Project Manager, ANO-2 Mr. Chandu P. Patel, NRR Project Manager, W3

> > M R KANSLER M-ECH-66

Entergy Operations, Inc. 1340 Echelon Parkway P.O. Box 31995 Jackson, MS 39286-1995

SIEMENS

February 23, 1999 LJM:99:019

Secretary, U.S. Nuclear Regulatory Commission Washington, DC 20555 Attn: Rulemaking and Adjudications Staff

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DOCKET NUMBER PETITION RULE PRM 50-65, 50-67 (64 FR 3790) (64 FR 3791)

Gentlemen :

Subject: Comments on Petitions for Rulemaking; Docket Nos. PRM-50-65 and PRM-50-67

Siemens Power Corporation (SPC) is a nuclear fuel fabricator located in Richland, Washington and is licensed by the NRC under 10 CFR Part 70 (License No. SNM-1227). We are providing these comments in response to the subject petitions for rulemaking submitted on December 10, 1998 by the Nuclear Information and Resource Service, as applicable to Part 70 licensees.

SPC recommends that the NRC reject each of the subject petitions for rulemaking submitted by Nuclear Information and Resource Service. While recognizing the importance of properly addressing Y2K issues at Part 70-licensed nuclear fuel fabrication plants, we do not believe that additional regulations are necessary to assure this is accomplished. Instead these issues can be, and are being, effectively addressed under existing regulations, existing Part 70 license conditions, and specific NRC Y2K initiatives already underway.

With respect to PRM-50-65 and its proposed requirements relative to computer systems examination, remediation, and followup testing, Part 70 uranium fuel fabrication plants are already responding to the requirements of NRC Generic Letter 98-03: NMSS Licensees' and Certificate Holders' Year 2000 Readiness Programs (June 22, 1998). That letter required licensees to provide, for the NRC's evaluation, a description of their Y2K Readiness Programs, including scope, assessment processes, corrective action plans, and testing/validation schedules. A confirmation of Y2K Readiness or alternatively, a status report of work remaining to be done, was required on or before December 31, 1998. For facilities that did not confirm Y2K Readiness on or before December 31, 1998, a similar status report is required by July 1, 1999. Both status reports require the identification of contingency plans for systems that may affect safety and safeguards. Requirements imposed under Generic Letter 98-03, under current Part 70 regulations, are sufficient to move fuel fabricators to Y2K Readiness in a manner that is open to, and auditable by, the NRC.

With respect to PRM-50-67 and its backup electrical power requirements, Part 70 fuel fabricators are once again already effectively regulated under current regulations. Requirements

Siemens Power Corporation

2101 Horn Rapids Road Richland, WA 99352 Tel: (509) 375-8100 Fax: (509) 375-8402 Acknowledged by card





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U.S. NRC February 23, 1999

to have onsite emergency electrical power generators are imposed as license conditions. Furthermore, these generators are required to be maintained in a state of readiness, validated by periodic testing. Fuel supplies are maintained at a level adequate to facilitate appropriate response/recovery actions. It should be stated that in the highly unlikely event of a total loss of electrical power (grid plus backup), conditions at SPC's plant would not threaten public health and safety. Potential adverse impacts would be limited to work areas and equipment within the plant; no catastrophic or significant loss of control or containment of special nuclear material would occur. And lastly, the provision of a tertiary (i.e. secondary backup) source of electrical power to the plant independent of the broader electrical grid, as would be required under PRM-50-67, is an unreasonable requirement that would force shutdown of SPC's plant on December 1, 1999, in the absence of any significant credible safety risk.

We appreciate the opportunity to provide comments on these petitions for rulemaking. For the reasons stated above, we urge the NRC to deny both petitions. If you have questions regarding SPC's position, please contact me on 509-375-8537.

Very truly yours,

L. J. Maas, Manager Regulatory Compliance

/pg

SIEMENS

Siemens Power Corporation - Nuclear Division PO Box 130, 2101 Horn Rapids Road, Richland, WA 99352-0130





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Mr. John C. Hoyle Secretary of the Commission Attention: Rulemakings and Adjudications Staff U.S. Nuclear Regulatory Commission Washington, DC 20555-0001

Subject: Comments on Petitions Related to Year 2000 Computer Readiness

Dear Mr. Hoyle:

Florida Power Corporation (FPC) appreciates the opportunity to comment on the three petitions related to Year 2000 computer readiness as published in the 64 Federal Register 3790, dated January 25, 1999. FPC endorses the comments on the three petitions for rulemaking provided by the Nuclear Energy Institute (NEI), by letter dated February 24, 1999, on the industry's behalf.

Sincerely,

J. J. Holden Director Site Nuclear Operations

JJH/ff

xc: Regional Administrator, Region II Senior Resident Inspector NRR Project Manager

Acknowledged by card

CRYSTAL RIVER ENERGY COMPLEX: 15760 W. Power Line Street • Crystal River, Florida 34428-6708 • (352) 795-6486 A Florida Progress Company

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February 24, 1999

ADJUD U.S. Nuclear Regulatory Commission Washington, DC 20555-0001

Attn: Rulemaking and Adjudications Staff

DOCKET NUMBER PETITION RULE PRM 50-65 (64FR3790)



Gentleman:

ULNRC-3969

COMMENTS ON PETITIONS RELATED TO YEAR 2000 COMPUTER READINESS

AmerenUE hereby submits comments in response to the NRC's request for public comments on three petitions for rulemaking from the Nuclear Information and Resource Service. These petitions are related, discussing computer issues related to year 2000 date rollover, commonly referred to as Y2K issue. (Federal Register vol. 64, Number 15; January 25, 1999)

AmerenUE has actively participated in the review and generation of comments on the three petitions for rulemaking relating to the Y2K issues, coordinated by Nuclear Energy Institute (NEI). Therefore, we fully endorse the comments submitted on February 24, 1999 by Mr. James W. Davis of NEI on behalf of the nuclear energy industry.

If you have any questions on our endorsement of these comments, please contact us.

Very truly yours,

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Alan C. Passwater Manager, Corporate Nuclear Services

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cc: M. H. Fletcher Professional Nuclear Consulting, Inc. 19041 Raines Drive Derwood, MD 20855-2432

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Regional Administrator U.S. Nuclear Regulatory Commission Region IV 611 Ryan Plaza Drive Suite 400 Arlington, TX 76011-8064

Senior Resident Inspector Callaway Resident Office U.S. Nuclear Regulatory Commission 8201 NRC Road Steedman, MO 65077

Mr. Mel Gray (2)
Office of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission
1 White Flint, North, Mail Stop 13E16
11555 Rockville Pike
Rockville, MD 20852-2738

Manager, Electric Department Missouri Public Service Commission P.O. Box 360 Jefferson City, MO 65102

February 23, 1999 Three Mile Island Alert

'99 MAR -3 P3:10

DOCKETED USNRC

Secretary, U.S. Nuclear Regulatory Commission Washington, DC 20555

Attention: Rulemakings and Adjudications Staff

Re: nuclear power and Y2K petitions for rulemaking

DOCKET NUMBER PETITION RULE PRM 50-65 (1-45R3790)

OFFICE

ADJUT

Dear Sir,

I am writing in support of the three petitions for rulemaking submitted by the Nuclear Information and Resource Service (NIRS) on December 10, 1998, regarding nuclear power and Y2K issues. The Y2K issue is of great concern to me, especially as it relates to nuclear power. The NIRS petitions for rulemaking represent modest, prudent steps to address this issue.

Everyone is in agreement that the NRC has concerns about grid stability because of the potential for station blackout. The transition into a deregulated market and especially the year 2000 increase the focus and public awareness of station blackout readiness.

The NRC can control, and should control, an improved readiness of the diesel generators to supply power for an extended period of time. A sixty day supply of diesel fuel is reasonable. This could be achieved by leasing a tanker truck(s) to provide the additional storage capacity. It (they) could be parked somewhere onsite or near the facility. There might exist in the first few months of 2000 an interruption of fuel oil for which the NRC must be prepared.

Because the failure rate of diesel generators is high enough to warrant serious concern, nuclear plants would act prudently to acquire one additional backup generator. At Three Mile Island, the Director for the Division of Reactor Projects in Region One told GPU that their diesel generators were "as ugly as he had ever seen" because of "all of the oil leaks" which made them a fire hazard.

Also at TMI, one resident inspector questioned whether testing procedures employed by GPU may not be sufficient to evaluate the diesel generators. Six months after he told me this, he had still not resolved his concerns. He has left the facility without further addressing the issue.

Following the 1993 intrusion at TMI, in my testimony to the Pennsylvania House of Representatives, I questioned whether a guard had protected the diesel generators. (The answer was no.) I explained the dangers and the rate of failure. GPU testified that diesel

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generators are much more reliable than in years past. But, no one was aware that during that hearing, TMI's diesel generators were inoperable for a period of one month.

I could provide many other accounts regarding the unreliability of diesel generators due to fires, vibrations, stuck valves failed switches, etc. just here in the state of Pennsylvania. Since the NRC has several reports and speeches about station blackout concerns, doing nothing to provide an additional margin of safety would be neglectful. The public is aware. The 1979 accident at TMI could be characterized as a "criminal negligence" accident. Nobody wants to have another one.

I urge the NRC to support these proposed rules, and to publish them in the Federal Register as soon as possible. I intend to comment upon these proposed rules when they are published; please notify me once their publication date is known.

Scott D. Portzline Three Mile Island Alert 315 Peffer Street Harrisburg, PA 17102 Security Committee Chairman

March 2, 1999

NOTE TO: Emile Julian Chief, Docketing and Services Branch

FROM: Carol Gallagher ADM, DAS

Carol Sallagho

SUBJECT: DOCKETING OF COMMENT ON PRM-50-67, "ASSURANCE OF RELIABLE BACK-UP SOURCES OF POWER FOR NUCLEAR FACILITIES"

Attached for docketing is a comment letter related to the subject petition for rulemaking. This comment was received via the rulemaking website on March 1, 1999. The submitter's name is Scott Portzline, TMI Alert, 315 Peffer Street, Harrisburg, PA 17102. Please send a copy of the docketed comment to Matthew Chiramal (mail stop O9D-4) for his records.

Attachment: As stated

cc w/o attachment: M. Chiramal



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DOCKET NUMBER

PETITION RULE

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OFFICE OF S February 23, 1999 RUL ADJUDI

C. Lance Terry Senior Vice President & Principal Nuclear Officer

Secretary U. S. Nuclear Regulatory Commission Washington, D.C. 20555

Washington, D.C. 20555 ATTN.: Rulemakings and Adjudication Staff

SUBJECT: COMMENTS ON PETITION FOR RULEMAKING RELATED TO YEAR 2000 COMPUTER (64 FR 3789, 3792 and 3793- January 25, 1999)

Gentlemen:

As requested in the referenced federal register notice, TU Electric submits comments to the proposed three related petitions [3789, 3792, 3793] 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 that nuclear facilities be shut down if they are not compliant with Y2K issues. The two related petitions would require nuclear power plant and major fuel cycle facilities to develop and implement adequate contingency and emergency plans to address potential system failures (PRM-50-66) and to provide reliable back-up sources of power for nuclear facilities (PRM-50-67).

We recommend that the Commission deny this petition related to year 2000 computer issues. Current regulations are adequate to address potential issues that may arise from potential Y2K computer issues. NRC Generic Letter 98-01 summarizes some of the applicable regulatory requirements. NRC staff oversight of the industry's year 2000 remediation is providing the technical information needed by the Commission to make informed decisions and ensure public health and safety.

(A)

TU Electric endorses comments developed by NEI and NUBARG addressing the Petition for Rulemaking filed by the Nuclear Information and Resource Service (64 Fed. Reg 3789-1/25/99).

Concurrently, to date, CPSES has responded to GL-98-01 and has evaluated Supplement 1 to the GL. In July of 1999, CPSES will respond to the second half of GL-98-01 via the requirements as noted in Supplement 1. The second response will confirm Y2K readiness of the facility with regard to those systems within the scope of the license and NRC regulations, and those systems required for continued operation of the facility after January 1, 2000. For

COMANCHE PEAK STEAM ELECTRIC STATION P.O. Box 1002 Glen Rose, Texas 76043-1002

Acknowledged by can

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TXX-99058 Page 2 of 4

those systems which are not Y2K ready as of July 1, 1999, the TU Electric will provide a status and completion schedule for achieving readiness by the year 2000.

CPSES has already completed the initial assessment of what systems/components fall within the Y2K scope as identified in the GL. CPSES has had two separate outside organizational evaluations/audits performed. One performed by a consultant group and the other by a joint utility evaluation group. Concurrently, two different in-house evaluations have occurred as well.

CPSES contingency plans are developed to reduce the risks associated with Y2K induced events to assure safe and continued operations of CPSES during Y2K transition points and beyond. Contingency plans are three fold to identify processes associated with internal risks, external risks and the development of an integrated contingency plan which will marry with the Corporate Y2K plan to assure utility viability during the Y2K transition dates and beyond.

All Y2K contingency plans for CPSES are routed through a Continency Plan Steering Committee composed of system and planning experts to review the plans for consistency, thoroughness, assess justifications and evaluate the body of plans to assess the integration of all identified plans into the final integrated plan. Contingency Plans are based on NEI/NUSMG 98-07 and facility specific documents related to Y2K activities.

(B)

TU Electric endorses comments developed by NEI and NUBARG addressing the Petition for Rulemaking filed by the Nuclear Information and Resource Service (64 Fed. Reg 3792 and 3793- 1/25/99) (PRM-50-67) and further submits the following comments.

Offsite Power

TUE has generated a corporate wide Y2K plan which encompass reviews of equipment, plans and procedures necessary to assure continuing power and utility operation. The plan assures and confirms that offsite power will be available to CPSES not only on 1/1/2000 but beyond.

CPSES has six different sources of offsite power that is available. Of the six, two are dedicated as the preferred or alternate incoming power sources for CPSES. Loss of offsite power or undervoltage and/or degraded grid voltage problems are handled by redundant systems at CPSES. Preferred, alternate and standby power sources are available to assure reliable continuing operation of CPSES, or, in the event of a condition which leads to a reactor trip, sufficient power and load management is available. All systems were analyzed, built and tested to meet General Design Criteria and Design Basis Accident scenarios for nuclear power plants.

Abnormal Conditions and Contingencies

CPSES has taken the position that plans and procedures which have been reviewed and approved by the NRC for conditions which may occur that would be considered an 'abnormal', 'alarm', or 'emergency' condition, will be used to assess, control and mitigate any condition which may occur. If contingencies are noted specific to potential Y2K related problems, remediation actions have been generated to eliminate the problem or contingencies have been or are being developed to minimize any potential adverse condition. The contingencies are being incorporated into existing facility plans and procedures to assure (a) there is ample time to train appropriate personnel on procedural/plan changes , (b) consistency in methodology in identification and mitigation within current procedures to reduce personnel transition and human factors engineering problems, and (c) reduce the overall number of new procedures necessary to control the facility, specifically during a potential abnormal condition.

Standby Electrical Power

The following Y2K engineering assessments have been performed associated with the EDG's at CPSES. Each of theses assessments have reviewed the EDG and its auxiliaries to include the ;

- Generator load sensor
- digital speed controller
- dew point transmitter
- static voltage regulator, and

magnetic pickup selector switch modular electronic control tachometer setpoint programmer

The Chemistry Organization has also performed assessments on their instruments and equipment used to assure diesel fuel quality used at CPSES.

The nuclear industry has committed to a systematic program to find and remediate potential Y2K issues. Any safety related systems for which needed remediation has not been completed will be reported to the Commission by July 1, 1999. Quality assurance procedures and documentation of testing and remediation has been consistent with regulatory requirements.

Additional regulations are not required to ensure safe plant operation.

Licensees and the NRC are conducting contingency planning for key Y2K rollover dates. These contingency plans evaluate specific risk factors and where appropriate providing mitigation strategies. This effort provides a rational review and systematic approach to issues that could impact the continued safe operation of a plant within the conditions of its license. This is a more effective approach to ensuring plants can continue to operate and meet commitments.

TXX-99058 Page 4 of 4

Summary

The Commission has acted responsibly to address potential computer issues related to the year 2000 date rollover. The staff began its technical review early and has taken advantage of many opportunities to oversee and evaluate the industry's effort. We do <u>not</u> believe that additional regulations are needed to maintain the current high standards for public health and safety.

If you have any questions please contact Mr. Neil S. Harris at (254)-897-5449.

Sincerely,

C. L. Terry

By:

Roger D. Walker Regulatory Affairs Manager

NSH/nsh

c. Mr. E. W. Merschoff, Region IV Resident Inspectors, CPSES (2) Mr. T. Polich, NRR Mr. J. I. Tapia, Region IV DOCKET NUMBER PETITION RULE PRM 50-65 (64FR3790)

DOCKETED USNRC

'99 MAR -2 P1:27

attr: Chief, Docketing & Service Branch 1999 United States Muclear Regulatory Commission Washington D.C. 20555

I am Writing in Support of the three Nuclear Information Resource Service (NIRS) petitions for rule making regarding Y2K imengency planning, shutdown of non-compliant facilities, and assurance of reliable back up sources of power Submitted to the NRC on December 10th, 1998.

The great law of the choquois Mation states this ; "In our every deliberation we must consider the impact of our decisions on the next seven generations."

You have an opportunity to put this wisdom into action. If there is an option to safeguard against a potential meltdown - use it. Please don't usk the lives of current and future generations. Life on earth should matter more than lost Life on earth should matter more than lost Sincerely, Gritcher Mages

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chap, Il. 60646

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Palo Verde Nuclear Generating Station William E. Ide Vice President Nuclear Engineering

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Mail Station 7605 P.O. Box 52034 Phoenix, AZ 85072-2034



102-04248-WEI/SAB/RKB February 23, 1999

U. S. Nuclear Regulatory Commission ATTN: Rulemakings and Adjudication's Staff Washington, DC 20555-0001

DOCKET NUMBER PETITION RULE PRM 50-65 (64FR 3790)

Dear Sirs:

Subject: Palo Verde Nuclear Generating Station (PVNGS) Units 1, 2, and 3 Docket Nos. STN 50-528/529/530 Comments on Petitions Related to Year 2000 Computer Readiness

Arizona Public Service Company (APS) submits the following comments in response to the Nuclear Regulatory Commission's request for comments on three petitions for rulemaking from the Nuclear Information and Resource Service. These petitions discuss date-sensitive, computer-related issues related to year 2000, commonly referred to as Y2K issues (64 *Fed. Reg.* 3789-3793 - January 25, 1999).

General Comments

APS fully endorses the comments provided by the Nuclear Energy Institute (NEI) on behalf of the nuclear industry. APS recommends that the Commission not approve the petitioner's three requests for rulemaking, docketed as PRM-50-65, PRM-50-66 and PRM-50-67, related to the Y2K issue. APS believes that the petitioner's proposed amendments would provide duplicate regulation regarding the NRC's authority to address safety related issues with licensees, would result in unnecessarily prescriptive regulation that is not sufficiently focused on safety, and would divert valuable industry and licensee resources from existing Y2K readiness efforts to specific areas that provide no additional safety benefit.

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Secretary, U.S. Nuclear Regulatory Commission Comments on Petitions Related to Year 2000 Computer Readiness Page 2

PRM-50-65 Shutdown of Nuclear Facilities

Contrary to the petitioner's proposed rulemaking, there is no need to achieve 100% Y2K compliance of all devices or systems to ensure a nuclear generating station is ready for the Y2K related critical dates. While Y2K issues affecting critical systems must be remedied to maintain continued operation, the petitioner's proposed rulemaking does not differentiate between levels of significance or the systems affected.

Additionally, requiring full-scale or plant-wide integrated testing of all repairs fails to add notable benefit to existing Y2K programs. On one end of the spectrum, there are the standalone date-aware, microprocessor-based devices that do not communicate digital information to any other devices. Properly performed bench testing of these devices, by the licensee or vendor, coupled with software/firmware revision level verification of the field device as required, is adequate to establish its Y2K status. Repeating this test in the field as part of a plant-wide integrated test will not add any additional benefits related to system Y2K readiness. On the other end of the spectrum, the most highly complex systems, such as distributed control systems may require in-plant testing of the remediated system. This testing might cover a large portion of the plant equipment. However, even in this case, the maximum bounds of the test would involve the individual system being tested and the other devices and systems with which it communicates digital/date-related information. Mandating plant-wide testing does not provide any additional benefit.

Finally, the Commission already possesses adequate authority via regulations and license conditions to ensure licensees operate their facilities safely. Through the mandatory response to Generic Letter 98-01, the NRC will receive sufficient information from each nuclear utility upon which to base their decision as to the safety of each facility. Establishing new prescriptive regulations, as proposed by the petitioner, is not necessary to ensure safe plant operation.

