

The Honorable Joe L. Barton, Chairman
Subcommittee on Energy and Power
Committee on Commerce
United States House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

The U.S. Nuclear Regulatory Commission (NRC) has sent the enclosed *Federal Register* notices to the Office of the Federal Register for publication. With this action, the NRC denies three related petitions for rulemaking submitted by the Nuclear Information and Resource Service (NIRS). The petitioner, NIRS, requested that the Commission amend its regulations to require that nuclear facilities be shut down if they are not compliant with Y2K issues (PRM-50-65). The additional two related petitions would require nuclear power plant and major fuel cycle facilities to develop and implement adequate contingency plans and conduct emergency planning exercises to address potential system failures (PRM-50-66) and to provide reliable back-up sources of power for nuclear facilities (PRM-50-67).

With respect to NIRS' petition for a rule requiring /shutdown of nuclear facilities that are not Y2K compliant, the Commission finds that licensees are taking action to identify and address Y2K problems. The NRC has required licensees to provide information to the NRC describing their activities for addressing Y2K issues, and to provide information by July 1, 1999 that describe the status of their work. Additionally, the NRC is auditing and inspecting the implementation of licensees' Y2K activities. The NRC has sufficient authority to take timely action (including, as appropriate, issuance of orders directing shutdown of facilities) if it finds that Y2K-induced problems threaten continued assurance of adequate protection to public health and safety. Accordingly, the NRC concludes that NIRS' proposed rule is not necessary to provide reasonable assurance of adequate protection to public health and safety in the event of any Y2K-induced problems.

With respect to the NIRS' petition for a rule requiring a special emergency preparedness exercise at nuclear power plants to test the capability to cope with Y2K-induced failures, the NRC finds that emergency preparedness exercises routinely assume problems and equipment failures, in order to test the capability of the onsite and offsite organizations to cope with such problems. Furthermore, licensees have prepared Y2K contingency plans with respect to emergency preparedness implementation. The NRC will be reviewing the implementation of these contingency plans. Accordingly, the NRC does not believe that NIRS' proposed rule is necessary to provide reasonable assurance of emergency preparedness capabilities at nuclear power plants

Finally, with respect to the NIRS' petition for a rule requiring an alternative source of emergency power, the NRC has determined that sufficient redundant backup power sources are currently present at nuclear power plant facilities because of existing requirements with respect to loss of offsite power and station blackout. Redundant power sources are not necessary at other facilities which are the subject of NIRS' petition, either because such power is not required to shutdown and maintain the plants in a safe condition, or because adequate measures are already in place to address loss of power (primarily related to security and safeguards).

Sincerely,
Dennis K. Rathbun, Director
Office of Congressional Affairs

Enclosures: 1. *Federal Register* Notice 50-65
 2. *Federal Register* Notice 50-66
 3. *Federal Register* Notice 50-67

cc w/encl: Representative Ralph M. Hall

The Honorable James M. Inhofe, Chairman
Subcommittee on Clean Air, Wetlands, Private
Property and Nuclear Safety
Committee on Environment and Public Works
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

The U.S. Nuclear Regulatory Commission (NRC) has sent the enclosed *Federal Register* notices to the Office of the Federal Register for publication. With this action, the NRC denies three related petitions for rulemaking submitted by the Nuclear Information and Resource Service (NIRS). The petitioner, NIRS, requested that the Commission amend its regulations to require that nuclear facilities be shut down if they are not compliant with Y2K issues (PRM-50-65). The additional two related petitions would require nuclear power plant and major fuel cycle facilities to develop and implement adequate contingency plans and conduct emergency planning exercises to address potential system failures (PRM-50-66) and to provide reliable back-up sources of power for nuclear facilities (PRM-50-67).

With respect to NIRS' petition for a rule requiring /shutdown of nuclear facilities that are not Y2K compliant, the Commission finds that licensees are taking action to identify and address Y2K problems. The NRC has required licensees to provide information to the NRC describing their activities for addressing Y2K issues, and to provide information by July 1, 1999 that describe the status of their work. Additionally, the NRC is auditing and inspecting the implementation of licensees' Y2K activities. The NRC has sufficient authority to take timely action (including, as appropriate, issuance of orders directing shutdown of facilities) if it finds that Y2K-induced problems threaten continued assurance of adequate protection to public health and safety. Accordingly, the NRC concludes that NIRS' proposed rule is not necessary to provide reasonable assurance of adequate protection to public health and safety in the event of any Y2K-induced problems.

With respect to the NIRS' petition for a rule requiring a special emergency preparedness exercise at nuclear power plants to test the capability to cope with Y2K-induced failures, the NRC finds that emergency preparedness exercises routinely assume problems and equipment failures, in order to test the capability of the onsite and offsite organizations to cope with such problems. Furthermore, licensees have prepared Y2K contingency plans with respect to emergency preparedness implementation. The NRC will be reviewing the implementation of these contingency plans. Accordingly, the NRC does not believe that NIRS' proposed rule is necessary to provide reasonable assurance of emergency preparedness capabilities at nuclear power plants

Finally, with respect to the NIRS' petition for a rule requiring an alternative source of emergency power, the NRC has determined that sufficient redundant backup power sources are currently present at nuclear power plant facilities because of existing requirements with respect to loss of offsite power and station blackout. Redundant power sources are not necessary at other facilities which are the subject of NIRS' petition, either because such power is not required to shutdown and maintain the plants in a safe condition, or because adequate measures are already in place to address loss of power (primarily related to security and safeguards).

Sincerely,
Dennis K. Rathbun, Director
Office of Congressional Affairs

Enclosures: 1. *Federal Register* Notice 50-65
 2. *Federal Register* Notice 50-66
 3. *Federal Register* Notice 50-67

cc w/encl: Senator Bob Graham