

## NUCLEAR REGULATORY COMMISSION

### 10 CFR Parts 30, 40, 50, and 70

[Docket No. PRM-50-65]

#### 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.

**DATES:** Submit comments by February 24, 1999. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before this date.

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

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

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

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

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 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 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.

For the Nuclear Regulatory Commission.

**Annette Vietti-Cook,**

*Secretary of the Commission.*

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