PRM-50-66 Emergency Planning

It appears the petitioner has failed to take into consideration the nuclear and electric industries Y2K contingency planning efforts as outlined in NEI/NUSMG 98-07, "Nuclear Utility Year 2000 Readiness Contingency Planning" and the North-American Electric Reliability Council (NERC) "Year 2000 Contingency Planning Guide." The petitioner is requesting rulemaking to require all licensees to conduct one formal Emergency Plan drill with at least one Y2K failure. Most nuclear generating stations are already planning to participate in two nation wide Y2K drills through North American Electric

Secretary, U.S. Nuclear Regulatory Commission Comments on Petitions Related to Year 2000 Computer Readiness Page 3

Reliability Council assuming multiple Y2K failures, as well as preparing, and implementing numerous contingency plans for a much wider variety of issues than the petitioner requests.

The petitioner also appears unfamiliar with how Emergency Plans and their associated preparedness drills relate to Y2K contingency plans. In general, facility emergency plans are not changed in response to potential Y2K issues. The purpose of having contingency plans is to prepare to mitigate the effects of the most probable and serious malfunctions that might be initiated or exacerbated by Y2K failures. These contingency plans provide additional training, staffing and material procurement for occurrences that could happen at any time, but that have a higher probability of occurring during the key Y2K dates.

Current emergency preparedness regulations combined with increased industry planning associated with Y2K issues are sufficient to ensure safe operation and accident mitigation of nuclear plants. Adding regulations in an area where the industry is already far exceeding the petitioner's general requests would divert valuable licensee resources away from important Y2K issues.

PRM-50-67 Backup Power

The petitioner fails to provide a justifiable basis for the proposed rulemaking in this petition and also fails to provide credible alternatives to existing industry practices related to the loss of offsite power and station blackout. The petitioner's proposed backup power sources, such as solar, wind and hydroelectric, appear to be offered without a thorough understanding of the quantity of power required or of electric generation and transmission as a whole. Solar and wind are not credible backup power sources due to their dependability upon unpredictable weather conditions and are limited by the amount of power they can generate. Hydroelectric is also not a credible backup power source due to the geographic distances between hydroelectric generating stations and nuclear generating stations. Hydroelectric power would have to be transmitted to nuclear facilities using the electrical grid network.

Loss of offsite power and station blackout are issues that the nuclear industry has addressed. Sufficient redundant backup power sources are present at nuclear plants. Emergency Plans and procedures exist for responding to such events. Adequate regulations and license conditions already exist to ensure safe operation. The addition of prescriptive regulations as proposed by the petitioner, without sufficient technical justification or apparent safety benefit, is not warranted. Secretary, U.S. Nuclear Regulatory Commission Comments on Petitions Related to Year 2000 Computer Readiness Page 4

Summary

APS believes that the proposed rulemaking petitions will not serve to enhance public health and safety or the industry efforts in Y2K readiness. The petitioner's proposed regulations will only add unnecessary redundancy to existing NRC regulatory authority, establish overly prescriptive regulations that have little safety benefit, and divert valuable industry and licensee resources from those areas already identified as requiring attention. APS does not believe the petitioner's proposed regulations are required to maintain the current high standards for public health and safety.

Please contact Mr. Scott Bauer at (602) 393-5978 if you have any questions. This letter does not make any commitments to the NRC.

Sincerely, Will Kilde

WEI/SAB/RKB/mah



E. W. Merschoff M. B. Fields J. H. Moorman



NUCLEAR ENERGY INSTITUTE 109 FEB 25 ATT:15



DOCKET NUMBER

PETITION RULE PRM 50-65 (64FR3790)

James W. Davis DIRECTOR, OPERATIONS DEPARTMENT NUCLEAR GENERATION DIVISION

February 24, 1999

Secretary U.S. Nuclear Regulatory Commission Washington, DC 20555

Attention: Rulemakings and Adjudication Staff

SUBJECT: Comments On Petitions Related To Year 2000 Computer Readiness

PROJECT NUMBER: 689

On behalf of the nuclear energy industry, Nuclear Energy Institute (NEI)¹ submits the following comments in response to the Nuclear Regulatory Commission's request for comments on three petitions for rulemaking from the Nuclear Information and Resource Service. These petitions are related, discussing date-sensitive, computer issues related to year 2000, commonly referred to as Y2K (64 *Fed. Reg.* 3790 - January 25, 1999).

General Comments

We recommend that the Commission deny the three Y2K related petitions from Nuclear Information and Resource Services. Current regulations are adequate to address issues that may arise from potential Y2K computer issues. Regulatory requirements were reviewed in an October 1997 public meeting between the NRC staff, industry experts, and other interested parties. This review concluded that no additional regulations were required. The petitions do not raise new issues that would change this conclusion. NRC Generic Letter 98-01 summarizes some of the applicable regulatory requirements. NRC staff oversight of the industry's coordinated year 2000 readiness program is providing the technical information

Acknowledged by card



¹ NEI is the organization responsible for establishing unified nuclear industry policy on matters affecting the nuclear energy industry, including regulatory aspects of generic operational and technical issues. NEI's Members include all utilities licensed to operate commercial nuclear power plants in the United States, nuclear plant designers, major architect/engineering firms, fuel fabrication facilities, materials licensees, and other organizations and individuals involved in the nuclear energy issue.

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Secretary February 24, 1999 Page 2

needed by the Commission to make informed decisions and ensure public health and safety.

The NRC staff started early in its Y2K oversight effort. In December 1996 the NRC staff issued an information notice to ensure the nuclear industry recognized the potential for problems in computer systems and software. In a September 1997 report to the Commission, the staff's technical analysis determined that safety-related initiation and actuation systems (e.g., reactor trip system, engineered safety feature actuation system) were not subject to the Year 2000 concern. Industry testing has confirmed this assessment.

The NRC staff also concluded that non-safety-related, but important, computerbased systems, primarily databases and data collection necessary for plant operations that are date driven, may need modification for Year 2000 readiness. Industry testing has shown that there are cases where remediation is required, but no situation has been identified that would prevent proper operation of safety systems to shut down the plant if required.

The nuclear energy industry has taken a closely coordinated approach to year 2000 readiness, making regulatory oversight easier. In public meetings, industry technical representatives briefed the NRC staff in detail on draft industry guidelines. Staff suggestions and comments were incorporated in the final document, NEI/NUSMG 97-07, "Nuclear Utility Year 2000 Readiness" issued on October 20, 1997. All nuclear generating facilities committed to follow this standard industry program.

The NRC staff has closely monitored the implementation and evaluated the effectiveness of nuclear power plant licensee Y2K readiness programs. As part of the oversight process, the NRC staff has monitored industry training sessions, workshops and seminars. In January 1999 the NRC staff completed 12 audits of licensee year 2000 readiness programs, evaluating implementation of the standard industry program and conducting detailed technical reviews. Oversight activity has provided the staff with a clear understanding of the industry program.

By July 1, 1999, each licensee, except those who have permanently ceased operations, will report to the Commission the status of their Y2K readiness program. This report will identify any safety-related remediation that has not been completed and the facility schedule for achieving readiness. This report, combined with long-term NRC staff oversight, will provide the Commission with the technical information needed to conduct a rational evaluation of Y2K issues. Current regulations provide adequate authority if Commission action were needed to protect public health and safety. Secretary February 24, 1999 Page 3

PRM-50-65 Shutdown of nuclear facilities

Current regulations are adequate to allow both the licensee and Commission to make operability determinations for plant equipment and systems. If a Y2K issue affects the operability of a system, actions required by the license and regulations will be taken by plant operators.

As indicated earlier the industry has committed to a systematic program to find and remediate potential Y2K issues. Any safety-related systems for which needed remediation has not been completed will be reported to the Commission by July 1, 1999. Quality assurance procedures and documentation of testing and remediation has been consistent with regulatory requirements.

Additional regulations are not required to ensure safe plant operation.

PRM-50-66 Emergency planning

The additional emergency planning exercise suggested by the petition is not needed to ensure public health and safety. NRC analysis and industry testing have confirmed that safety systems will function to shut down a reactor if required. The facts do not support the petitioner's speculation that Y2K-induced events could cause severe challenges to critical safety systems leading to potential core meltdown.

Licensees and the NRC are developing contingency plans for key Y2K rollover dates. These contingency plans evaluate specific risk factors and where appropriate provide mitigation strategies to allow continued safe operation. This effort provides a rational review and systematic approach to issues that could impact the continued safe operation of a plant within the conditions of its license. This is a more effective approach to ensuring plants can continue to operate and meet commitments.

PRM-50-67 Backup power

Current regulations requiring backup power are sufficient to ensure public health and safety. Facilities operating within the requirements of their license have adequate alternate power sources.

In its most recent report issued January 11, 1999, the North American Electric Reliability Council states that, "Transmission outages are expected to be minimal and outages that may occur are anticipated to be mitigated by reduced energy transfers established as part of the contingency planning process." Widespread, long-term loss of the grid due to Y2K induced events is not a credible scenario. Secretary February 24, 1999 Page 4

The adequacy of backup power systems has been demonstrated during weather induced interruptions of the power grid.

Summary

The Commission has acted responsibly to addressing potential computer issues related to the year 2000 date rollover. The staff began its technical review early and has taken advantage of many opportunities to review and evaluate the industry's effort. The industry analysis shows that current regulations are adequate to maintain high standards for public health and safety.

We appreciate the opportunity to comment on these three petitions for rulemaking. If you have any questions please contact me at 202-739-8105.

Sincerely,

James W. Davis

Re Nuclear Powert YZK for rule making DOCKET NUMBER PETITION RULE P Februzery 20, 1992 DOCKETED USNRC PETITION RULE PRM 50-65 (64 FR 3790) .99 FEB 25 A11:15 Dear NRC 1 am writing in support of the three petitions for rule making submitted ky Nuclear Information and Resourse Service (on December 10, 1998, regarding nuclear power and YZK issues. The YZK issues are of opent concern to me, especially as it relates to nuclear power. The NIRS petitions fore rulemaking represent modest, prudent steps to zdoress this issue. i wige the NRC to support these rules, and to pub. lish them in the Federal Register as soon as possible.

i intend to comment on these rules when They are published, please notify me once their publication date is known.

Thank You, 2. Markee

Quinnell Gutwein 5674 E. 500 south Francesville, Indiana 47946

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Acknowledged by card

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Attn: Docketing and Service Branch **U.S. Nuclear Regulatory Commission** Washington, DC 20555

Re: nuclear power and Y2K petitions for rulemaking

Dear NRC:

I am writing in support of the three petitions for rulemaking submitted by the Nuclear Information and Resource Service (NIRS) on December 10, 1998, regarding nuclear power and Y2K issues. The Y2K issue is of great concern to me, especially as it relates to nuclear power. The NIRS petitions for rulemaking represent modest, prudent steps to address this issue.

DOCKET NUMBER

PETITION RULE PRM 50-65

(64FR3790) DOCKETED

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AFF

I urge the NRC to support these proposed rules, and to publish them in the Federal Register as soon as possible. I intend to comment upon these proposed rules when they are published; please notify me once their publication date is known.

Sincerely,

Aatley Coillowoode Brown 1609 Harr St. Lafayette, In 47904

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Attn: Docketing and Service Branch U.S. Nuclear Regulatory Commission Washington, DC 20555

Re: nuclear power and Y2K petitions for rulemaking

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USNRC

TAFF

Dear NRC:

I am writing in support of the three petitions for rulemaking submitted by the Nuclear Information and Resource Service (NIRS) on December 10, 1998, regarding nuclear power and Y2K issues. The Y2K issue is of great concern to me, especially as it relates to nuclear power. The NIRS petitions for rulemaking represent modest, prudent steps to address this issue.

DOCKET NUMBER

PETITION RULE PRM 50-65

(64FR3790)

I urge the NRC to support these proposed rules, and to publish them in the Federal Register as soon as possible. I intend to comment upon these proposed rules when they are published; please notify me once their publication date is known.

Sincerely, והמרין

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Attn: Docketing and Service Branch U.S. Nuclear Regulatory Commission Washington, DC 20555

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USNRC

Re: nuclear power and Y2K petitions for rulemaking



AFF

Dear NRC:

I am writing in support of the three petitions for rulemaking submitted by the Nuclear Information and Resource Service (NIRS) on December 10, 1998, regarding nuclear power and Y2K issues. The Y2K issue is of great concern to me, especially as it relates to nuclear power. The NIRS petitions for rulemaking represent modest, prudent steps to address this issue.

I urge the NRC to support these proposed rules, and to publish them in the Federal Register as soon as possible. I intend to comment upon these proposed rules when they are published; please notify me once their publication date is known.

Sincerely,

Loren Olson 928 N. Chauncey Ave. West Lafayette IN. 47906-2706.





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AFF

USNRC

Re: nuclear power and Y2K petitions for rulemaking

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(64FR3790) NOCKETED

Dear NRC:

I am writing in support of the three petitions for rulemaking submitted by the Nuclear Information and Resource Service (NIRS) on December 10, 1998, regarding nuclear power and Y2K issues. The Y2K issue is of great concern to me, especially as it relates to nuclear power. The NIRS petitions for rulemaking represent modest, prudent steps to address this issue.

DOCKET NUMBER

PETITION RULE PRM 50-65

I urge the NRC to support these proposed rules, and to publish them in the Federal Register as soon as possible. I intend to comment upon these proposed rules when they are published; please notify me once their publication date is known.

Sincerely,

Anna Cicinelli 102 Jipton St. P.O. Box 289 Battle Dround, IN 47920

Acknowledged by card

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Radiation and Public Health Project

302 West 86th Street Suite 11B New York NY 10024 Tel 212 496-6787 Fax 212 362-0348 Director: Jay M. Gould

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DOCKET NUMBER PETITION RULE PRM 50-65 (64FR3790)

February 19, 1999

Secretary OFFICE Attention: Rulemakings and Adjudications Staff L U.S. Nuclear Regulatory Commission ADJUD Washington, DC 20555

Re: Nuclear power and Y2K petitions for rulemaking

Dear Nuclear Regulatory Commission:

The Radiation and Public Health Project is a non-profit corporation with Thousands of supporters concerned about the toxic effects of nuclear radiation.

RPHP supports the three petitions for rulemaking submitted by the Nuclear Information and Resource Service (NIRS) on December 10, 1998, regarding nuclear power and Y2K issues. The Y2K issue is of great concern to our organization, especially as it relates to nuclear power.

It is our position that the NIRS petitions for rulemaking represent modest, prudent steps to address this issue. The NIRS petitions, if adopted, would establish new rules for the atomic power industry and the NRC. These rules would:

1) (Docket # PRM 50-65) require the shutdown, by December 1, 1999, of any nuclear reactor that are not demonstrably Y2K compliant, until such time as they are compliant. There is a widespread belief that the NRC has ordered the shutdown by July 1, 1999 of nuclear reactors that are not Y2K compliant. This is untrue. The NRC so far only has ordered the nuclear utilities to report by July 1 as to whether they are "Y2K ready" and if not, when they will be ready. The NRC has NEVER threatened to close any nuclear reactor for non-readiness. Rather, the NRC has said it will evaluate reactors that do not report readiness by July 1, "on a case-by-case basis."

Therefore, STAR maintains that the present regulatory plan is inadequate. The NRC must require the shutdown, by December 1, 1999, of any nuclear reactor that is not demonstrably Y2K compliant, until such time as they are compliant.

The purpose of this proposed rule is to ensure that there are standard criteria that the utilities must meet to demonstrate Y2K compliance (a stricter standard than "readiness"), and that the NRC will apply these criteria uniformly across the industry. The NIRS definition would require testing of all systems and we believe that the first test of these systems must not come on 01/01/00, but must be performed no later than June 1, 1999 in order to provide ample time to shut down any non-compliant reactors with assurance that the cooling pools for the reactor rods will continue to be supplied with a non-interrupted source of electrical power.

Nuclear reactors should not be allowed to operate on December 31, 1999 if compliance is not demonstrated, as the potential interactions among non-compliant and compliant systems presents an unknown, but foreseeable



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risk to the public. Moreover, we echo the sentiment of Congressmembers Horn, Manzullo and Kucinich, who in a December 17, 1998 letter to Shirley Jackson called upon the NRC to conduct audits at all 109 NRC-licensed power reactors and facilities.

2) (Docket # PRM 50-66) require each nuclear site to hold a full-scale emergency response exercise, no later than June 1, 1999, that includes a Y2K-related component.

The purpose of this proposed rule is to build an industry-wide storehouse of knowledge that can be called upon if Y2K problems do evidence themselves. Until July 1996, all nuclear sites were required to hold annual emergency response exercises; now they must hold them biannually. This proposed rule would simply, for one year only, return the industry to an annual exercise and require a Y2K component. The NRC and the nuclear utilities are all preparing Y2K contingency plans, and are to be commended for this. However, there is a vast difference between an untested contingency plan and an actual exercise, in which nuclear utility personnel must respond to events as if they actually

were happening. This type of training is invaluable, particularly for the type and range of problems Y2K issues could present.

3) (Docket # PRM 50-67) require each reactor to have both of its emergency diesel generators declared operable, as of December 1, 1999; have a 60-day supply of diesel fuel available on site for each generator; declare irradiated (or "spent") fuel pools to be Class 1E (or safety-related and thus requiring back-up power); and require utilities to install an additional source of back-up power for each reactor by December 1, 1999.

This proposed rule addresses what may be the most important Y2K issue-the possibility of local, regional, or widespread blackouts. Nuclear reactors require offsite electrical power to cool the reactor core and fuel pool. The scenario of losing electrical power is called by the NRC "station blackout," and according to the agency's own safety studies, this scenario represents about 50% of the risk of operating atomic reactors. In short, if an operating reactor loses power for any significant amount of time (several hours to a couple of days), the reactor will melt down.

To compensate for this, reactors are required to have emergency diesel generators, each capable of powering the entire plant. The NRC claims these generators are 95% reliable--an uncomfortably low reliability factor for an industry that requires just about 100% perfection in operations. But NIRS' own research suggests that generator reliability is considerably lower. Moreover, one of the two emergency generators is often out-of-service for routine maintenance.

This proposed rule would require both emergency diesel generators to be operable, and to have enough fuel onsite to compensate for potential fuel delivery problems caused by unrelated Y2K disruptions. Astonishingly, irradiated fuel pools, which also require cooling, are not even considered safety-related by the NRC, and thus are not subject to backup power requirements. This proposed rule would remedy that situation.

Furthermore, because of the high failure rate of emergency diesel generators, this proposed rule would require utilities to install an additional source of dedicated back-up power (which could be added to the



electrical grid once the Y2K issue is fully addressed). The petition does not specify the source of back-up power, although STAR' preference is that it be locally-appropriate renewable energy sources.

Finally, we believe that the proposed date in the petitions (December 1, 1999) is adequate, though not ideal, and it is our position that the date should be no later than June 1, 1999.

Sincerely,

Any 1 Could Jay M. Gould

Director, Radiation and Public Health Project 302 West 86 St. New York NY 10024





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AFF

PETITION RULE PRM 50-65 (64FR 3790)

DOCKET NUMBER

Ms. Annette Vietti-Cook Office of the Secretary U.S. Nuclear Regulatory Commission Washington, D.C. 20555-0001

Attention: Rulemakings and Adjudications Staff

Re: Comments on Petition for Rulemaking filed by the Nuclear Information and Resource Service (64 Fed. Reg. 3789 – January 25, 1999)

Dear Ms. Cook:

On behalf of the Nuclear Utility Backfitting and Reform Group (NUBARG),^{1/} we are submitting these comments to address the Nuclear Information and Resource Service's (NIRS or Petitioner) suggested amendment to the Commission's rules governing Year 2000 (Y2K) computer-related issues (64 Fed. Reg. 3789-90 (January 25, 1999)).

NUBARG opposes the Petitioner's suggested amendment for the reasons set forth below. In short, NUBARG makes the following comments in opposition to the Petition and the claims asserted therein: (1) there already exists an adequate regulatory basis for the NRC to take action on Y2K computer issues that could affect the public health and safety; (2) in addition to the impracticality of the Petitioner's request, there is no safety basis for requiring either a higher state of Y2K preparedness, *i.e.*, Y2K compliance, instead of Y2K readiness, or shutdown of facilities not Y2K compliant; (3) there is no reason for requiring public disclosure of information licensees voluntarily supplied to the NRC that is protected from public disclosure under exemptions to the

¹ NUBARG is a consortium of sixteen utilities which was formed in the early 1980s and actively participated in the development of the NRC's backfitting rule (10 C.F.R. § 50.109) in 1985. NUBARG has subsequently monitored the NRC's implementation of the backfitting rule.

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Ms. Annette Vietti-Cook February 24, 1999 Page 2

Freedom of Information Act or the Year 2000 Information Readiness Disclosure Act, and there is no reason to compel production of additional information; and (4) there is no basis for compelling closure of facilities if they are not Y2K compliant by December 1, 1999.

For the reasons set forth below, NUBARG requests that the NRC deny the NIRS Petition for Rulemaking in full.

NUBARG's Comments

1. There Is an Adequate Regulatory Basis to Take Action on Y2K Computer Issues

In its Petition, NIRS asserts that additional regulation is needed relative to Y2K preparedness because "the NRC has not made explicit how it will define compliance nor what it plans to do for facilities that cannot prove compliance." 64 Fed. Reg. at 3790. NIRS apparently believes that, absent regulatory change, the NRC lacks a basis for taking action should a safety-significant problem occur relative to date-sensitive, computer-related Y2K issues. The NRC has made clear, however, that it has a sufficient regulatory basis, both for seeking assurance about Y2K readiness under 10 C.F.R. § 50.54(f) and for demanding that licensees take appropriate actions to keep their facilities safe and to report Y2K problems that affect safe operations.

Specifically, the NRC cited the following regulations in Generic Letter No. 98-01:

- Reporting requirements under 10 C.F.R. Part 21 and 10 C.F.R.§§ 50.72 and 50.73 which provide for notification to the NRC of deficiencies and non-conformances, and failures, such as some of those which could result from a Y2K problem in safety-related systems;
 - 10 C.F.R. § 50.36, "Technical Specifications," paragraph (c)(3), "Surveillance Requirements," and paragraph (c)(5), "Administrative controls," which provide requirements pertaining to testing, calibration, or inspection to ensure that the necessary quality of systems and components is maintained, as well as requirements relating to management, procedures, recordkeeping, and review and audit necessary to ensure operation of the facility in a safe manner;
- 10 C.F.R. 50.47, "Emergency Plans," paragraph (b)(8), which relates to the provision and maintenance of adequate emergency facilities and equipment to support the emergency responses;

Ms. Annette Vietti-Cook February 24, 1999 Page 3

- Appendix B to 10 C.F.R. Part 50, Criterion III, "Design Control," which requires that design control measures shall provide for verifying or checking the adequacy of design, such as by the performance of design reviews, by the use of alternate or simplified calculational methods, or by the performance of a suitable testing program;
- Appendix B, Criterion XVII, "Quality Assurance Records," which requires that sufficient records shall be maintained to furnish evidence of activities affecting quality. The records are to include operating logs and the results of reviews;
- Appendix E to 10 C.F.R. Part 50, Section VI, "Emergency Response Data System," which relates to the provision and maintenance of licensee links to the ERDS;
- Appendix A to 10 C.F.R. Part 50, General Design Criterion (GDC) 13, "Instrumentation and Control," which addresses the provision of appropriate instrumentation and controls to monitor and control systems and variables during normal operation, anticipated operational occurrences, and accident conditions, as appropriate, to ensure adequate safety;
- GDC 19, "Control Room," which requires the provision of a control room from which actions can be taken to operate the nuclear plant safely; and
- GDC 23, "Protection System Failure Modes," which requires that the protection system shall be designed to fail into a safe state or into a state demonstrated to be acceptable on some other defined basis.

NRC Generic Letter No. 98-01: Year 2000 Readiness of Computer Systems at Nuclear Power Plants (May 11, 1998) ("GL 98-01").

The NRC Staff has also revised the Standard Review Plan, NUREG-0800, Chapter 7, "Instrumentation and Control," in recognition of the Y2K concern with guidance for the Staff's review of computer-based instrumentation and control systems. Thus the NRC already has the regulatory tools to monitor relevant licensee activities and to demand that licensees take appropriate actions relative to Y2K readiness to protect the public health and safety. The NRC also has a comprehensive enforcement policy that it can use to demand licensee conformance with its rules and to punish non-compliance or failure to take corrective actions. See NUREG-1600, Revision 1.

Contrary to NIRS's claim that the NRC has not been "explicit [as to] how it will define compliance," the NRC has made clear the level of compliance it expects in GL 98-01. The Generic Letter required licensees to provide written responses as follows:

Ms. Annette Vietti-Cook February 24, 1999 Page 4

- (1) Within 90 days of the date of the generic letter, licensees were to indicate whether or not they have pursued and are continuing to pursue a Y2K program similar to that outlined in an industry guidance document (NEI/NUSMG 97-07). If a licensee's program significantly differs from the NEI/NUSMG guidance, it must describe the programs that have already been completed, or are planned to ensure Y2K readiness of the computer systems at their facility(ies).
- (2) Upon completing their Y2K program or, in any event, no later than July 1, 1999, licensees are to submit a written response confirming that the facility is Y2K ready, or will be Y2K ready, by the year 2000 with regard to compliance with the terms and conditions of the facility license(s) and NRC regulations. If a licensee's program is incomplete as of that date, the response must contain a status report, including completion schedules, of work remaining to be done to confirm that the facility will be Y2K ready by the year 2000.

The NRC has audited licensee response to this generic letter and conformance to the programs they filed with the NRC. Thus, not only has the NRC defined compliance, the NRC has confirmed that licensees are doing what they said they would do and that the actions licensees are taking adequately address Y2K concerns. Therefore, no additional NRC regulation is needed to define compliance for Year 2000 readiness or to take action against facilities that are not in compliance with existing regulations.

2. There Is No Safety Basis for Implementing the Petitioner's Suggested Amendment

The Petitioner has asked the NRC to amend its regulations to: (1) require all licensee computer systems to be "repaired, modified, and/or replaced . . . such. . . that [they] are . . . Y2K compliant;" and (2) require licensees to "close" their facilities unless "all computer systems" are both "repaired, modified, and/or replaced" and "fully and comprehensively examined" "by 12 pm Eastern Standard Time, December 1, 1999." 64 Fed. Reg. at 3790. There is no safety basis for requiring either a higher state of Y2K preparedness, *i.e.*, Y2K compliance instead of Y2K readiness, than that communicated in GL 98-01, or for requiring the shutdown of facilities not Y2K compliant.

The NRC made careful study of the level of Y2K preparedness necessary to protect the public health and safety. The NRC made clear its expectations in GL 98-01 by

mak[ing] a distinction in terminology between "Y2K ready" and "Y2K compliant." "Y2K compliant" is defined as computer systems or applications that accurately process date/time data (including but not limited to calculating, comparing, and

Ms. Annette Vietti-Cook February 24, 1999 Page 5

sequencing) from, into, and between the 20th and 21st centuries, the years 1999 and 2000, and leap-year calculations. "Y2K ready" is defined as a computer system or application that has been determined to be suitable for continued use into the year 2000 even though the computer system or application is not fully Y2K compliant. (These definitions have been adopted by the NRC for purposes of this generic letter.)

The NRC determined that licensees should make plans to achieve Y2K readiness, <u>not</u> Y2K compliance. Nothing raised in the NIRS Petition demonstrates that a higher threshold of Y2K preparedness is required.

NIRS merely asserts in its Petition, without support, reference or basis, that unless all licensees are Y2K compliant "potential problems . . . from inaccurate operations logs to full reactor core meltdowns" could occur. This is a baseless, inflammatory, and irresponsible assertion. To the contrary, the NRC Staff has determined from the audits conducted that:

The NRC has no indication that significant Y2K problems exist with safety-related systems in nuclear power plants for those systems that directly affect the ability to safely operate and shut down the plants. All plants can be shut down safely, if necessary, after January 1, 2000. Most nuclear plant safety systems are operated and controlled by analog equipment which is not date-dependent and is not susceptible to the Y2K problem.

http://www.nrc.gov/NRC/Y2K/Y2KNRR.html. Thus, there is no need for rulemaking to mandate Y2K compliance for systems that operate and control safety-related equipment. Furthermore, the Petitioner appears to be asking for licensees to be compelled to make all computer systems, even those used in non-safety-related applications, fully Y2K compliant through NRC regulation. To the extent the petition addresses computer systems that do not have an impact on the safe operation of the plant, such a rulemaking would be outside the limits of NRC regulatory authority.

The NRC has completed 12 audits at licensee facilities to gauge the state of licensee Y2K preparedness, in a manner consistent with the NRC's regulatory authority. The NRC Staff has summarized their findings from the first few audits of commercial nuclear plants in this way:

- There is limited use of computers in systems essential to plant safety and continued operation.
- Industry's guidance has yielded effective Y2K readiness programs.
- Management oversight and commitment is important to the success of Y2K readiness.
- Very little contingency planning has started but is expected in line with industry guidance.
- Sharing information among plants has helped plants deal with the Y2K problem.

Ms. Annette Vietti-Cook February 24, 1999 Page 6

• Licensees need to coordinate Y2K readiness programs between the plant and corporate offices.

Ibid. Finally, the NRC's most recent report on the "Status of Y2K Programs at Nuclear Power Plants," issued January 19, 1999, had the following observation:

Nuclear power plants are generally on schedule to be Y2K ready by July 1, 1999. Licensees are completing detailed assessments of Y2K susceptibility and are remediating/replacing mission critical systems as necessary. Some licensees have scheduled testing of some mission critical remediated systems for refueling outages in the Fall 1999, but all audited licensees have confirmed that their plants will be ready to operate on January 1, 2000. *No Y2K problem in a safety-related actuation system has been identified.* (Emphasis added.)

Thus, there is no safety basis for requiring Y2K compliance as proposed by NIRS, or for requiring the rule changes proposed in the Petition.

3. There Is No Reason for Requiring Public Disclosure of Information Protected by FOIA, by the Y2K Act, or Voluntarily Supplied by Licensees

The Petitioner requests that the Commission's regulations be amended to require that, by December 1, 1999, licensees make "available to the public all information related to the examination and repair, modification and/or replacement of all such systems [*i.e.*, all computer systems, embedded chips, and other electronic equipment that may be date-sensitive]." The NIRS makes this demand "so that [the information] may be examined by independent experts and the public." 64 Fed. Reg. at 3790.

Under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, *et seq.*, federal government agencies are generally required to make available to the public information that they have obtained. The NRC implements the FOIA in 10 C.F.R. Part 9, which also lists a series of statutorily granted exemptions to release of information in response to a FOIA request. The Petitioner would compel public release of information that may be legitimately withheld from disclosure under an exemption to FOIA because it is proprietary (*i.e.*, contains trade secrets or confidential information), or related to plant security.

The "Year 2000 Information and Readiness Disclosure Act" ("Y2K Act") (Public Law No. 105-271) was enacted on October 19, 1998. Section 4(f) of the Y2K Act provides the following additional protection from disclosure of Y2K readiness information voluntarily supplied to the government:

Ms. Annette Vietti-Cook February 24, 1999 Page 7

(3) PROTECTIONS- Except with the express consent or permission of the provider of information described in paragraph (1), any year 2000 statements or other such information provided by a party in response to a special year 2000 data gathering request made under this subsection-- (A) shall be exempt from disclosure under subsection (b)(4) of section 552 of title 5, United States Code, commonly known as the "Freedom of Information Act;" (B) shall not be disclosed to any third party; and (C) may not be used by any Federal entity, agency, or authority or by any third party, directly or indirectly, in any civil action arising under any Federal or State law.

The NRC has found through its audits that licensees have been forthcoming with information related to their Y2K readiness. To the extent Y2K readiness information has been submitted under GL 98-01, it should be available to the public through the FOIA process, unless the information falls within one of the exemptions to FOIA.

NIRS has not provided any basis for compelling disclosure of any information other than that which has been and will be provided in response to GL 98-01. Licensees should not be compelled to produce and disclose information to be examined by independent experts and the public, especially when such a requirement is clearly contrary to the spirit of the Y2K Act.

4. There Is No Basis for Compelling Closure of Facilities Not Y2K Compliant by December 1, 1999

The Petitioner has requested that the NRC direct that any facility licensed under 10 C.F.R. Parts 30, 40, 50, and 70 be closed by 12 p.m. Eastern Standard Time, December 1, 1999, unless and until each facility has ". . . comprehensively examined all computer systems, embedded chips, and other electronic equipment that may be date-sensitive to ensure that all such systems that may be relevant to safety are Y2K compliant" and has "repaired, modified, and/or replaced all such systems that are not found to be Y2K compliant," and has "determined, through full-scale testing, that all repairs, modifications, and/or replacements of all such systems are, in fact, Y2K compliant." The Petitioner provides no basis for imposing an explicit shutdown requirement *(i.e., December 1, 1999)* on licensees without regard to the circumstances of each case or the degree of Y2K challenges at the specific facility. The demand for facility closure on a date certain without a safety basis clearly does not merit NRC rulemaking.

The NRC has already asked licensees to certify that no later than July 1, 1999, their facilities are Y2K ready, or will be Y2K ready, by the year 2000 with regard to compliance with the terms and conditions of the facility licenses and NRC regulations. GL 98-01 (Required Response No. 2). The NRC has an opportunity to monitor licensee conformance to its expectations and to require additional information from licensees who face unexpected challenges in attaining Y2K readiness. Thus, there is no basis for imposing a sweeping shutdown requirement on licensees.

Ms. Annette Vietti-Cook February 24, 1999 Page 8

Conclusion

NUBARG appreciates the opportunity to comment on this Petition. The NRC has taken a carefully studied approach to oversight of licensee Y2K readiness. The NIRS Petition does not provide any basis, safety or otherwise, for altering the NRC's course. This Petition also does not provide a basis for imposing the significant backfits underlying the Petitioner's proposal. Accordingly, and for the reasons set forth above, NUBARG requests that the NRC deny the NIRS Petition regarding Y2K compliance in full.

Xery truly yours inger Daniel F. Stenger

Robert K. Temple Counsel to the Nuclear Utility Backfitting and Reform Group ECOLOGICAL SOCIETY OF AM

| DOCKET NUMBER PETITION RULE PRM 50-65 (64FR 3790) '99 FEB 24 F | Post-ite Fax Note 7671 To Secretary, NRC Co./Dept. Phone # Fax # 301-415-1101 | Date 24 FL 1050 pages 1 From $O.E:=$ from $Ca.$ Phone # 607-255-3224 Fax # | (49 |
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U.S. Nuclear Regulatory Commission Washington, D.C. 20555 Attention: Rulemakings and Adjudications Staff

From: Dooley Kiefer, 629 Highland Rd., Ithaca, NY 14850

Subject: Comments on NIRS petition(s) for rulemaking

To help allay public concerns about the myriad Y2K-problem scenarios, I believe the NRC must adopt an explicit stand on what it requires of licensees and what it will do about Y2K compliance problems at nuclear facilities.

• I fully support adoption by the NRC of an amendment requiring nuclear facilities to be shut down before the end of 1999 unless and until each facility has (1) identified and fully examined all safety-related computer systems, embedded chips, and other electronic equipment that may be date sensitive; (2) repaired, modified, and/or replaced all such found to be not Y2K compliant; and (3) fully tested all such repairs, modifications, and replacements to ensure they are, indeed, Y2K compliant. The seriousness of a malfunction at a nuclear facility is non-trivial! • I support public disclosure of the details of these efforts to ensure compliance.

. I would accept a shut-down date in December 1999 later than the first -- e.g., Dec. 15 or Dec. 20.

We must rely on the NRC to assure safety, and anything less than what NIRS is proposing will not do so.

It is likely that at the coming turn of the century there will -- for a period of days at least -- be less electric demand than usual, since various activities will be voluntarily curtailed. There will not be a need to keep every reactor on line at any cost.

As an adjunct to this petition, NIRS filed two others (PRM-50-66 and 67 (?)), on which I comment briefly: •NIRS suggests all licensees participate in creating and

•NIRS suggests all licensees participate in creating and testing Y2K-related emergency planning scenarios as a way to tease out and test implementation of adequate contingency and systemfailure plans. This makes sense and is a useful adjunct to the shut-down deadline rule.

•Finally, spent-fuel pools should be required to have sufficient back-up generation to keep them cool!

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Amy Callner 1354 N. Greenview 2R Chicago, IL 60622

Annette Vietti-Cook Secretary of the Commision U.S. Nuclear Regulatory Commission fax:301-415-1101

STAFF

DOCKET NUMBER PETITION RULE PRM 50-65 (64FR3790)

February 24, 1999

Dear Ms. Vietti-Cook:

I am writing in support of the following Y2K-related petitions, submitted by the Nuclear Information Resource Service:

Docket number PRM 50-65

This petition calls for a shutdown of non-Y2K compliant licensed facilities.

Docket number PRM 50-66

This petition calls for all licensed facilities to conduct an exercise simulating a Y2K-related problem.

Docket number PRM 50-67

This petition calls for an additional source of power to licensees above and beyond the existing diesel generators in the event of a Y2K computer-related problem resulting in station blackout.

These three petitions express valid concerns and present reasonable solutions to potential catastrophe in the event of grid failure. I urge the U.S. Nuclear Regulatory Commission to adopt the recommendations presented in them.

Sincerely, Amy Callner

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STANDING FOR TRUTH ABOUT RADIATION

February 19, 1999

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

Re: Nuclear power and Y2K petitions for rulemaking

Dear Nuclear Regulatory Commission:

STAR (Standing for Truth About Radiation) is a non-profit corporation with over 2000 members on Long Island, NY that are concerned about the toxic effects of nuclear radiation.

STAR supports the three petitions for rulemaking submitted by the Nuclear Information and Resource Service (NIRS) on December 10, 1998, regarding nuclear power and Y2K issues. The Y2K issue is of great concern to our organization, especially as it relates to nuclear power.

It is our position that the NIRS petitions for rulemaking represent *modest*, *prudent* steps to address this issue. The NIRS petitions, if adopted, would establish new rules for the atomic power industry and the NRC. These rules would:

1) (Docket # PRM 50-65) require the shutdown, by December 1, 1999, of any nuclear reactor that are not demonstrably Y2K compliant, until such time as they are compliant. There is a widespread belief that the NRC has ordered the shutdown by July 1, 1999 of nuclear reactors that are not Y2K compliant. This is untrue. The NRC so far only has ordered the nuclear utilities to report by July 1 as to whether they are "Y2K ready" and if not, when they will be ready. The NRC has NEVER threatened to close any nuclear reactor for non-readiness. Rather, the NRC has said it will evaluate reactors that do not report readiness by July 1, "on a case-by-case basis."

66 NEWTOWN LANE SUITE 3 P.O. Box 4206 East Hampton, NY 11937 PHONE: 516-324-0655 Fax: 516-324-2203 www.noradiation.org

Acknowledged by card

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Therefore, STAR maintains that the present regulatory plan is inadequate. The NRC <u>must</u> require the shutdown, by December 1, 1999, of any nuclear reactor that is not demonstrably Y2K compliant, until such time as they are compliant.

The purpose of this proposed rule is to ensure that there are standard criteria that the utilities must meet to demonstrate Y2K compliance (a stricter standard than "readiness"), and that the NRC will apply these criteria uniformly across the industry. The NIRS definition would require testing of all systems and we believe that the first test of these systems must not come on 01/01/00, but must be performed no later than June 1, 1999 in order to provide ample time to shut down any non-compliant reactors with assurance that the cooling pools for the reactor rods will continue to be supplied with a non-interrupted source of electrical power.

Nuclear reactors should not be allowed to operate on December 31, 1999 if compliance is not demonstrated, as the potential interactions among non-compliant and compliant systems presents an unknown, but foreseeable risk to the public. Moreover, we echo the sentiment of Congressmembers Horn, Manzullo and Kucinich, who in a December 17, 1998 letter to Shirley Jackson called upon the NRC to conduct audits at **all** 109 NRC-licensed power reactors and facilities.

2) (Docket # PRM 50-66) require each nuclear site to hold a full-scale emergency response exercise, no later than June 1, 1999, that includes a Y2Krelated component.

The purpose of this proposed rule is to build an industry-wide storehouse of knowledge that can be called upon if Y2K problems do evidence themselves. Until July 1996, all nuclear sites were required to hold annual emergency response exercises; now they must hold them biannually. This proposed rule would simply, *for one year only*, return the industry to an annual exercise and require a Y2K component. The NRC and the nuclear utilities are all preparing Y2K contingency plans, and are to be commended for this. However, there is a vast difference between an untested contingency plan and an actual exercise, in which nuclear utility personnel must respond to events as if they actually were happening. This type of training is invaluable, particularly for the type and range of problems Y2K issues could present.

3) (Docket # PRM 50-67) require each reactor to have both of its emergency diesel generators declared operable, as of December 1, 1999; have a 60-day supply of diesel fuel available on site for each generator; declare irradiated (or "spent") fuel pools to be Class 1E (or safety-related and thus requiring back-up power); and require utilities to install an additional source of back-up power for each reactor by December 1, 1999.



This proposed rule addresses what may be the most important Y2K issue-the possibility of local, regional, or widespread blackouts. Nuclear reactors require offsite electrical power to cool the reactor core and fuel pool. The scenario of losing electrical power is called by the NRC "station blackout," and according to the agency's own safety studies, this scenario represents about 50% of the risk of operating atomic reactors. In short, if an operating reactor loses power for any significant amount of time (several hours to a couple of days), the reactor will melt down.

To compensate for this, reactors are required to have emergency diesel generators, each capable of powering the entire plant. The NRC claims these generators are 95% reliable--an uncomfortably low reliability factor for an industry that requires just about 100% perfection in operations. But NIRS' own research suggests that generator reliability is considerably lower. Moreover, one of the two emergency generators is often out-of-service for routine maintenance.

This proposed rule would require both emergency diesel generators to be operable, and to have enough fuel onsite to compensate for potential fuel delivery problems caused by unrelated Y2K disruptions. Astonishingly, irradiated fuel pools, which also require cooling, are not even considered safetyrelated by the NRC, and thus are not subject to backup power requirements. This proposed rule would remedy that situation.

Furthermore, because of the high failure rate of emergency diesel generators, this proposed rule would require utilities to install an additional source of dedicated back-up power (which could be added to the electrical grid once the Y2K issue is fully addressed). The petition does not specify the source of back-up power, although STAR' preference is that it be locally-appropriate renewable energy sources.

Finally, we believe that the proposed date in the petitions (December 1, 1999) is adequate, though not ideal, and it is our position that the date should be no later than June 1, 1999.

Sincerely,

2 ant M. Culle

Scott M. Cullen Counsel



DOCKET NUMBER







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Tennessee Valley Authority, 1101 Market Street, Chattanooga, Tennessee 37402-2801

February 19, 1999

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Secretary U.S. Nuclear Regulatory Commission Washington, D.C. 20555-0001

Attention: Rulemakings and Adjudications Staff

Gentlemen:

NUCLEAR REGULATORY COMMISSION (NRC) - REQUEST FOR COMMENTS ON THREE PETITIONS FOR YEAR 2000 (Y2K) RULEMAKING - NRC DOCKET NOS. PRM-50-65, PRM-50-66, AND PRM-50-67

TVA offers the following comments to the Federal Register notice dated January 25, 1999, (Volume 64 Federal Register 3790) concerning three petitions received from the Nuclear Information and Resource Service for Y2K rulemaking. These petitions are related, discussing date-sensitive, computerrelated issues.

GENERAL COMMENTS

TVA urges the Commission to deny the three Y2K-related petitions from Nuclear Information and Resource Services. Current regulations are adequate to address potential issues that may arise from potential Y2K computer issues. Regulatory requirements addressing Y2K-related matters were reviewed in an October 1997 public meeting between the NRC staff, industry experts, and other interested parties. This review concluded that no additional regulations were required. The petitions raise no new issues, either in manner or scope, that would change this conclusion. NRC Generic Letter 98-01 summarizes some of the applicable regulatory requirements. NRC staff oversight of the industry's Y2K remediation is providing the technical information needed by the Commission to make informed decisions and ensure public health and safety.



U.S. NUCLEAR REGULATORY COMMISSION RULEMAKINGS & ADJUDICATIONS STAFF OFFICE OF THE SECRETARY OF THE COMMISSION

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Secretary Page 2 February 19, 1999

The NRC staff has been diligent and timely in addressing potential Y2K problems. Beginning in December 1996, the NRC staff issued an information notice to ensure the nuclear industry recognized the potential for problems in computer systems and software. In a September 1997 report to the Commission, the staff's technical analysis determined that safety-related initiation and actuation systems (e.g., reactor trip system, engineered safety feature actuation system) were not subject to the Y2K concern. Industry testing has confirmed this assessment.

The NRC staff also concluded that nonsafety-related, but important, computer-based systems (primarily, databases and data collection necessary for plant operations) that are date-driven may need modification for Y2K compliance. Industry testing has shown that there are cases where remediation is required, but no situation has been identified that would prevent proper operation of safety systems to shutdown the plant if required.

The nuclear power industry has taken a closely coordinated approach to Y2K readiness, making regulatory oversight easier. In public meetings, industry technical representatives briefed the NRC staff in detail on draft industry guidelines. Staff suggestions and comments were incorporated in the final document, Nuclear Energy Institute (NEI)/Nuclear Utility Software Management Group (NUSMG) NEI/NUSMG 97-07, "Nuclear Utility Year 2000 Readiness" issued on October 20, 1997. The nation's nuclear generating facilities committed to this standard industry program.

The NRC staff has closely monitored and evaluated the effectiveness of nuclear power plant licensee's Y2K readiness programs. As part of the oversight process, the NRC staff has monitored industry training sessions, workshops, and seminars. This has provided the staff with insights on the industry process. To evaluate implementation of industry Y2K programs, the NRC staff conducted a series of licensee audits. These audits included an onsite review at TVA's Watts Bar Nuclear Plant (WBN) that found no significant issues. WBN was recognized for starting contingency planning utilizing the guidance in Secretary Page 3 February 19, 1999

NEI/NUSMG 98-07, "Nuclear Utility Year 2000 Readiness Contingency Planning." The NRC staff has also decided to conduct six contingency plan audits to further ensure the adequacy of such plans. TVA recommends completion of these new audits before the NRC staff makes any decisions on any new actions.

By July 1, 1999, each licensee, except those who have permanently ceased operations, will report to the Commission the status of their Y2K readiness program. This report will identify any safety-related remediation that has not been completed and the facility schedule for achieving readiness. This report, combined with long-term NRC staff oversight, will provide the Commission with the technical information needed to conduct a sound, systematic evaluation of Y2K issues. Current regulations provide adequate authority if Commission action were needed to protect public health and safety.

NRC PRM-50-65: SHUTDOWN OF NUCLEAR FACILITIES

Current regulations are fully adequate to allow both the licensee and Commission to make operability determinations for plant equipment and systems. If a Y2K issue affects the operability of a system, actions required by the license and regulations will be taken.

As indicated earlier, the industry has committed to a systematic program to find and remediate potential Y2K issues. Any safety-related systems for which needed remediation has not been completed will be reported to the Commission by July 1, 1999. Quality assurance procedures and documentation of testing and remediation has been consistent with regulatory requirements.

No additional regulations are required to ensure safe plant operation.

NRC PRM-50-66: EMERGENCY PLANNING

The additional emergency planning exercise suggested by the petition is not needed to ensure public health and safety. NRC analysis and industry testing have confirmed that safety

Secretary Page 4 February 19, 1999

systems will function to shut down a reactor if required. The facts and data at hand do not support the petitioners speculation that Y2K-induced events could cause severe challenges to critical safety systems leading to potential core meltdown.

Licensees and the NRC are conducting contingency planning for key Y2K rollover dates. These contingency plans evaluate specific risk factors and, where appropriate, provide mitigation strategies. This effort also provides a thorough, systematic approach to the examination of issues that could impact the continued safe operation of a plant within the conditions of its license. This is, by far, a more effective approach to ensuring a plant's ability to continue to operate and meet its regulatory and licensing commitments.

NRC PRM-50-67: BACKUP POWER

Current regulations requiring backup power are sufficient to ensure public health and safety. Facilities operating within the requirements of their license have proven, reliable sources of alternate power.

Reliance upon emergency diesel generators (EDGs) is not insufficient under Y2K conditions as asserted by the Nuclear Information and Resource Service. TVA's Y2K program reviewed the EDG control systems, and they do not contain programmable logic with clock or time tracking or microchip-based timers. The EDG engines and fuel are more reliable than alternate sources of power. Reliability is tracked several ways including the Maintenance Rule, 10 CFR 50.65, and industry guidance. TVA's internal EDG reliability goals are 0.95, 0.975, and 0.975 at Browns Ferry, Sequoyah, and WBN, respectfully. However, the actual reliability is consistently better.

In its most recent report issued January 11, 1999, the North American Electric Reliability Council states that, "Transmission outages are expected to be minimal and outages that may occur are anticipated to be mitigated by reduced energy transfers established as part of the contingency planning process." Widespread, long-term loss of the grid Secretary Page 5 February 19, 1999

due to Y2K induced events is not a credible scenario. Even if it were to occur, extended failure of the electrical power grid would certainly be within the 100-day EDG design-base event mitigation criteria. In addition, the EDGs provide sufficient backup power for spent fuel pool cooling.

The adequacy of backup power systems has also been demonstrated during storm weather-induced interruptions of the power grid.

SUMMARY

The Commission has acted responsibly to address potential computer issues related to the Y2K date rollover. The staff began its technical review early and has taken advantage of many opportunities to oversee and evaluate the industry's considerable effort to assess and address any potential Y2K issues. TVA does not believe any additional regulations are necessary to maintain the current high standards for ensuring public health and safety.

If you have any questions, please contact R. M. Brown at (423) 751-7228.

Sincerely,

Marli J. Burgynshi

Mark J. Burzynski Manager Nuclear Licensing

cc: U.S. Nuclear Regulatory Commission ATTN: Document Control Desk Washington, D.C. 20555-0001 DOCKET NUMBER PETITION RULE PRM 50-65 (64FR 3790)

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Secretary, U. S. Nuclear Regulatory Commission FICE Washington D. C. 20555

Attn: Rulemaking and Adjudications Staff

re: 10 CFR Parts 30,40,50, & 70 Docket #PRM-50-65

1

Subject: Shutdown of nuclear facilities that are not Y2K compliant.

Would I rather have no power than run a nuclear power plant that was not compliant? What kind of a question is that? I would rather go without electricity forever than run a nuclear power plant which was not compliant.

Of course there should be contingency emergency plans (PRM 50-66) and back-up sources of power (PRM 50-67) if the roll-over to these other sources can be done absolutely safely.

My question is this. How is the public to be kept informed of all the evaluations, repair and testing of a plant within a specific plant's area? Do we just stumble on it via Internet? Will letters or pamphlets be sent out to the "neighbors"? It is unfair to inform the public in such a way that all of the people cannot receive the information.

Sincerely, Pat S. Griffith 5836 Country Lane Stanley N.C. 28164

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DOCKET NUMBER PETITION RULE PRM 50-65 (64FR 3790)

From:<nifer@scott.net>To:TWFN_DO.twf2_po(NRCWEB)Date:Sun, Feb 21, 1999 5:12 PMSubject:Rulemakings and Adjudications Staff

I feel nuclear power facilities should be shut down if there are any systems at all that are not ready for the year 2000. I am a concerned Citizen. I have read everything I can on the y2k issue. I would rather ADJUD feel safe about the nuclear facilities even if it means going without power for a while. (However long it takes)I am a teacher for third grade. I have taught my students to respect the goverment and those in charge of our safety. I want to feel that what I am teaching means something. There should be no QUESTION about leaving a plant on that can not be one hundred percent safe no mater what the problem might be. SHUT IT DOWN! nifer@scott.net

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From:David MeyerTo:Emile JulianDate:Tue, Feb 23, 1999 8:13 AMSubject:Fwd: Rulemakings and Adjudications Staff

Emile:

This is a comment on the NIRS petitions for rulemaking received via the NRC website.

GLOBAL RESOURCE ACT





OR THE ENVIRONMENT '99 FEB 23 A9:35

Helaine Lerner Board Chair

Alice Slater President

Project Directors

David Brubaker William J. Weida

Advisory Committee

car Arias bara Bergman Selma Brackman Kim Brizzolara Jacqueline Cabasso Helen Caldicott Manas Chatterii Mark Dowie **Faye Duchin** Lloyd Dumas Gary Ferdman Shirley Fingerhood Hamilton Fish Karl Grossman Hazel Henderson Walter Isard Michio Kaku e Kaul Kenner vid Krieger **Gloria Lawrence** Sidney Lerner Leonard Marks Ann Markusen Myron Mehlman Myriam Miedzian James Parks Morton Monroe Price **Douglas Roche** Stanley Sheinbaum Henry Spira **Emily Squires** Theodore B. Taylor Grace Thorpe William J. Weida Stanley Weithorn Alan Woltz

DOCKET NUMBER PETTTION RULE PRM 50-65 (64FR 3790)

February 18, 1999

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

Re: Nuclear power and Y2K petitions for rulemaking

Dear Nuclear Regulatory Commission:

GRACE (Global Resource Action Center for the Environment) supports the three petitions for rulemaking submitted by the Nuclear Information and Resource Service (NIRS) on December 10, 1998, regarding nuclear power and Y2K issues. The Y2K issue is of great concern to our organization, especially as it relates to nuclear power.

It is our position that the NIRS petitions for rulemaking represent modest, prudent steps to address this issue. The NIRS petitions, if adopted, would establish new rules for the atomic power industry and the NRC. These rules would:

1) (Docket # PRM 50-65) require the shutdown, by December 1, 1999, of any nuclear reactor that is not demonstrably Y2K compliant, until such time as they are compliant. There is a widespread belief that the NRC has ordered the shutdown by July 1, 1999, of nuclear reactors that are not Y2K compliant. This is untrue. The NRC so far only has ordered the nuclear utilities to report by July 1 as to whether they are "Y2K ready" and if not, when they will be ready. The NRC has NEVER threatened to close any nuclear reactor for non-readiness. Rather, the NRC has said it will evaluate reactors that do not report readiness by July 1, "on a case-by-case basis."

Therefore, GRACE maintains that the present regulatory plan is inadequate. The NRC must require the shutdown, by December 1, 1999, of any nuclear reactor that is not demonstrably Y2K compliant, until such time as they are compliant.

The purpose of this proposed rule is to ensure that there are standard criteria that the utilities must meet to demonstrate Y2K compliance (a stricter standard than "readiness"), and that the NRC will apply these criteria uniformly across the industry. The NIRS definition would require testing of all systems and we believe that the first test of these systems must not come on 01/01/00, but must be performed no later than June 1, 1999, in order to provide ample time to shut down any non-compliant reactors with assurance that the cooling pools for the reactor rods will continue to be supplied with a non-interrupted source of electrical power.

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Nuclear reactors should not be allowed to operate on December 31, 1999, if compliance is not demonstrated, as the potential interactions among non-compliant and compliant systems presents an unknown, but foreseeable, risk to the public. Moreover, we echo the sentiment of Congressmembers Horn, Manzullo and Kucinich, who in a December 17, 1998, letter to Shirley Jackson called upon the NRC to conduct audits at all 109 NRC-licensed power reactors and facilities.

2) (Docket # PRM 50-66) require each nuclear site to hold a full-scale emergency response exercise, no later than June 1, 1999, that includes a Y2K-related component.

The purpose of this proposed rule is to build an industry-wide storehouse of knowledge that can be called upon if Y2K problems do evidence themselves. Until July 1996, all nuclear sites were required to hold annual emergency response exercises; now they must hold them biannually. This proposed rule would simply, for one year only, return the industry to an annual exercise and require a Y2K component. The NRC and the nuclear utilities are all preparing Y2K contingency plans, and are to be commended for this. However, there is a vast difference between an untested contingency plan and an actual exercise, in which nuclear utility personnel must respond to events as if they actually were happening. This type of training is invaluable, particularly for the type and range of problems Y2K issues could present.

3) (Docket # PRM 50-67) require each reactor to have both of its emergency diesel generators declared operable, as of December 1, 1999; have a 60-day supply of diesel fuel available on site for each generator; declare irradiated (or "spent") fuel pools to be Class 1E (or safety-related and thus requiring back-up power); and require utilities to install an additional source of back-up power for each reactor by December 1, 1999.

This proposed rule addresses what may be the most important Y2K issue - the possibility of local, regional, or widespread blackouts. Nuclear reactors require offsite electrical power to cool the reactor core and fuel pool. The scenario of losing electrical power is called by the NRC "station blackout," and according to the agency's own safety studies, this scenario represents about 50% of the risk of operating atomic reactors. In short, if an operating reactor loses power for any significant amount of time (several hours to a couple of days), the reactor will melt down.

To compensate for this, reactors are required to have emergency diesel generators, each capable of powering the entire plant. The NRC claims these generators are 95% reliable--an uncomfortably low reliability factor for an industry that requires just about 100% perfection in operations. But NIRS' own research suggests that generator reliability is considerably lower. Moreover, one of the two emergency generators is often out-of-service for routine maintenance.

This proposed rule would require both emergency diesel generators to be operable, and to have enough fuel onsite to compensate for potential fuel delivery problems caused by unrelated Y2K disruptions. Astonishingly, irradiated fuel pools, which also require cooling, are not even considered safety-related by the NRC, and thus are not subject to backup power requirements. This proposed rule would remedy that situation.

Furthermore, because of the high failure rate of emergency diesel generators, this proposed rule would require utilities to install an additional source of dedicated back-up power (which could be added to the electrical grid once the Y2K issue is fully addressed). The petition does not specify the source of

back-up power, although GRACE's preference is that it be locally-appropriate renewable energy sources.

Finally, we believe that the proposed date in the petitions (December 1, 1999) is adequate, though not ideal, and it is our position that the date should be no later than June 1, 1999.

Sincerely,

llie Slater Alice Slater

President







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AFF

OFFIC

February 18, 1999

DOCKET NUMBER

PETITION RULE PRM 50-65

(64FR3790)

Attn: Docketing and Service Branch^{RULE} U.S. Nuclear Regulatory Commission Washington, DC 20555

Re: Nuclear power and Y2K petitions for rulemaking

Dear Nuclear Regulatory Commission:

I am writing in support of the three petitions for rulemaking submitted by the Nuclear Information and Resource Service (NIRS) on December 10, 1998, regarding nuclear power and Y2K issues.

The Y2K issue is of great concern to me, especially as it relates to nuclear power. The NIRS petitions for rulemaking represent prudent steps to address this issue. The petitions are a welcome contrast to the Nuclear Regulatory Commission's (NRC) own Year 2000 Draft Contingency Plan, which attempts to place power production on an equal footing with public health and safety concerns.

The clearest example for me of disregard for the importance of public health and safety contained in the NRC Draft Contingency Plan is the argument for keeping every possible reactor operating on January 1, 2000. Rather than recognizing the possiblity for disaster if offsite-power losses make it impossible to shut down nuclear reactors, the NRC emphasizes continued reactor operation, regardless of compliance for Y2K safety criteria. By contrast, the NIRS petitions call for closing non-compliant reactors by December 1, 1999, and would require steps to ensure adequate supplies of backup power for reactors in the event of a loss of offsite-power.

I urge the NRC to support the proposed rules put forward by NIRS, and to publish them in the Federal Register as soon as possible. I intend to comment upon these proposed rules when they are published; please notify me once their publication date is known.

Sincerely,

Richard Berger 9817 51st Ave SW Seattle, WA 98136

U.S. NUCLEAR REGULATORY COMMISSION RULEMAKINGS & ADJUDICATIONS STAFF OFFICE OF THE SECRETARY OF THE COMMISSION

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DOCKET NUMBER PETITION RULE PRM 50-65 (64FR3790)

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Sincerely, riffels

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U.S. NUCLEAR REGULATORY COMMISSION RULEMAKINGS & ADJUDICATIONS STAFF OFFICE OF THE SECRETARY OF THE COMMISSION

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February 18, 1999

PETITION RULE PRM 50-65 (64FR3790)

DOCKET NUMBER

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Sincerely,

Miriam Dyak 9817 51st Ave SW Seattle, WA 98136

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| From: | Jerry Mitchell <jerry@gbasin.net></jerry@gbasin.net> |
|----------|------------------------------------------------------|
| То: | TWFN_DO.twf4_po(CAG) |
| Date: | Tue, Feb 16, 1999 2:42 PM |
| Subject: | Nuclear power plants! |

'99 FEB 22 P4:36

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Mrs. Gallagher,

OFFICE

A couple years ago my wife and I attended a local atomic preparedness class. And during that class, the instructor mentioned that our nuclear power plants, could see the same problem as the Russians had, if the power grid happened to go down, and they didn't have a chance to do a controlled shut down on the plants! At the time this didn't seem to be too much a concern. But now with the Y2K problem coming in 10 months, it seems to be of great concern now! Are all these nuclear plants Y2K compliant? And if not, have these concerns been considered! And what are the chances of a "China syndrom" really happening? Thanks, Jerry

DOCKET NUMBER

PETITION RULE PRM 50-65

(64FR 3790)

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February 16, 1999

NOTE TO: Emile Julian Chief, Docketing and Services Branch

Carol Gallagher FROM: ADM, DAS

Carre Sallagh

SUBJECT: DOCKETING OF COMMENT ON PRM-50-65, "SHUTDOWN OF NUCLEAR FACILITIES NOT COMPLIANT WITH Y2K ISSUES"

Attached for docketing is a comment letter related to the subject petition for rulemaking.

This comment was received via e-mail on February 16, 1999. The submitter's name is Jerry

Mitchell. Please send a copy of the docketed comment to Matthew Chiramal (mail stop O9D-4)

for his records.

Attachment: As stated

cc w/o attachment: M. Chiramal

PETITION RULE PRM 50-65 (64FR3790) DOCKETED "Knoblauch, Duane" < Duane.Knoblauch@NesbittBurns.com From: "CAG@nrc.gov" <CAG@nrc.gov> To: Date: Mon, Feb 15, 1999 4:05 PM '99 FEB 22 P4:36 Shut Them Down! Subject:

DOCKET NUMBER

Ms. Carol Gallagher,

OFFICI RU

No nuclear plant in North America has demonstrated (with third-party Aerification) that it will safely handle the date transition from 1999 to 2000.

It takes at least four months of reliable external power to properly cool a downed nuclear plant. There is no guarantee that other forms of electrical generation (hydro & coal) will reliably deliver in the period of January through May, 2000.

A mistake now could cause death & destruction to millions.

You have an obligation to enforce your July 1 deadline and shut down all nuclear facilities that do not demonstrate (with third-party verification) complete Y2K compliance.

For the sake of us all - YOU MUST SHUT THEM DOWN!

If you don't, and we have a single accident, may God have mercy on your soul.

Thank you for your consideration in the life threatening matter, Duane Knoblauch Duane.Knoblauch@nesbittburns.com 905-983-9090







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February 16, 1999

NOTE TO: Emile Julian Chief, Docketing and Services Branch

FROM: Carol Gallagher ADM, DAS

Carol Sallagho

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This comment was received via e-mail on February 15, 1999. The submitter's name is Duane

Knoblauch. Please send a copy of the docketed comment to Matthew Chiramal (mail stop O9D-

4) for his records.

Attachment: As stated

cc w/o attachment: M. Chiramal

FROM: CAROL MOORE BOX 65518 WASHINGTON DC 20035 202-635-3739

'99 FEB 19 P2:44

OFFICE OF SECRETARY RULEMAKINGS AND

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Attn: Docketing and Service Branch U.S. Nuclear Regulatory Commission Washington, DC 20555

Re: nuclear power and Y2K petitions for rulemaking

DOCKET NUMBER PETITION RULE PRM 50-65 (64FR3790)

Dear NRC:

I am writing in support of the three petitions for rulemaking submitted by the Nuclear Information and Resource Service (NIRS) on December 10, 1998, regarding nuclear power and Y2K issues.

The Y2K issue is of great concern to me, especially as it relates to nuclear power. I am involved in a DC Y2K group and promoting that issue. The NIRS petitions for rulemaking represent modest, prudent steps to address this issue.

I urge the NRC to support these proposed rules, and to publish them in the Federal Register as soon as possible. I intend to comment upon these proposed rules when they are published; please notify me once their publication date is known.

Sincerely,

Carol Moere

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Sophia Hegner 800 N. Mollison, Apt. C-10 El Cajon, CA 92021 '90

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February 15, 1999

Secretary U.S. Nuclear Regulatory Commission Washington, D.C. 20555 Attn: Rulemakings and Adjudications Staff DOCKET NUMBER PETITION RULE PRM 50-65 (64FR3790)

Dear Rulemakings and Adjudications Staff:

It is imperative that measures be taken to ensure the prevention of a catastrophe on January 1, 2000. I support the NIRS's three petitions including docket numbers PRM 50-65, PRM 50-66, and PRM 50-67.

Shutting down the plants in the event of Y2K non-compliance may not be the most popular choice among plant owners and those who stand to lose money, but it is the only safe choice. Please be responsible and adopt the NIRS's proposed policies.

Sincerely,

Sophia Hegner

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Springer, ADM From: Robin Mills DOCKETED DOCKETED Matt 1443 Gorsuch ave., Baltimore MD 21218 (410)662-8483, E-mailier mills 4@beplyeet :35 **I ravers** Knapp Frebruary 4, 1999 Miraglia Nonv Blaha IRO To: Frank J. Miraglia Junior Deputy Executive Director for Regulatory Programs U.S. Nuclear Regulatory Commission AFF Hiltz 1 9 1 NRR Washington DC 20555-0001 DUCKET NUMBER PETITION RULE PRM 50-65 (64FR3790)Dear Frank, Depecific objections to Y2K problem. The plan calle loss of offsite power "a major portion of the total plant risk". I agree, seeing the history femergency diesel generators (EDG) problems, that loss of offsite power is a major concern. But then you want everything operating Jan. 1, 2000. This is STUPID !!! The correct response is to shit down reactors over the Moliday as a safety precaution, especially if they can't prove they are Y2K compliant. you are going to allow reactors to operate outside their license condition? On the spot license amendments are illegal, univise and unnecessary. The typical fan. / electrical grid load of 40 -> 50% just doesn't justify this emergency The response and sets a bad precedent."

The damproceed, Selin Mille should your 42K plan not work. de think you should be held finencial penally The muchake you make over the any concernance. Auppor on fan. 1, 2000. accident suppor juga say it sait your fault. and now you are in denied over what mught can compete in a derequitated alleding martielplade. that the public has been cut of the process. reporte, eyou have streamlined suconering as much you have done away with SALP the course of tune, money and opublic calety. described secrere makes much more serves in Lade on-bine after fun, auabully. "Ine above days around fan !. Buing those reaction shut down the restread reactore for a fourevery roactor being different, but 13K teste de realing the enounty of the problem, due to How and the quere SUCKS.

Adria: Please treat this letter as one ~ response to PRM-50-65 hatt

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Massachusetts Citizens for Safe Energy

29 Temple Place, Boston MA 02111 [617] 292-4821 phone * [617] 292-8057 fax * e-mail mwilson@toxicsaction.org ETED 148 Washington Street, Duxbury MA 02332 [781] 934-0389 phone * [781] 934-5579 fax * e-mail jlampert@idt.net

February 10, 1998

Attn: Docketing and Service Branch U.S. Nuclear Regulatory Commission Washington DC 20555

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PETITION RULE

(64FR3790)

PRM 50-6

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Nuclear Power and Y2K Petitions for Rulemaking RE: PRM - 50-65; 50-66; 50-67

The Y2K computer problem poses serious potential safety threats to communities near nuclear power plants. Massachusetts Citizens for Safe Energy, Clean Water Action, Toxics Action Center and the Citizens Awareness Network are state-wide public interest groups concerned with nuclear energy issues. We support the three petitions for rule making put forth by the Nuclear Information Resource Service - PRM 50-65; 50-66; 50-67.

I. Close by December 1, 1999 any reactor that can not prove, through full testing, that it is Y2K compliant - PRM 50-65.

We know that not every nuclear utility will be Y2K compliant in time for the millennium. In Massachusetts, we have one operating power plant and are surrounded by others in our neighboring states. We are all downwinders. Pilgrim Nuclear Power Station (Plymouth), as an example, is not compliant, now. We feel that the industry has deceptively downplayed the seriousness of the situation. A November 6, 1998 audit at Seabrook, for example, found 12 safety-related systems affected by the Y2K bug, another 13 that would cause a reactor trip and more than 800 affected systems "significant to business."

We find no comfort in the fact that the Nuclear Regulatory Commission (NRC), only plans to conduct audits at 12 reactor sites - out of more than 70. Given the General Accounting Offices (GAO) recent harsh criticism of NRC oversight and Time Magazine's cover story, we have good reason to be apprehensive. Some of our members, who live within EPZ's, have made travel plans for the New Year to assure that their families can get away from potential danger. It is wrong to place this burden on our citizens.

How many safety systems, for example, would be compromised by Y2K issues at Pilgrim NPS, Vermont Yankee, Seabrook, the Millstones? Clearly this is a major Unreviewed Safety Question (USQ). We understood that, after Three Mile Island, regulations supposedly were created which mandated an exhaustive review of all USQ's. We believed that an essential element of the USQ issue was that any existing circumstance that could potentially place the plant in a condition adverse to safety must be reviewed for adverse impact as soon as the condition is discovered. Y2K computer and embedded controls problems are USQ issues and have been recognized, at least, since 1996.

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Have all the many administrative computer systems been reviewed for Y2K compliance at Pilgrim, Vermont Yankee, Seabrook and the Millstones? Although, they have nothing to do with operations per se, we know that they have everything to do with safety. For example:

Security computers - if the security computer locks because of Y2K rollover problems, will plant operators be able to access the remote shutdown room/facility were it to become necessary?

FFD computers - used in federally mandated random substance abuse testing - to track and schedule random testing on a daily basis. Millennium, holiday season, party time ...a need for tracking.

Computer-based access training: qualification recording/data (both at licensee, data interchange with other utilities, NRC) - at Pilgrim, for example, they never fixed the Condensate Pot, but instead rely on "training."

Others - materials requirements planning, maintenance rule tracking, surveillance scheduling - and on.

Plant operations: Event logging. What if Pilgrim, Vermont Yankee, Seabrook, the Millstones had an automatic shutdown? Scrams, trips are relatively common events. What would happen if the event recorder (computer) crashed during a routine scram? We know that event logging is the only way for operators to see the big picture and control/stabilize the plant while the event is in progress, and to reconstruct the event after it's over. If they do not have a log, they will not know what has happened. If event logging is inoperable, the plant will be in an unanalyzed condition.

Direct System Control: With respect to embedded logic control of plant safety systems, no one (including the NRC) knows if there is a Y2K problem; because no one (including the NRC) has performed extensive testing to determine if there is a problem. NRC, vendor, licensee statements to the contrary, there is enough precedent in the outsidenon-nuclear world to say that there are many issues around embedded logic and date controls <u>in all systems</u>. Why should nuclear plants be the exception? Not knowing for sure is the same as assuming that there is a problem. At least, that is what we have been assured nuclear safety is all about.

Y2K problems are the big "What ifs." Our understanding is that this meets the criteria of potential problems requiring documented analysis in accordance with 10 CFR 50.59 and/or a written JCO (Justification for Continued Operations).

We know that current federal regulations and individual plant licenses require cessation of operations when operating in an unanalyzed condition. Y2K is an USQ - in Technicolor.

The NRC had said publicly that they would require certification of Y2K readiness. It is reasonable to require said certification by Dec. 1, 1999 so that the plant has time to get-it-together and the regional grid knows what to plan for in terms of probable, available, power supply.

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The NRC has been rightly criticized for lack of oversight. To "save face" and attempt to regain some consumer confidence, it is imperative to close any plant that is not complaint by 12/1/99.

Proof of compliance must include a detailed review of all systems important to safety, as described in the plant safety analysis report (SAR) or safety evaluation Report (SER), for Y2K impact. Examples from our reading would include: electro-mechanical systems - reactor control, turbine control, event logging, safety related embedded control systems, emergency cooling systems, etc. Nuclear safety-significant administrative systems such as plant maintenance scheduling, commitment tracking and security systems.

Reliance on vendor reports or licensee self reporting is unacceptable. NRC on-site inspection at every plant is necessary. Any parts identified that required replacement must be re-tested prior to certification.

II. Require nuclear plants to install additional backup power units to ensure a steady supply of electricity to reactors, and re-classify spent fuel pools so that they require back-up power, too - PRM 50-67.

We know that reactors need electricity; there is a potential due to Y2K roll-over problems for regional/local blackouts; on-site, back-up power currently is inadequate to meet the challenge - too many times, things have gone wrong with the emergency diesel generators.

We understand that the Y2K bug threatens to disrupt the electrical grid, and could cause regional and local blackouts. Boston Globe, Sunday, January 10, 1999

Edison will say that it is 'very optimistic that there will be only minimal problems' come Jan. 1, 2000.

Edison and Northeast say ...

prudent customers should expect at least minor problems or blackouts on New Year's day 2000.

Anybody who assumes it will be perfection has a mis-perception.

While this would be inconvenient for most people, it is potentially disastrous for nuclear reactors.

Nuclear reactors require large amounts of electricity to cool their cores and irradiated fuel pools even when they are shut down. Without this cooling ability, even closed reactors would melt down; fuel pools would boil dry and release radiation into surrounding communities. The NRC puts "station blackout" among the largest risk factors of operating reactors.

The loss of off-site power issue is further compounded. The diesel powered generators that nuclear utilities typically use to provide necessary back-up power in the event of blackout, frequently do not work. Pilgrim NPS, for example, has had a history of problems with their emergency diesel generators. Checking our records for 1998: March 21, 1998 (Event#33938); June 22, 1998 (Event #34425); July 22, 1998 (Event #34563); October 2, 1998 (Event #34868). The spent fuel pools that must be cooled to keep the rods covered with water are currently not required to have backup power. Any extended blackout would put these pools at risk. The pools are loaded way-beyond their intended capacity. As a result, we know that a fuel pool accident would have dire consequences. The spent fuel pool is an accident waiting to happen.

Nuclear plants were originally licensed and designed to store only one and one-third core equivalents. However, they are storing far more fuel assemblies and under conditions that have never been fully analyzed. For example, Pilgrim was originally designed to store temporarily 880 assemblies and now holds in the same space well over 2000 assemblies. They continue to generate waste. Most importantly, the spent fuel pool is in the main reactor building but *outside primary containment*.

In the early 1980's, the Nuclear Regulatory Commission reported that a spent fuel accident involving fuel damage would result in a radiation exposure 479.2 times the maximum dose that federal regulations permit any member of the public to receive in an entire year. This would affect 667,588 people living within a 50 mile radius of the plant. This grossly underestimates the potential danger. The study falsely assumed that the accident would involve only the fuel damaged during the recent fueling outage. It did not consider the massive amount of fuel that had accumulated since 1972.

Numerous spent fuel incidents have occurred, including many repetitions of the same events. Since 1972, at least 25 spent fuel incidents are on record around the country involving seal failures; loss of fuel pool cooling; radiation overexposure; and fuel handling. Pilgrim was responsible for 3 fuel handling events.

Y2K could exacerbate this problem. We need spent fuel pools to be classified so that they <u>require</u> back-up power; we need additional and reliable on-site back-up power. Remember, too, that Y2K adds to the potential problems brought on by Northeast winter storm coinciding with the millennium.

Y2K issues are the big "What Ifs." "What Ifs" do not belong in nuclear power regulatory policy. Our members should not be afraid of "What If" and be forced to leave home next December 31st.

III. Require 1999, Full-Scale, Emergency Planning Exercises for All Nuclear Plants to Test Y2K Problems - PRM 50-66.

We support PRM 50-66 because: we recognize that nuclear plants have been slow to design and implement emergency plans to cope with unforeseen Y2K problems. A Senate Committee found, in June 1998, that "none of the utilities surveyed has completed emergency plans..." Compounding the problems is that emergency plans are tested every two years, meaning that under current regulations, many utilities will never test their Y2K-related plans.

We appreciate, too, that all emergency plans rely heavily on off-site sources of help - police, fire and other essential services. But these services, as well as critical communications abilities, also may be vulnerable to Y2K bugs if not properly assessed, remedied and tested. We are aware of the numerous emergency planning problems that have occurred in previous exercises without Y2K computer glitches. For example, at Pilgrim (December 13, 1995 exercise) Boston Edison Company was unable to communicate the proper protective action to the proper authorities. This is the key or "starting gun" to the entire exercise. In later exercises, buses were lost. Planning is never 100%, therefore it is important to test and re-test for every conceivable contingency. Y2K presents many new and challenging contingencies.

Submitted on behalf of Massachusetts Citizens for Safe Energy, Clean Water Action, Toxics Action Center and Citizens Awareness Network by,

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Mary Elizabeth Lampert

cc. Senator Edward Kennedy; Senator John Kerry; Congressman William Delahunt; Congressman Edward Markey; Governor A Cellucci; NIRS

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THE PEACE RESOURCE CENTER OF SAN DIEGO DOCKET NUMBER



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12/98

PETITION RULE PRM 50-65 ... working for peace, social justice and the environment since 1980 USMRC (64FR3790

> FEB 16 P3:19 .00

> > AFF

Secretary U.S. Nuclear Regulatory Commission FFICE Washington, DC 20555 RULEN Attn: Rulemakings and Adjudications Staff

RE: Docket # PRM 50-65, PRM 50-66 and PRM 50-67.

Dear Sir,

February 10, 1999

The Peace Resource Center of San Diego urges you to adopt the above proposed rules.

We are deeply concerned about the vulnerability of nuclear reactors to Y2K problems and believe that the problem is of sufficient scope to necessitate mandatory, effective contingency planning. We do not believe that the nuclear industry can be relied upon to adopt universal compliance standards, nor too conduct sufficient emergency drills unless required to do so by the Nuclear Regulatory Agency.

Resolving Y2K problems is a complex issue, the scope of which is historically unprecedented. While it may be possible to predict many of the foreseeable situations that might arise and correct them ahead of time, there still remains the problem of "embedded systems" in the form of microchips and microprocessors. These semi-independent systems-withinsystems are hard to locate and difficult to fix, and the ultimate effects of multiple breakdowns in embedded systems are poorly understood. Particularly in the case of supplying power to nuclear plants, the complexity of the U.S. power grid and its interlinked systems could potentially cause a problem if power to a plant fails and the plant's backup Peacemaking Committee, Presbytery of San Diego systems are not themselves Y2K compliant.

Because of this danger, we believe that the above three proposed rules are absolutely necessary to protect the public from the very real possibility of a nuclear accident.

In regards to Docket # PRM 50-65, we strongly support the requirement that any nuclear reactor that is not demonstrably Y2K compliant be shutdown as of December 1, 1999. Currently nuclear utilities are only required to report

> FEB 1 8 1999 Acknowledged by card

5717 Lindo Paseo, San Diego, California 92115 Phone: (619) 265-0730 Fax: (619) 265-0791 Email: prcsandiego@igc.apc.org

U.S. NUCLEAR REGULATORY COMMISSION RULEMAKINGS & ADJUDICATIONS STAFF OFFICE OF THE SECRETARY OF THE COMMISSION

Document Statletics Postmark Date 2/11/99 Copies Repeatived 1 Add'l Copies Reproduced 5 Special Distribution Meyer, Chiramal, Ballagher, PDR, RIDS by July 1 as to whether they are "Y2K ready" and if not "Y2K ready" when they will be. This approach does not sufficiently protect the public interest. To protect the public, the NRC must set a deadline for nuclear plants to be demonstrably compliant and must declare what actions will be taken if plants are not compliant. Because of the unprecedented potential for Y2K disruptions, the rule of prudency should apply. It is better to shut down a plant than to run the risk of an accident. Setting a December 1, 1999 date (or earlier) provides a safety margin rather than waiting until December 31, 1999 "to see what happens."

In regards to Docket # PRM 50-66, we strongly support the requirement that each nuclear site hold a full-scale emergency response exercise during 1999 that includes a Y2Krelated component. Actual emergency response exercises, as opposed to computer simulations, are necessary because of the complexity of Y2K interactions and the fact that nothing on this scale has been experienced before.

In regards to Docket # PRM 50-67, we strongly support the requirement that each reactor have both of its emergency diesel generators declared operable as of December 1, 1999; have a 60-day supply of diesel fuel available on site for each generator; declare irradiated (or "spent") fuel pools to be Class 1E (or safety-related and thus requiring back-up power); and require utilities to install an additional source of back-up power for each reactor by December 1, 1999.

Because no one knows the extent to which Y2K disruptions may occur in the power grid and in fuel delivery systems, it is imperative that every power plant be prepared to be selfsufficient in supplying the power needed to operate its cooling systems. This can be assured by mandating the above requirements.

We cannot state too strongly that the Y2K problem requires swift and decisive action. We cannot put populations at risk from a nuclear accident for want of planning. Please adopt these proposed rules. Thank you for the opportunity to comment.

Sincerely,

Cente John Ann

Carol Jahnkow Executive Director
SOUTH RIVER ASSOCIATION



PETITION RULE PRM 50-65 (64FR3790)

'99 FEB 16 P3:18

Secretery, U.S. Nuclear Regulatory Commission Washington DC 20555, Attn: Rulemaakings and Adjucations Staff, 11555 Rockville Pike, Rockville Maryland

Dear Sirs:

· Ounn

South River

Carland

Atlantic Ocean

As a representative of the South River Association, a Statewide Water resources oriented organisation since 1969, I am expressing our approval of the rules proposed by NIRS, specifically, Docket #PRM 50-65, Docket #PRM 50-66, and Docket #PRM 50-67.

In addition, because of the large number of nuclear plants involved, we strongly recommend the additional safety measure of shutting down all nuclear plants at least a month before Y2K and leaving them shut down until a point after Y2K when Y2K complience can be demonstrated.

Yours truly,

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David H. Martin, Board Member 820 Merrie Road Raleigh NC 27606

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FOR THE PRESERVATION OF BLACK WATER RIVERS AND STREAMS IN NORTH CAROLINA

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PETTTON RULE PRM 50-65 (64FR3790)

820 Merrie Road Raleigh NC 27606 10 February 919998 16 P3:18 Secretary, U.S. Nuclear Regulatory Commission

Washington DC 20555, Attn: Rulemakings and Adjucations Staff 11555 Rockville Pike, Rockville Maryland ADJUDIC

Dear Sirs:

As a representative of the Conservation Council of North Carolina, a Statewide environmental group operating since 1968, I wish it to be known that the Conservation Council approves the rules proposed by NIRS, specifically, Docket #PRM 50-65, Docket #PRM 50-66, and Docket #PRM 50-67.

In addition, because of the large number of nuclear plants involved, we strongly recommend the additional safety measure of shutting down all nuclear plants at least a month before Y2K and leaving them shut down until a point after Y2K when Y2K compliance can be demonstrated.

Yours truly,

ail 2. Martin

David H. Martin, Board Member 820 Merrie Road Raleigh, NC 27606 (919)8515237

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Secretary, U.S. Nuclear Regulatory Commission Washington DC 20555, Atta: Rulemakings and Adjudications Staff 11555 Rockville Pike, Rockville Maryland ADJUDICATIONS STAFF Dear Sirs:

I wish to make known my approval of and d greement with NIRS's proposed rules regarding Y2K and nuclear plants (Ducket # PRM 50-65, Docket # PRM 50-66, Docket # PRM 50-67).

Because of the uncertainty of maintenance of power on site and particularly off-site, as well as general uncertainty of conditions in the general time of Y2K, I recommend that all nuclear plants be shut down at least a month before Y2K and be left shut down after Y2K until the safety situation can be evaluated.

My background is that I am an emeritus physics professor at N.C. State University, Raleigh, N.C. During 2 35 year career, I spent much of my time teaching about and doing research on nuclear reactor physics, in particular having to do with safety of nuclear reactors.

Yours truby,

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February 6, 1999

Secretary, US Nuclear Regulatory Commission Washington, DC 20555 Attn: Rulemaking Staff

To Whom It May Concern:

I am writing to express my concerns that our nuclear reactors may or may not be Y2K compliant and I am unsure that the proper measures are being taken to ensure appropriate safety in the matter. I am very much in favor of the NIRS petition.

DOCKET NUMBER

PETITION RULE PRM 50-65 (64 FR3790)

I believe that it is imperative that any nuclear reactor that has not demonstrated its Y2K compliance be shutdown by December 1, 1999 until they are compliant. A July 1999 evaluation is simply not good enough. All parties including "vendor certified" systems that are currently exempt should meet this requirement.

I also feel strongly that each site should hold an emergency drill that includes Y2K related situations. The issues that arise from this drill should be closely documented and the resolutions itemized into a database with other helpful information so that the industry will create for itself a "Y2K manual" so to speak.

They are several other critical and well thought out components of the NIRS petition that need to be considered and approved as soon as possible.

Sincerely,

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Laura McDonald

3801 Tail Feather Round Rock, Tx 78681

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January 23, 1999

ATTN: Chief, Docketing and Service Branch

United States Nuclear Regulatory Commission

Washington D.C. 20555

This letter supports the three Nuclear Information Resource Service (NIRS) petitions for rulemaking regarding Y2K emergency planning, shutdown of non-compliant facilities, and assurance of reliable back-up sources of power submitted to the NRC on December 10th, 1998.

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PETITION RULE PRM 50-65

(64FR 3790)

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As you know, nuclear energy is a super-lethal force delicately contained by nuclear power plants. It is pure grace, supporting the efforts of nuclear power plant operators, that keeps the energy produced in those plants controlled to the extent that it is. There are constant threats to that control by power outages, faulty equipment, human error, and earthquakes to name a few. Y2K poses an additional threat. The likelihood of a Y2K-nuclear disaster does not matter. As always, there is a chance of meltdown. Y2K increases the chance, and calls for heightened responsibility by the NRC, and ultimately, the nuclear power plant operators.

What is distracting certain people in the nuclear and nuclear regulatory industries from taking necessary responsibility for Y2K preparedness and ongoing nuclear safety for that matter? Meltdown is a far greater threat to humanity and all life on Earth then any lost profits, political incorrectness, or national or global economic recession. Nuclear meltdown can render the Earth uninhabitable or a living hell for thousands of years. It is obvious which is more threatening. It is also obvious that the NRC has the responsibility to do everything in its power to prevent meltdown. The three NIRS petitions for rulemaking ask the NRC to do only the minimum to ensure nuclear safety. I ask the NRC to at least enact the three NIRS petitions immediately. If the minimum is all the NRC will do, so be it. Ultimately, Y2K or not, nuclear power production has no ethical, or humane role. It is too dangerous and needs to be discontinued.

Please act on your own conscience.

Sincerely,

MELAPPEL DALEROSTACE

1230 High St., #217 Auburn, CA 95603

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February 2, 1999





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Secretary **US Nuclear Regulatory Commission** Washington, DC 20555 Docketing + Service Branch Attention: Rulemakings and Adjudications Staff

- ADJUDICATION
- 1. NIRS Three Petitions for Rulemaking on Nuclear Power and Y2K
- 2. NRC's Draft Contingency Plan

Dear Secretary:

I am asking that the NRC require utilities to meet specified criteria to operate after December 1, 1999 and that the NRC require emergency response exercise and finally that the NRC require additional steps to protect against offsite power loss.

I live with in ten miles of Limerick Nuclear Power Plant. I hope that the NRC will be very aggressive in regulating this plant. The NRC is mandated to protect the public health and safety and I think this mandate should take precedence over any perceived need for electrical power from this reactor.

Docket #PRM 50-65 would require the shutdown, by December 1, 1999, of any nuclear reactor that is not demonstrably Y2K compliant, until such time as they are compliant. The purpose of this rule is to ensure that there are standard criteria that the utilities must be to demonstrate Y2K compliant (stricter than "readiness") and that the NRC will apply these criteria uniformly across the industry.

I hope that nuclear reactors will not be allowed to operate on December 31,1999 if they have not demonstrated compliance. I do not think compliance is the same thing as readiness.

Docket #PRM 50-66 would require each reactor to have both of its emergency diesel generators declared operable, as of Decmber1, 1999; have a sixty day supply of diesel fuel available on site for each generator; declare irradiated (or "spent") fuel pools to be Class 1E (or safety related and thus requiring back-up power); and require utilities to install an additional source of back-up power for each reactor by December 1, 1999.

This rule addresses what is the most important Y2K issue of all - the possibility of a widespread blackout. Nuclear power plants require offsite electrical power to cool the reactor core and fuel pool. If an operating reactor loses power for any significant amount descented and the of time (several hours to a couple of days) the reactor will melt down. This means Wester Hart & D T reactors are required to have emergency diesel generators, each capable of powering the set the set of the set

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entire plant. NRC claims these generators are 95% reliable, which is not good enough. In addition, research suggests that generator reliability is lower than 95% especially if one is out-of-service for maintenance.

The rule would require both emergency diesel generators to be operable, and that there be enough fuel on onsite to compensate for potential fuel delivery problems caused by unrelated Y2K disruptions. Information suggest that it is nearly impossible to reach a cold shut down with electrical power. Without such power there could be a melt down.

NRC's Draft Contingency Plan places too much emphasis on power production and in fact redefines NRC's mission by arguing that ensuring power production is in itself a public health and safety issue. If this trick works it will be too bad and allow the operators to make decisions in order to keep reactors running without having to go through the normal process of obtaining exemptions. This eliminates the public from the decision making process.

Please enter my comments in the hearings record(s).

Sincerely, mai 1

Tina Daly 1880 Pickering Road Phoenixville, PA 19460

February 9, 1999

DOCKET NUMBER PETITION RULE PRM 50-65 (64FR3790)

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Concerning the petition to Shutdown Nuclear Powerplants on Dec. 1, 1999

'99 FEB 11 P2:15

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I would agree entirely with the Petition to Shutdown Nuclear Power Plants.

OFFIC

I have always been, and will always be, a proponent of Nuclear Energy, but as a computer programmer that has been dealing with the Y2K issue from a programming perspective, I believe it is in the publics best interest to shut down these plants to be on the safe side on Dec. 1 if not compliant as the petition states.

In this instance, it is better to be safe then sorry.

Mike Wright 8641 Creston Street Pinckney, MI 48169

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FEB 1 8 1999 Acknowledged by

U.S. NUCLEAR REGULATORY COMMISSION RULEMAKINGS & ADJUDICATIONS STAFF OFFICE OF THE SECRETARY OF THE COMMISSION

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February 10, 1999

NOTE TO: Emile Julian Chief, Docketing and Services Branch

FROM: Carol Gallagher ADM, DAS Carol Sallayho

SUBJECT: DOCKETING OF COMMENT ON PRM-50-65, "SHUTDOWN OF NUCLEAR FACILITIES NOT COMPLIANT WITH Y2K ISSUES"

Attached for docketing is a comment letter related to the subject petition for rulemaking.

This comment was received via the rulemaking website on February 9, 1999. The submitter's

name is Mike Wright, 8641 Creston Street, Pinckney, MI 48169. Please send a copy of the

docketed comment to Matthew Chiramal (mail stop O9D-4) for his records.

Attachment: As stated

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cc w/o attachment: M. Chiramal

DOCKET NUMBER PETITION RULE PRM 50-65 (64FR3790) DOCKETED USNRC From: Nancy Allen <nallen@acadia.net> To: CAG Date: Tuesday, February 09, 1999 1:12 PM FEB 11 A8:16 .00 Subject: Y2K/Nukes public comment OFFICE >TO CAROL GALLAGHER - NUCLEAR REGULATORY COMMISSION RUL ADJUD Dear Ms. Gallagher. Thank you for your email. My browser does not support file uploads so I am sending my comments directly to you as you suggested. Thank you for your assistance. Nancy Allen To the Nuclear Regulatory Commission Re: Comments on Rulemaking Petitions PMR 50-65, PMR 50-66 and PMR 50-67 Comments in CAPS >>1) (Docket# PRM 50-65) require the shutdown, by December 1, 1999, of any >>nuclear reactor that is not demonstrably Y2K compliant, until such time >>as they are compliant. >> I AGREE NUCLEAR PLANTS SHOULD BE SHUT DOWN IF NOT FULLY Y2K COMPLIANT, BUT I BELIEVE THE SHUTDOWN SHOULD OCCUR BEFORE DECEMBER 1 SO THAT **CITIZENS** HAVE TIME TO PREPARE IN THE WARM SEASON RATHER THAN IN WINTER. MOST PEOPLE IF GIVEN THE FAUSTIAN CHOICE OF POWER LOSSES OR POSSIBLE NUCLEAR CATASTROPHE WOULD CHOOSE, I BELIEVE, TO CUT POWER USAGE. THE APPARENT NRC DECISION TO KEEP REACTORS ONLINE EVEN IF THERE ARE Y2K PROBLEMS IS NOT A PROPER DECISION FOR THE NRC ALONE. FOR THIS MOMENTOUS CHOICE, THE PUBLIC, AND STATE AND LOCAL OFFICIALS, NEED TO BE MUCH MORE INVOLVED. IF NUCLEAR PLANTS ARE NOT 100% COMPLIANT BY JULY 1. I BELIEVE THEY SHOULD BE SHUT DOWN AND THE PUBLIC PREPARED FOR THAT POSSIBILITY SOON. > >> >>2) (Docket# PRM 50-66) require each nuclear site to hold a full-scale >>emergency response exercise during 1999 that includes a Y2K-related >>component. AN EMERGENCY RESPONSE EXERCISE MUST BE HELD AT EACH SITE AND SHOULD COME

IN THE SUMMER AS SOON AS ANY NON COMPLIANCE HAS BEEN DETERMINED.

>>3) (Docket# PRM 50-67) require each reactor to have both of its >emergency diesel generators declared operable, as of December 1, 1999; >have a 60-day supply of diesel fuel available on site for each

U.S. NUCLEAR REGULATORY COMMISSION RULEMAKINGS & ADJUDICATIONS STAFF OFFICE OF THE SECRETARY OF THE COMMISSION

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>generator; declare irradiated (or "spent") fuel pools to be Class 1E (or >safety-related and thus requiring back-up power); and require utilities >to install an additional source of back-up power for each reactor by >December 1, 1999.

SPENT FUEL POOLS SHOULD ABSOLUTELY BE CLASSIFIED 1E IMMEDIATELY. REACTORS WHICH WILL CLEARLY NOT BE IN FULL COMPLIANCE BY JULY 1 SHOULD BE

REQUIRED TO HAVE BACK UP SOLAR OR WIND OR OTHER ALTERNATIVE POWER SOURCES IN

PLACE AS SOON AS POSSIBLE FOR REACTOR CORE AND SPENT FUEL POOL COOLING SYSTEMS.

General comments:

THIS EMERGENCY MUST NOT BE MET WITH TYPICAL INDUSTRY PUBLIC RELATIONS. THE SITUATION IS SO SERIOUS AND FRIGHTENING THAT BRAVE AND BOLD SAFETY PRECAUTIONS, AND PERHAPS UNPOPULAR DECISIONS INCLUDING REACTOR SHUTDOWNS, MUST BE MADE TO PROTECT THE PUBLIC HEALTH AND SAFETY. PLEASE DO YOUR

MUST BE MADE TO PROTECT THE PUBLIC HEALTH AND SAFETY. PLEASE DO YOUR DUTY.

Nancy Allen co-chair Maine Green Party RR 1 Box 109 Surry, ME. 04684 nallen@acadia.net

February 9, 1999

NOTE TO: Emile Julian Chief, Docketing and Services Branch

FROM: Carol Gallagher ADM, DAS Carol Solloyho

SUBJECT: DOCKETING OF COMMENT ON PRM-50-65, PRM-50-66 AND PRM-50-67

Attached for docketing is a comment letter related to the subject petitions for rulemaking. This comment was received via e-mail on February 9, 1999. The submitter's name is Nancy Allen, co-chair Maine Green Party, RR 1 Box 109, Surry, ME 04684. Please send a copy of the docketed comment to Matthew Chiramal (mail stop O9D-4) for his records.

Attachment: As stated

cc w/o attachment: M. Chiramal February 8, 1999

Attn: Docketing and Service Branch U.S. Nuclear Regulatory Commission Washington, DC 20555

Re: nuclear power and Y2K petitions for rulemaking

Dear NRC:



DOCKETED

USNRC

'99 FEB 11 A8:16

I am writing in support of the three petitions for rulemaking submitted by the Nuclear Information and Resource Service (NIRS) on December 10, 1998, regarding nuclear power and Y2K issues. The Y2K issue is of great concern to me, especially as it relates to nuclear power. The NIRS petitions for rulemaking represent modest, prudent steps to address this issue.

DOCKET NUMBER

PETITION RULE PRM 50-65 (64FR3790)

I urge the NRC to support these proposed rules, and to publish them in the Federal Register as soon as possible. I intend to comment upon these proposed rules when they are published; please notify me once their publication date is known.

Sincerely,

Joe Perryman

E-Mail:joeperry@yourlink.net

Web Site at:http://www.yourlink.net/joeperry



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February 9, 1999

NOTE TO: Emile Julian Chief, Docketing and Services Branch

FROM: Carol Gallagher ADM, DAS Carol Sallyho

SUBJECT: DOCKETING OF COMMENT ON PRM-50-65, PRM-50-66 AND PRM-50-67

Attached for docketing is a comment letter related to the subject petitions for rulemaking.

This comment was received via e-mail on February 8, 1999. The submitter's name is Joe

Perryman. Please send a copy of the docketed comment to Matthew Chiramal (mail stop O9D-4)

for his records.

Attachment: As stated

cc w/o attachment: M. Chiramal



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PETITION RULE PRM 50-65 (64FR 3790)

DOCKET NUMBER

DOCKETED USNRC

OFFIC

From:<Jaggedrock@aol.com>To:TWFN_DO.twf2_po(NRCWEB)Date:Sat, Feb 6, 1999 1:16 PMSubject:The 3 petitions

Dear Sirs:

'99 FEB 11 A8:16

ADJUDIC I have read all 3 petitions that have been brought before the commission, and wish to respond to your request for public comment.

All 3 petitions I agree with. If strictly defined "compliance" is not achieved as verified by an outside validation source, by a certain date, the plants should be shut down. Further, extraordinary contingency plans must be mapped out and implemented quickly so that, if we run into problems, they will have been thought out ahead of time and can, hopefully, be dealt with. Lastly, it is clear that outside power is necessary, not to mention telecommunications, to run many of the systems that control nuclear power plants. A well defined source of alternative electricity and the fuel(s) necessary to produce it would certainly seem in order for the public's safety.

My concern though, with the petitions in general, is that based on prior research that I have done, a certain amount of time is required to safely shut down a power plant. The petitions call for shut down 12-1-99 if certain things have not definitively fallen into place with Y2K compliance, etc. Let's say the decision is made that the plants must be shut down. Does doing so 12-1-99 provide sufficient time to shut down? From what I've read, I think not. Don't you need more like 4 to 5 months, which would indicate that a mandatory shut down date in the July, August or September time frame would make better sense?

Respectfully yours,

Jeff Ottle San Diego, California

CC: GATED.nrcsmtp("year2000@mail.catholicity.com")

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February 9, 1999

NOTE TO: Emile Julian Chief, Docketing and Services Branch

FROM: Carol Gallagher ADM, DAS Carol Aallayho

SUBJECT: DOCKETING OF COMMENT ON PRM-50-65, PRM-50-66 AND PRM-50-67

Attached for docketing is a comment letter related to the subject petitions for rulemaking. This comment was received via e-mail on February 8, 1999. The submitter's name is Jeff Ottle. Please send a copy of the docketed comment to Matthew Chiramal (mail stop O9D-4) for his records.

Attachment: As stated

cc w/o attachment: M. Chiramal

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OFFICE OF SECRE ARY RULEMAKINGS AND ADJUDICATIONS STAFF

ENVERONMENT

Helaine Lerner **Board Chair**

Alice Slater President

Attn: Docketing and Service Branch U.S. Nuclear Regulatory Commission Washington, D.C. 20555

Re: nuclear power and the Y2K petitions for rulemaking

Project Directors

David Brubaker William J. Weida

Oscar Arias

Barbara Bergman

Selma Brackman Kim Brizzolara

Helen Caldicott

Manas Chatterii

Gary Ferdman

Shirley Fingerhood Hamilton Fish Karl Grossman

zel Henderson

James Parks Morton

Stanley Sheinbaum Henry Spira

Monroe Price

Douglas Roche

Emily Squires Theodore B. Taylor Grace Thorpe William J. Weida **Stanley Weithorn** Alan Woltz

er Isard

hio Kaku

Inge Kaul Patti Kenner David Krieger **Gloria Lawrence** Ann Markusen Leonard Marks Myron Mehlman Myriam Miedzian

Mark Dowie Faye Duchin Lloyd Dumas Dear Sir/Madam:

DOCKET NUMBER PETITION RULE PRM 50-65 (64FR3790)

isory Committee

We are writing in support of the three petitions for rulemaking submitted by the Nuclear Information and Resource Service (NIRS) on December 10, 1998, regarding nuclear power and Y2K issues. This is of great concern to us considering the devastating consequences of a nuclear reactor accident. The NIRS petitions for rulemaking represent modest, prudent steps to addressing these problems.

ENTER

FOR

THE

Jacqueline Cabasso I urge the NRC to support these proposed rules, and to publish them in the Federal Register as soon as possible. I intend to comment upon these proposed rules when they are finally published; please notify me once their publication date is known.

Sincerely,

Une Alater

Alice Slater President of Global Action Resource Center for the Environment 15 East 26th Street, Room 915 New York, NY 10010

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> > Harry Charles

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DOCKETED Suzanne Knutzen 3101 102nd Place FEB 10 P3:03 **.**99 Long Beach, WA 98631 Feb. 6, 1999

ADJUDIC AFF

PETITION RULE PRM 50-65

(64FR 3791)

DOCKET NUMBER

USNRC.

U.S. Nuclear Regulatory Commission Washington, D.C. 20555

Dear Rulemakings and Adjudications Staff:

I am writing in regards to Docket No. PRM-50-65. I believe that all Nuclear Power plants should be shut down on December 1, 1999 if they cannot demonstrate full compliance for the Year 2000.

This is a very important issue to me. I would hate to jeapordize the health and safety of our planet. Full disclosure of NRC data pertaining to Y2K is vital to the well-being of the people of the United States.

We need to lead the way and show other nations the importance of keeping Nuclear Power safe.

I am a primary school teacher, and have researched Y2k extensively.

Sincerely, UNITED STATES NUCLEAR REGULATORY COMMISSION PENAL WASHINGTON DC 20555-0001 FOR PRIVATE **OFFICIAL BUSINESS** FEB 1 1'9 9 PENALTY FOR PRIVATE USE \$300 USE \$300 PBMETER 250333 SUZANNE KNUTZEN 3101 102ND PLACE LONG BEACH, WA 98631 NOT DELIVERABLE ********** AS ADDRESSED CMT DATE: 02/06/99 (64FR03790) 21 LANGABLE TO FORM AND MUSELLE MAL BEA West PER VI the best want

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An W T W

24 Winifred Ave. Epping Australia 2121

The Secretary United States Nuclear Regulatory Commission

Re: Y2K amendments to regulations

Dear Sir/Madam

Despite the fact that I live on the other side of the world I am extremely concerned about the potential effects of Y2K-induced failures in nuclear power plants in the United States. I believe that failures could result in disasters of the magnitude of Chernobyl. I write to wholeheartedly support the Nuclear Information and Resource Service's petitions calling for;

PETITION RULE PRM 50-65

(64FR3790) 3rd February 1999

- 1) A shutdown of nuclear facilities that will not be Y2K compliant.
- 2) Full-scale emergency planning exercises to prepare facilities for any Y2K problems.

DOCKET NUMBER

3) Provision of reliable back-up sources of power for nuclear facilities.

I strongly believe that a 'safety-first' approach must be taken by the NRC to ensure that there is no chance of any nuclear accidents occurring as a result of the Y2K problem.

Yours Sincerely

g.S.

Gus Gulson Sydney, Australia.

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PETITION RULE PRM 50-65 (64FR 3790)

February 2, 1999

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USNRC

Secretary US Nuclear Regulatory Commission Washington, DC 20555 *Attn: Rulemakings and Adjudication Staff*

OFFICE OF SECR. 1 ANY RULEMAKINGS AND ADJUDICATIONS STAFF

RE: Support for NIRS Y2K Petitions

We the undersigned, concerned US citizens, <u>urge you to adopt the 3 Nuclear</u> <u>Information and Resource Service petitions</u> for rulemaking on nuclear power and Y2K issues.

We support:

Docket # PRM 50-65 requiring the shutdown of any reactor that is not demonstrably Y2K compliant by December 1, 1999.

Docket # PRM 50-66 requiring each nuclear site to hold a full scale, Y2K related, emergency response drill during 1999.

Docket # PRM 50-67 requiring each reactor to have 2 diesel generators fully operable by December 1, 1999; to have a 60 day supply of diesel fuel on hand; to declare spent fuel Class 1E (requiring back-up power); and to install additional back-up power for each reactor by December 1, 1999.

We are especially concerned about the NRC's implication that ensuring power production is the most important goal of Y2K preparation plans. The only way to ensure health and safety for the communities directly, and indirectly, affected by the operation of nuclear reactors is to make the sites as accident-proof as possible - even if that requires temporarily shutting them down.

We thank you and the nuclear industry for your ongoing attention to, and work to resolve, possible Y2K related problems.

Merrill Hodne Milan City, State manage Signature Name lerry Carpenter enn MI Gaia Kile Ann Aibos

Acknowledged by ca

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Support for NIRS Y2K Petitions Page 3

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City, State Signature Name LARR ARLENE homas 0 Am Larry Micha MIA 11 NAthANielA S avol 200 11 MA R. GERST AAVIS SANJAK ANN Anbor 1 Merrill Hodnefield 4481 Willis Rd. Milan, MI 48160


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OFFICE RULE ADJUE

February 8, 1999

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Secretary U.S. Nuclear Regulatory Commission Washington, DC 20555 DOCKET NUMBER PETITION RULE PRM 50-65 (64 FR 3790)

Attention: Rulemakings and Adjudication Staff

SUBJECT: Comments On Petitions Related To Year 2000 Computer Readiness PRM-50-65, PRM-50-66, and PRM-50-67

Gentlemen:

South Carolina Electric & Gas Company (SCE&G) submits the following comments in response to the Nuclear Regulatory Commission's request for comments on three petitions for rulemaking from the Nuclear Information and Resource Service. These petitions are related, discussing date-sensitive, computer-related issues related to year 2000, commonly referred to as Y2K issue. (64 *Fed. Reg.* 3790 - January 25, 1999)

General Comments

We recommend that the Commission deny the three Y2K related petitions from Nuclear Information and Resource Services. This recommendation is based on the following:

- Current regulations are adequate to address potential issues that may arise from potential Y2K computer issues.
- Regulatory requirements were reviewed in an October 1997 public meeting between the NRC staff, industry experts, and other interested parties. This review concluded that no additional regulations were required.
- The petitions do not raise new issues that would change this conclusion.
- NRC staff oversight of the industry's year 2000 remediation is providing the technical information needed by the Commission to make informed decisions and ensure public health and safety.

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- SecretaryFebruary 8, 1999 Page 2
 - Industry testing has confirmed that safety-related initiation and actuation systems (e.g., reactor trip system, engineered safety feature actuation system) were not subject to the Year 2000 concern.
 - Industry testing has shown that there are cases where remediation is required, but no situation has been identified that would prevent proper operation of safety systems to shutdown the plant if required.
 - The nuclear power industry has taken a closely coordinated approach to year 2000 readiness, making regulatory oversight easier.
 - Staff suggestions and comments were incorporated in the final document, NEI/NUSMG 97-07, "*Nuclear Utility Year 2000 Readiness*" issued on October 20, 1997. SCE&G committed to this standard industry program.
 - In accordance with Generic Letter 98-01, SCE&G will report to the Commission the status of their Y2K readiness program by July 1, 1999. This report will identify any safety related remediation that has not been completed and the facility schedule for achieving readiness. This report, combined with long term NRC staff oversight, will provide the Commission with the technical information needed to conduct a rational evaluation of Y2K issues. Current regulations provide adequate authority if Commission action were needed to protect public health and safety.

PRM-50-65 Shutdown of nuclear facilities

Current regulations provide adequate authority if Commission action were needed to protect public health and safety. Therefore, additional regulations are not required to ensure safe plant operation.

PRM-50-66 Emergency planning

The additional emergency planning exercise suggested by the petition is not needed to ensure public health and safety. NRC analysis and industry testing have confirmed that safety systems will function to shutdown a reactor if required. The facts do not support the petitioners speculation that Y2K-induced events could cause severe challenges to critical safety systems leading to potential core meltdown.

SCE&G is conducting contingency planning for key Y2K rollover dates. These contingency plans evaluate specific risk factors and where appropriate providing mitigation strategies. This is a more effective approach to ensuring we can continue to operate and meet commitments.

SecretaryFebruary 8, 1999 Page 3

PRM-50-67 Backup power

Current regulations requiring backup power are sufficient to ensure public health and safety. Facilities operating within the requirements of their license have adequate alternate power sources.

In its most recent report issued January 11, 1999, the North American Electric Reliability Council states that, "Transmission outages are expected to be minimal and outages that may occur are anticipated to be mitigated by reduced energy transfers established as part of the contingency planning process." Widespread, long-term loss of the grid due to Y2K induced events is not a credible scenario.

Summary

SCE&G does not believe additional regulations are required to maintain the current high standards for public health and safety.

We appreciate the opportunity to comment on these three petitions for rulemaking. If you have any questions please contact Jeff Pease at 803-345-4124.

Sincerely,

Jeffrey Pease Licensing Specialist (Y2K Issue Manager) V.C.Summer Nuclear Station South Carolina Electric & Gas Co. P.O. Box 88 Mail Code 830 Jenkinsville, SC 29465

February 8, 1999

NOTE TO: Emile Julian Chief, Docketing and Services Branch

FROM: Carol Gallagher ADM, DAS Carol Sallagher

SUBJECT: DOCKETING OF COMMENT ON PRM-50-65, PRM-50-66 AND PRM-50-67

Attached for docketing is a comment letter related to the subject petitions for rulemaking. This comment was received via e-mail on February 8, 1999. The submitter's name is Jeffrey Pease, Licensing Specialist, V.C. Summer Nuclear Station, South Carolina Electric & Gas, P.O. Box 88, Mail Code 830, Jenkinsville, SC 29465. Please send a copy of the docketed comment to Matthew Chiramal (mail stop O9D-4) for his records.

Attachment: As stated

cc w/o attachment: M. Chiramal



1

From: "M. Higgins" <mhiggin1@columbus.rr.com> To: TWFN_DO.twf2_po(NRCWEB) Date: Sun, Feb 7, 1999 5:51 PM Y2K & Shut-Down of Nuclear Facilities Subject:

TO WHOM IT MAY CONCERN,

The petition has been docketed by the Commission and has been assigned Docket No. PRM-50-65. The petitioner requests that the NRC amend its regulations to require the shutdown of nuclear facilities that are not compliant with date-sensitive, computer-related issues regarding the Year 2000 (Y2K). The petitioner requests that the NRC take this action to ensure that Y2K issues will not cause the failure of nuclear safety systems and thereby pose a threat to public health and safety.

PETITION RULE PRM 50-65

(64FR3790)

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The petitioner requests that the NRC adopt the following text as a rule: Any and all facilities licensed by the Nuclear Regulatory Commission under 10 CFR Parts 30, 40, 50, and 70 shall be closed by 12pm Eastern Standard Time, December 1, 1999, unless and until each facility has (a) fully and comprehensively examined all computer systems, embedded chips, and other electronic equipment that may be date-sensitive to ensure that all such systems that may be relevant to safety are Y2K compliant; (b) repaired, modified, and/or replaced all such systems that are not found to be Y2K compliant; (c) made available to the public all information related to the examination and repair, modification and/or replacement of all such systems; (d) determined, through full-scale testing, that all repairs, modifications, and/or replacements of all such systems are, in fact, Y2K compliant.

The petitioner notes that in Generic Letter 98-01, the NRC has recognized the potential date-related problems that may affect a system or application (the Y2K problem). These potential problems include not representing the year properly, not recognizing leap years, and improper date calculations. These problems could result in the inability of computer systems to operate or to function properly. The petitioner states that the Y2K problem could potentially interfere with the proper operation of computer systems, microprocessor-based hardware, and software or databases relied on at nuclear power plants. The petitioner asserts that the Y2K problem could result in a plant trip and subsequent complications in tracking post-shutdown plant status and recovery due to a loss of emergency data collection. The petitioner is also concerned that power grids providing offsite power to nuclear stations could be impacted to the extent that localized and widespread grid failures could occur.

The petitioner acknowledges that the NRC has recognized the potential safety and environmental problems that could result if date-sensitive electronic systems fail to operate or provide false information. The petitioner also notes that NRC has, in Generic Letter 98-01, required its reactor and major fuel cycle facilities to report on their programs to ensure compliance with Y2K issues by July 1, 1999.

However, the petitioner asserts that the NRC has not made explicit how it will define compliance nor what it plans to do for facilities that cannot prove compliance. In the petitioner's suggested regulatory text, the petitioner defines compliance with Y2K issues as evaluation of all potential problems that may be safety-related, repair of all such problems, and full-scale testing of all solutions. The petitioner would also require full public disclosure of all evaluation the repair, and testing data so that it may be examined by independent experts and the public.

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"

Copies Received 1 Addi Copies Reproduced 45 Special Distribution Neyer, Chiramal Hallagher, PDR, RIDS Finally, the petitioner's suggested amendment would make it clear that nuclear facilities will be closed until they can demonstrate full compliance with Y2K issues.

The petitioner states that the NRC is obligated to act decisively to protect public health and safety and the environment. The petitioner believes that anything short of its suggested approach is insufficient to fulfill this obligation and that the NRC should adopt this suggested regulation as soon as possible.

Thank you!

Christina K. Higgins 2464 Buckley Road Columbus, OH 43220 614-628-6286 email: mhiggin1@columbus.rr.com

February 8, 1999

| NOTE TO: | Emile Julian |
|----------|--------------------------------------|
| | Chief, Docketing and Services Branch |

FROM: Carol Gallagher ADM, DAS

ê ...

Carol Sallagho

SUBJECT: DOCKETING OF COMMENT ON PRM-50-65 "SHUTDOWN OF NUCLEAR FACILITIES NOT COMPLIANT WITH Y2K ISSUES"

Attached for docketing is a comment letter related to the subject petition for rulemaking.

This comment was received via e-mail on February 8, 1999. The submitter's name is Christina K.

Higgins, 2464 Buckley Road, Columbus, OH 43220. Please send a copy of the docketed

comment to Matthew Chiramal (mail stop O9D-4) for his records.

Attachment: As stated

cc w/o attachment: M. Chiramal PETITION RULE PRM 50-65 (64FR3790) (16

From:mineux <uranus@nbn.net>To:TWFN_DO.twf2_po(NRCWEB)Date:Sun, Feb 7, 1999 4:50 PMSubject:y2k

'99 FEB 10 A8:44

DOCKETED

USNRC

it has come to my attention that there is vacillation within the norregarding the closure of the nuclear facilities if they are not _COMPLIANT_ by 7/1/99. you will note i said compliant not y2k 'READY' whatever that might mean this week.

i live 10 miles away from TMI and remember only too well the last debacle.

how anyone at the nrc can, in good conscience, consider, even if for a moment, not shutting down the reactors with the threat of a catastrophe looming on the horizon is unfathonable to me.

you are jepoardizing the lives of innocent men, women, and children for political expediency. rather a total shutdown of our electrical systems and economy than a meltdown of our nuclear power plants.

THERE ARE NO GUARANTEES!!! we cannot afford to take a chance of this magnitude when the down side far outweighs the upside to such a degree.

god save us from bureaucrats...they will be the death of us all.

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February 8, 1999

Emile Julian NOTE TO: Chief, Docketing and Services Branch

FROM: Carol Gallagher ADM, DAS

Carol Sallafo

SUBJECT: DOCKETING OF COMMENT ON PRM-50-65 "SHUTDOWN OF NUCLEAR FACILITIES NOT COMPLIANT WITH Y2K ISSUES"

Attached for docketing is a comment letter related to the subject petition for rulemaking.

This comment was received via e-mail on February 8, 1999. Please send a copy of the docketed

comment to Matthew Chiramal (mail stop O9D-4) for his records.

Attachment: As stated

cc w/o attachment: M. Chiramal



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11251 TAHOE ST. AUBURN, CA 95602-9235 PHONE 530-823-2224 FAX 530-888-0535 \$9 FEB -9 P 3 :35 email: MLivin5387@AOL.com

MILLEE LIVINGSTON

OFFICE OF SECRETARY RULEMAKINOS AND ADJUDICATIONS STAFF

February 3, 1999

Secretary, U. S. Nuclear Regulatory Commission Washington, DC 20555

Attn: Rulemakings and Adjudications Staff

DOCKET NUMBER PETITION RULE PRM 50-65 (64FR3790)

Dear Sir.

We wish to comment on the NIRS' three petitions for rulemaking on nuclear power and Y2K issues. We wish to strongly urge adoption of rules that would safeguard safety and health concerns to the general public.

We urge strong rules to ensure that there are standard criteria that the utilities must meet to demonstrate Y2K compliance. We urge a stricter standard than "readiness", and that the NRC will apply these criteria uniformly across the industry and the country.

Nuclear reactors should not be allowed to operate on December 31, 1999 if compliance is not demonstrated, as the potential interactions among non-compliant and compliant systems presents an unknown, but foreseeable risk to the public.

It appears that compliance needs to happen before December 31, 1999 so that the necessary adjustments and plans be met. We have heard that there is considerable misinformation on the Internet. All the rules must be clear and apply to everyone. We need to avoid a melt down and do not need to experiment with our lives.

Again, we strongly urge adoption of rules that would safeguard the health of the general public.

Thank you. Please let us know what the outcome of these comments.

Sincerely,

illes Livings tom Millee Livingston



Ms. Millee Livingston 11251 Tahoe St. Auburn, CA 95602

Acknowledged by can

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DOCKET NUMBER PETITION RULE PRM 50-65 (64FR3790)



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Acknowledged by card

February 4, 1999

Secretary of the Commission U.S. Nuclear Regulatory Commission Attention: Rulemakings and Adjudications Staff Washington, DC 20555

Dear Secretary:

We are writing to you regarding NIRS' three petitions for rulemaking on nuclear power and Y2K issues (Federal Register, January 25, 1999, Vol. 64, No. 15, pp 3789-3793). We wholeheartedly support these three petitions submitted to the NRC and we commend you on your acknowledgment of these important public health and safety issues. We are happy to hear that you are actively seeking to address this crucial matter which will have major implications for New York State's six commercial nuclear reactors.

1

We believe that for the NRC to truly ensure public health and safety it will need to be more aggressive in its approach to the Y2K dilemma. The NRC should immediately take the following actions as recommended in NIRS' three petitions:

1) set a requirement that calls for the shutdown of any nuclear reactor that is not Y2K compliant by December 1, 1999. Once, Y2K compliancy is ensured for a particular reactor, the reactor would be allowed to go back on line.

2) implement standard criteria that the utilities must meet to demonstrate Y2K compliance (a stricter standard than "readiness"). The NRC should apply such criteria uniformly across the industry.

3) set a requirement that nuclear reactors not be allowed to operate on December 31, 1999 if compliance is not demonstrated. The logic being that potential interactions among non-compliant and compliant systems presents an unknown, but foreseeable risk to the public.

4) set a requirement that each nuclear site hold a full-scale emergency response exercise during 1999 that includes a Y2K-related component. Such an exercise, in which nuclear utility

as of December 1, 1959; groups 6 with a cyply of direct full excitable on site for each generatory eacher are not to the second of the contract statement of the each generating and this second op.

. requirements. Generally specified, i. feit-band waste mentions water cooling for about five yeres.

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personnel must respond to events as if they actually were happening, would be invaluable, particularly for the type and range of problems Y2K issues could present. This would help to build an industry-wide storehouse of knowledge that can be called upon if Y2K problems do manifest themselves.

5) set a requirement each reactor have both of its emergency diesel generators declared operable, as of December 1, 1999; have a 60-day supply of diesel fuel available on site for each generator; declare irradiated (or "spent") fuel pools to be Class 1E (or safety-related and thus requiring back-up power); and require utilities to install an additional source of back-up power for each reactor by December 1, 1999.

This would address what may be the most important Y2K issue-the possibility of local, regional, or widespread blackouts.

6) set a requirement that both emergency diesel generators to be operable, and to have enough fuel onsite to compensate for potential fuel delivery problems caused by unrelated Y2K disruptions. It is our understanding that if an operating reactor loses power for any significant amount of time (several hours to a couple of days), the reactor will melt down. Given the severity of such an event, we believe it is vital that some action be taken on this particular matter.

7) set a requirement that subjects irradiated fuel pools, which also need cooling, to backup power requirements. Generally speaking, high-level waste requires water cooling for about five years.

8) set a requirement calling on utilities to install an additional source of dedicated back-up power (preferably a renewable energy source that ultimately could be added to the electrical grid once the Y2K issue is fully addressed).

Finally, we believe that the NRC's mandate to protect public health and safety should take clear precedence over any perceived need for electrical power from reactors. Thank you for taking the time to consider our comments.

Sincerely,

Kyle Rabin Air & Energy Program

Attn: Docketing and Service Branch

U.S. Nuclear Regulatory Commission

Washington, DC 20555

Re: nuclear power and Y2K petitions for rulemaking

Dear NRC:

I am writing in opposition to the three petitions for rulemaking submitted by the Nuclear Information and Resource Service (NIRS) on December 10, 1998, regarding nuclear power and Y2K issues. The Y2K issue is of great concern to me, especially as it relates to nuclear power. However, I understand through various agencies, including the Nuclear Energy Institute (NEI) and the National Energy Resource Council (NERC) that the nuclear utilities are diligently working to ensure their plants are Y2K ready by December 1999. I am also aware the nuclear industry is providing periodic status reports to NEI and NERC, which are available to the public. These reports not only provide a viable forum for exchange of information among the utilities, but also allow the public to discern the efforts being put forth by these entities.

DOCKET NUMBER

As you are aware, the NRC is also gathering valuable information through the various plant audits and through information provided via Generic Letter 98-01, "Year 2000 Readiness of Computer Systems at Nuclear Power Plants."

Because of the efforts being made by both the nuclear industry and the NRC, I believe the NIRS petitions for rulemaking are unnecessary and would, if enacted, place unnecessary burdens on the nuclear industry.

I urge the NRC to oppose these unnecessary and overly burdensome proposed rules.

Sincerely,

Rt. Z, Box 120A Dill City, OK 73641

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From:Mindy LandauTo:"heparin@earthlink.net"@GATED.nrcsmtpDate:Tue, Feb 2, 1999 12:53 PMSubject:Re: NIRS

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USNRC

OFFICE OF BEI

Thank you for your opinion. I am forwarding your e-mail to the proper contacts at NRC.

DOCKET NUMBER

PETITION RULE PRM 50-65

>>> <heparin@earthlink.net> 02/01 10:46 AM >>> i'm contacting you regarding the NIRS petitions

for one, i am against the use of nuclear power. the benefits far outway the risks. but please, at least maximize the level of mandatory safety testing for such facilities. think of the outcome if you don't.

thank you

jeff toste

CC: David Meyer

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| From: | David Meyer | |
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| To: | Emile Julian | |
| Date: | Mon, Feb 8, 1999 7:38 AM | |
| Subject: | Fwd: Re: NIRS | |

Emile:

CC:

Attached is a public comment (e-mail) received from Mindy Landau, Public Affairs, regarding the NIRS petition for rulemaking on Y2K at reactor facilities.

David Meyer, ADM 415-7162

Carol Gallagher, Jared Wermiel

Attn: Docketing and Service Branch

U.S. Nuclear Regulatory Commission

Washington, DC 20555

Re: nuclear power and Y2K petitions for rulemaking

Dear NRC:

I am writing in opposition to the three petitions for rulemaking submitted by the Nuclear Information and Resource Service (NIRS) on December 10, 1998, regarding nuclear power and Y2K issues. The Y2K issue is of great concern to me, especially as it relates to nuclear power. However, I understand through various agencies, including the Nuclear Energy Institute (NEI) and the National Energy Resource Council (NERC) that the nuclear utilities are diligently working to ensure their plants are Y2K ready by December 1999. I am also aware the nuclear industry is providing periodic status reports to NEI and NERC, which are available to the public. These reports not only provide a viable forum for exchange of information among the utilities, but also allow the public to discern the efforts being put forth by these entities.

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PETITION RULE PRM 50-65

(64FR 3790)

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As you are aware, the NRC is also gathering valuable information through the various plant audits and through information provided via Generic Letter 98-01, "Year 2000 Readiness of Computer Systems at Nuclear Power Plants."

Because of the efforts being made by both the nuclear industry and the NRC, I believe the NIRS petitions for rulemaking are unnecessary and would, if enacted, place unnecessary burdens on the nuclear industry.

I urge the NRC to oppose these unnecessary and overly burdensome proposed rules.

Sincerely.

Berlen Farints

Garland Favorito 3952 Spalding Hollow Norcross, GA 30092

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DOCKET NUMBER PETTION RULE PRM 50-65 (64FR3790)

Secretary, U.S. Nuclear Regulatory Commission Washington, DC 20555 Attention: Rulemakings and Adjudications Staff DOCKETED

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OFFICE OF SECREDAR

January 28, 1999

Dear Sir or Ma'm,

I agree with the NIRS petitions as to how to manage nuclear power through the transition to the year 2000.

Specifically, the rulemakings should

1) (Docket# PRM 50-65) require the shutdown, by December 1, 1999, of any nuclear reactor that is not demonstrably Y2K compliant, until such time as they are compliant.

2) (Docket# PRM 50-66) require each nuclear site to hold a full-scale emergency response exercise during 1999 that includes a Y2K-related component.

3) (Docket# PRM 50-67) require four things relating to back-up power: each reactor to have both of its emergency diesel generators declared operable, as of December 1, 1999; have a 60-day supply of diesel fuel available on site for each generator;

declare irradiated (or "spent") fuel pools to be Class 1E (or safety-related and thus requiring back-up power);

and require utilities to install an additional source of back-up power for each reactor by December 1, 1999.

The risks of not being able to provide power safely are unthinkably high. The response to those risks must be commensurately aggressive.

Sincerely, Mary Feldman

5901 Martita Ave Las Vegas NV 89108 Sierra Club Member



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DOCKETED USNRC

424 Woodlands Circle Brandon, MS 39047 January 26, 1999 FFR -2 P3:03

DOCKET NUMBER

PETITION RULE PRM 50-65

(64FR3790)

U. S. Nuclear Regulatory Commission OFFICE OF S Washington, DC 20555 RULE Attn: Docketing and Service Branch ADJUDK

Re: Y2K Petitions for Rulemaking

To Whom It May Concern:

I am writing in opposition to the three petitions for rulemaking submitted by the Nuclear Information and Resource Service (NIRS) on December 10, 1998, regarding nuclear power and Y2K issues. The Y2K issue is of great concern to me, especially as it relates to utility companies. However, I understand through various agencies, including the Nuclear Energy Institute (NEI) and the National Energy Resource Council (NERC), the nuclear utilities are diligently working to ensure their plants are Y2K ready by December 1999. I am also aware the nuclear industry is providing periodic status reports to NEI and NERC, which are available to the public. These reports not only provide a viable forum for exchange of information among the utilities, but also allow the public to discern the efforts being put forth by these entities.

As you are aware, the NRC is also gathering valuable information through the various plant audits and through information provided via Generic Letter 98-01, "Year 2000 Readiness of Computer Systems at Nuclear Power Plants."

Because of the efforts being made by both the nuclear industry and the NRC. I believe the NIRS petitions for rulemaking are unnecessary and would, if enacted, place unnecessary burdens on the nuclear industry.

I urge the NRC to oppose these unnecessary and overly burdensome proposed rules.

Sincerely,

Juny H, Davant

Guy H. Davant

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January 23, 1999

ATTN: Chief, Docketing and Service Branch

United States Nuclear Regulatory Commission

Washington D.C. 20555

This letter supports the three Nuclear Information Resource Service (NIRS) petitions for rulemaking regarding Y2K emergency planning, shutdown of non-compliant facilities, and assurance of reliable back-up sources of power submitted to the NRC on December 10th, 1998.

As you know, nuclear energy is a super-lethal force delicately contained by nuclear power plants. It is pure grace, supporting the efforts of nuclear power plant operators, that keeps the energy produced in those plants controlled to the extent that it is. There are constant threats to that control by power outages, faulty equipment, human error, and earthquakes to name a few. Y2K poses an additional threat. The likelihood of a Y2K-nuclear disaster does not matter. As always, there is a chance of meltdown. Y2K increases the chance, and calls for heightened responsibility by the NRC, and ultimately, the nuclear power plant operators.

What is distracting certain people in the nuclear and nuclear regulatory industries from taking necessary responsibility for Y2K preparedness and ongoing nuclear safety for that matter? Meltdown is a far greater threat to humanity and all life on Earth then any lost profits, political incorrectness, or national or global economic recession. Nuclear meltdown can render the Earth uninhabitable or a living hell for thousands of years. It is obvious which is more threatening. It is also obvious that the NRC has the responsibility to do everything in its power to prevent meltdown. The three NIRS petitions for rulemaking ask the NRC to do only the minimum to ensure nuclear safety. I ask the NRC to at least enact the three NIRS petitions immediately. If the minimum is all the NRC will do, so be it. Ultimately, Y2K or not, nuclear power production has no ethical, or humane role. It is too dangerous and needs to be discontinued.

Please act on your own conscience.

Sincerely,

Luc Olrich 1230 High St., #217 Auburn, CA 95603

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DOCKETED USNRC DOCKET NUMBER PETITION RULE PRM 50-65 .00 JAN 29 A11:29 (64FR 3790) OFFICE RULEN ADJUDIC STAFF Stec. 12, 1998 U.S. N'RC. Washington, I.C. 20555 Attn: Docketing and Service Branch Tear Sirs: Qui regard to the upcoming Y2K crisiss please comply with three emergency petitions from the Nuclear Information and Resource 1) the shutdown of all reactors that are not demonstrably Y2K compliant through full testing by Ilec. 1, 1999 until they are compliant; 2.) installation of additional sources of back-up power to replace or supplement The existing diesel generators, These may include solar, wind, natural gas, hydro or other dedicated power systems; 3) a requirement that every nuclear PDR 981212 utility test a jull-scale emergency plan during 1999 with a scenario that includes a YOK-related component.

FEB - 4 1999 Acknowledged by card Mi, Ruth niswander

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PETITION RULE PRM 50-65 (64/FR3790)

OFFICE OF SECRETARY RULEMAKINGS AND ADJUDICATIONS STAFF

January 13, 1999

U.S. Nuclear Regulatory Commission Washington, DC 20555 Attn.: Docketing and Service Branch

Re. NIRS emergency petitions for rulemaking

To the NRC:

I support the Nuclear Information and Resource Service (NIRS) in Washington, DC, in its December 10, 1998 submission of three emergency petitions for rulemaking to the Nuclear Regulatory Commission.

The petitions call for:

 the shutdown of all reactors that are not demonstrably Y2K compliant through full testing, by December 1, 1999 until they are compliant;

2) Installation of additional sources of back-up power to replace or supplement the existing diesel generators. These may include solar, wind, natural gas, hydro or other dedicated power systems; and

 A requirement that every nuclear utility test a full-scale emergency plan during 1999 with a scenario that includes a Y2K-related component.

I urge you to adopt the rules suggested by the NIRS petitions and will inform my Congressional Representatives about my concerns regarding NRC's intention to test only 12 nuclear power reactors for their Y2K "readiness."

Sincerely,

apose In

John M. LaForge Co-Director Nukewatch





| U.S. NUCLEAR REGULATORY COMMISSION |
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GAINESVILLE, GEORGIA

OPINION PAGE EDITOR: RICK PARHAM (770) 532-1234, (800) 395-5005

MONDAY, DECEMBER 28, 1998





'99 JAN 26 P12:32

Nuclear power safety at risk from Y2K

I've read The Times' Y2K articles and waited to see if the paper would address preparedness in the nuclear industry. Since nothing has appeared, I want to inform readers of the following.

Safety at a nuclear power is entirely dependent on its source of electricity. Since grid failure is always a possibility, nuclear power plants have backup generators, often more than one. But according to the Nuclear Regulatory Commission (NRC), the

enerators themselves have a 5 pernt failure rate. The reason this is such a critical problem is because the water surrounding the reactor core must circulate to prevent a meltdown. Once the water stops circulating, it is only a matter of hours before the water begins to boil away and once the core is exposed, a Chernobyl-type accident is in progress.

In March of 1990 an accident of this type was narrowly averted at Georgia's Plant Vogtle when a fuel truck struck a utility pole and knocked out the electrical transformer. One of the two backup generators was down for maintenance and the other generator failed. The core

gan losing water and was within ee and half-hours of a meltdown

LETTERS TO THE EDITOR

Letters must include your name, address and telephone number for verification. Letters of 300 or fewer words have the best chance of being published. Letters are edited for length and clarity. Send your letters to The Times, P.O. Box 838, Gainesville, Ga., 30503; fax, (770) 532-0457.

when the attendants were able to find the source of the trouble. This is too close for comfort and it happened on an ordinary day under fairly ordinary circumstances. A Y2K crisis will be anything but ordinary. A widsspread grid failure is a possibility and would be complicated by emergency demands over an extended area.

Furthermore, this is only one of the many problems that could hit a nuclear power plant affected by the Y2K bug. A NRC audit of the Seabrook reactor in New Hampshire found 1,304 separate software items and embedded chips that could be affected by Y2K. The NRC plans to examine some other plants (only 12 out of more than 70), but so far only three have been completed.

Joan O. King Sautee

DOCKET NUMBER PETITION RULE PRIM 50-65 (64FR 3790)

January 4, 1999

Acknowledged by card

To the NRC I support the recent petition submitted by the Nuclear Information & Resource Service (NIRS) and request you shut down all muclear power reactors until they have been completely tested CONTRACTOR SALES for YZK problems. J. King 304 Manor Dr Succeed Joan King Sautee, GA

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Jan. 2, 1999

Attn: Docketing & Service Branch U.S. NRC Washington, D.C. 20555

To Whom it may Concern:

JAN 26 P12:33

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OFFICE OF RULEMA

ADJUDICAT

I'm writing to you regarding my concern that Y2K-related disruptions be minimized, and that effective emergency and contingency plans are implemented. I support the 3 emergency petitions submitted to you for rule-making by the NIRS in December:

DOCKET NUMBER

PETITION RULE PRM 50-65 (64FR3790)

- 1) The shut-down of all reactors that are not demonstrably Y2K compliant through full testing, by Dec. '99 until they are compliant.
- 2) Installation of additional sources of back-up power to replace or supplement the existing diesel generators (solar, wind, natural gas, etc).
- 3) A requirement that every nuclear utility test a full-scale emergency plan during '99, with a scenario that includes a Y2K-related component.

Thank you for your attention.

Sincerely,

Joy Nelson, MSW 3240 33rd Ave. So. Minneapolis, MN 55406

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U.S. NUCLEAR REGULATORY COMMISSION RULEMAKINGS & ADJUDICATIONS STAFF OFFICE OF THE SECRETARY OF THE COMMISSION

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C. Haller 1. 5.

The Seacoast Anti-Pollution League

Founded 1969



DOCKET NUMBER PETITION RULE PRM 50-65 (64FR 3790)

'99 JAN 26 P12:35

USNRC

РОКТЅМОUТН, NH 03802 603-431-5089

December 28, 1998

ADJUDK

U.S. Nuclear Regulatory Commission Washington, D.C. 20555 Attn: Docketing and Service Branch Re: NIRS emergency rulemaking petitions

To whom it may concern,

Please accept this letter as support for the three petitions for emergency rulemaking filed by the Nuclear Information and Resource Service on Dec. 10.

The Seacoast Anti-Pollution League, is a 501(c)(3) citizen environmental watchdog group with a total of approximately 350 members. Based in Portsmouth, N.H., most of SAPL's membership lives, works or has other connections to the communities that surround the Seabrook Station nuclear power plant.

The Y2K issue has been in the forefront of current thought over the past several years, particularly as potential problems stemming from the change in millennium apply to nuclear power plants. While SAPL is fully aware that your agency, as well as departments at all levels of government and the private sector, are attempting to address these potential problems, our contention is that when it comes to facilities that are using atomic energy to, essentially, heat water to turn turbines, special considerations must be given. Seabrook Station is, after all, not making chocolate.

SAPL supports all three of NIRS' petitions: to shut down all non-compliant reactors on Dec. 1, 1999; to provide additional power backups for safety systems, including the spent fuel pool, and; holding a full-scale emergency drill at every nuclear power plant in 1999, using a scenario that mirrors a potential Y2K problem.

The residents of the Seacoast and the nation deserve at least this level of assurance that when the calendar turns to Jan. 1, 2000, they will be safe.

Steve Haberman, Field Director,

Sincerely,

Acknowledged by card

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DOCKET NUMBER PETITION RULE PRM 50-65 (64FR 3790)

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December 15, 1998

USNRC Washington DC 20555 Attn: Docketing and Service Branch

Dear Friends

I am writing in support of the 3 NIRS Petitions seeking to prevent y2k disasters. These seem minimal in view of the drastic possibilities that exist with regard, for instance to the need for uninterrupted electricity in the cooling of nuclear materials.

Please give them the needed serious attention, and act on them promptly to avert serious or catastrophic problems.

Sincerely,

Mary Wooks

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U.S. NUCLEAR REGULATORY COMMISSION RULEMAKINGS & ADJUDICATIONS STAFF OFFICE OF THE SECRETARY OF THE COMMISSION

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NUCLEAR REGULATORY COMMISSION

10 CFR Parts 30, 40, 50, and 70

[Docket No. PRM-50-65]

OFER

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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-50-65. The petitioner requests that the NRC amend its regulations to require the shutdown of nuclear facilities that are not compliant with date-sensitive, computer-related issues regarding the Year 2000 (Y2K). The petitioner requests that the NRC take this action to ensure that Y2K issues will not cause the failure of nuclear safety systems and thereby pose a threat to public health and safety.

Jebruary 24, 1999 DATE: Submit comments by (36-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 excess as to comments received on or before this date.

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

Pub. on 1/25/99

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 that nuclear facilities be shutdown if they are not compliant with Y2K issues. The two related petitions would require nuclear power plant and major fuel cycle facilities to develop and implement adequate contingency and emergency plans to address potential system failures (PRM-50-66) and to provide reliable back-up sources of power for nuclear facilities (PRM-50-67).

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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:

Any and all facilities licensed by the Nuclear Regulatory Commission under 10 CFR Parts 30, 40, 50, and 70 shall be closed by 12 pm Eastern Standard Time, December 1, 1999, unless and until each facility has (a) fully and comprehensively examined all computer systems, embedded chips, and other electronic equipment that may be date-sensitive to ensure that all such systems that may be relevant to safety are Y2K compliant; (b) repaired, modified, and/or replaced all such systems that are not found to be Y2K compliant; (c) made available to the public all information related to the examination and repair, modification and/or replacement of all such systems; (d) determined, through full-scale testing, that all repairs, modifications, and/or replacements of all such systems are, in fact, Y2K compliant.

Discussion

The petitioner notes that in Generic Letter 98-01, the NRC has recognized the potential date-related problems that may affect a system or application (the Y2K problem). These potential problems include not representing the year properly, not recognizing leap years, and improper date calculations. These problems could result in the inability of computer systems to operate or to function properly. The petitioner states that the Y2K problem could potentially interfere with the proper operation of computer systems, microprocessor-based hardware, and

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software or databases relied on at nuclear power plants. The petitioner asserts that the Y2K problem could result in a plant trip and subsequent complications in tracking post-shutdown plant status and recovery due to a loss of emergency data collection. The petitioner is also concerned that power grids providing offsite power to nuclear stations could be impacted to the extent that localized and widespread grid failures could occur.

The petitioner acknowledges that the NRC has recognized the potential safety and environmental problems that could result if date-sensitive electronic systems fail to operate or provide false information. The petitioner also notes that NRC has, in Generic Letter 98-01, required its reactor and major fuel cycle facilities to report on their programs to ensure compliance with Y2K issues by July 1, 1999.

However, the petitioner asserts that the NRC has not made explicit how it will define compliance nor what it plans to do for facilities that cannot prove compliance. In the petitioner's suggested regulatory text, the petitioner defines compliance with Y2K issues as evaluation of all potential problems that may be safety-related, repair of all such problems, and full-scale testing of all solutions. The petitioner would also require full public disclosure of all evaluation, repair, and testing data so that it may be examined by independent experts and the public. Finally, the petitioner's suggested amendment would make it clear that nuclear facilities will be closed until they can demonstrate full compliance with Y2K issues.

The petitioner states that the NRC is obligated to act decisively to protect public health and safety and the environment. The petitioner believes that anything short of its suggested

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approach is insufficient to fulfill this obligation and that the NRC should adopt this suggested regulation as soon as possible.

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

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For the Nuclear Regulatory Commission.

our-los

Annette Vietti-Cook, Secretary of the Commission.



Nuclear Information and Resource Service

1424 16th St. NW, Suite 404, Washington, DC 20036; 202-328-0002; fax:202-462-2183; e-mail:nirsnet@igc.apc.org web:www.nirs.org

DOCKET NUMBER PETITION RULE PRM 50-65 (64 FR 3790)

1998

December 10, 1998

Nuclear Regulatory Commission Washington, DC 20555 Attention: Chief, Docketing and Service Branch

Petition for Rulemaking re: shutdown of nuclear facilities not compliant with Y2K issues

The Nuclear Information and Resource Service (NIRS) submits the following petition for rulemaking under 10 CFR 2.802.

Although NIRS normally believes in and advocates ample public comment periods, the nature of this petition and the date-specific issue it addresses require that this petition be placed on an expedited schedule. Therefore, we respectfully request that the NRC file this petition immediately and that public comment be limited to 30 days.

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The purpose of this petition is to provide reasonable assurance that date-sensitive computerrelated issues (popularly known as Y2K) will not cause failure of nuclear safety systems and related environmental damage and destruction and will not pose a threat to the public's health and safety.

NIRS requests that the NRC adopt the following text as a rule:

"Any and all facilities licensed by the Nuclear Regulatory Commission under 10 CFR Parts 30, 40, 50 and 70 shall be closed by 12 PM Eastern Standard Time, December 1, 1999 unless and until each facility has a) fully and comprehensively examined all computer systems, embedded chips and other electronic equipment that may be date-sensitive to ensure that all such systems that may be relevant to safety are Y2K compliant; b) repaired, modified and/or replaced all such systems that are found not to be Y2K compliant; c) have made available to the public all information related to the examination and repair, modification and/or replacement of all such systems; d) have determined, through full-scale testing, that all repairs, modifications, and/or replacements of all such systems are in fact Y2K compliant."



U.S. NUCLEAR REGULATORY COMMISSION RULEMAKINGS & ADJUDICATIONS STAFF OFFICE OF THE SECRETARY OF THE COMMISSION ir

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Discussion

As identified in NRC Generic Letter 98-01, the Year 2000 computer problem, also known as Y2K, pertains to the potential for date-related problems that may be experienced by a system or an application. These problems include not representing the year properly, not recognizing leap years, and improper date calculations. An example of a date-related problem is the potential misreading of "00" as the year 1900 rather than 2000. These problems can result in the inability of computer systems to function properly by providing erroneous data or failing to operate at all. The Y2K problem has the potential of interfering with the proper operation of computer systems, hardware that is microprocessor-based (embedded software), and software or databases relied upon at nuclear power plants. Consequently, the Y2K problem could result in a plant trip and subsequent complications on tracking post-shutdown plant status and recovery due to a loss of emergency data collection. Of additional concern to the petitioners, the power grids providing offsite power to nuclear stations could be impacted resulting in localized to widespread grid failures. There are numerous other dates potentially impacting computers and embedded software; a list is attached.

The NRC has recognized the potential severe safety and environmental problems that could be caused by date-sensitive electronic systems suddenly failing to operate or providing false information to nuclear facility operators, or to other electronic systems. These potential problems run the gamut from inaccurate operations logs to full reactor core meltdowns. For these reasons, the NRC has required that atomic reactor and major fuel cycle facilities report to the NRC by July 1, 1999 on their programs to ensure compliance with Y2K issues.

However, the NRC has not made explicit how it will define compliance with Y2K issues nor what it plans to do about those facilities that cannot prove compliance.

The text in this petition for rulemaking defines compliance with Y2K issues as evaluation of all potential problems that may be safety-related, repair of all such problems, and full-scale testing of all solutions. The petition also requires full public disclosure of all evaluation, repair and testing data, so that it may be examined by independent experts and the public. The date (December 1, 1999) specified in the petition is to allow time for independent evaluation of all such data.

The text in this petition also makes clear that nuclear facilities that cannot reach this hurdle will be closed until such time as they can prove full compliance with Y2K issues. While NIRS' primary concern is, as is the NRC's, with atomic reactors and major fuel cycle facilities, the text of this petition also makes clear that the NRC will require such compliance from all of its licensees, not a limited subsection.

The NRC has the power and the obligation to act decisively to protect the public health and safety and the environment. Allowing nuclear facilities to operate without absolute proof of Y2K compliance—in essence, to simply hope that everything would be ok--would be a serious breach of that obligation. Anything short of this approach is insufficient to assure public health and safety. Thus, we believe this petition is noncontroversial, that the NRC will support this petition for rulemaking and will adopt it as soon as possible.

Respectfully submitted,

Ivani min

Michael Mariotte Executive Director