

Proposed Rules

Federal Register

Vol. 68, No. 115

Monday, June 16, 2003

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

[Docket No. PRM-50-80]

Union of Concerned Scientists and Mothers for Peace; Receipt of Petition for Rulemaking

AGENCY: Nuclear Regulatory Commission.

ACTION: Petition for rulemaking; notice of receipt.

SUMMARY: The Nuclear Regulatory Commission has received and requests comments on a petition for rulemaking filed by the Union of Concerned Scientists and the San Luis Obispo Mothers for Peace (MFP). The petition was docketed on May 2, 2003, and has been assigned Docket No. PRM-50-80. The petitioners request that the NRC amend its regulations to require nuclear power plant owners to formally evaluate whether proposed changes, tests, and experiments cause protection against radiological sabotage to be decreased, and to require licensees to formally evaluate specified intentional or accidental aerial hazards and make necessary changes to ensure that the plant can reach and maintain safe shutdown.

DATES: Submit comments by September 2, 2003. Comments received after this date will be considered if it is practical to do so, but the Commission is able to assure consideration only for comments received on or before this date.

ADDRESSES: You may submit comments by any one of the following methods. Please include "PRM-50-80" in the subject line of your comments. Comments submitted in writing or in electronic form will be made available to the public in their entirety on the NRC rulemaking web site. Personal information will not be removed from your comments.

Mail comments to: Secretary, U.S. Nuclear Regulatory Commission,

Washington, DC 20555-0001, ATTN: Rulemakings and Adjudications Staff.

E-mail comments to: SECY@nrc.gov. If you do not receive a reply e-mail confirming that we have received your comments, contact us directly at (301) 415-1966. You may also submit comments via the NRC's rulemaking web site at <http://ruleforum.llnl.gov>. Address questions about our rulemaking web site to Carol Gallagher (301) 415-5905; email cag@nrc.gov.

Hand deliver comments to: 11555 Rockville Pike, Rockville, Maryland 20852, between 7:30 a.m. and 4:15 p.m. Federal workdays. (Telephone (301) 415-1966).

Fax comments to: Secretary, U.S. Nuclear Regulatory Commission at (301) 415-1101.

Publicly available documents related to this petition may be examined and copied for a fee at the NRC's Public Document Room (PDR), Public File Area O1 F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland. Selected documents, including comments, can be viewed and downloaded electronically via the NRC rulemaking web site at <http://ruleforum.llnl.gov>.

Publicly available documents created or received at the NRC after November 1, 1999, are available electronically at the NRC's Electronic Reading Room at <http://www.nrc.gov/NRC/ADAMS/index.html>. From this site, the public can gain entry into the NRC's Agencywide Document Access and Management System (ADAMS), which provides text and image files of NRC's public documents. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC's PDR Reference staff at 1-800-397-4209, 301-415-4737 or by email to pdr@nrc.gov.

FOR FURTHER INFORMATION CONTACT: Michael T. Lesar, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Telephone: 301-415-7163 or Toll-Free: 1-800-368-5642 or E-mail: mtl@nrc.gov.

SUPPLEMENTARY INFORMATION:

The Petitioners

The Union of Concerned Scientists (UCS) describes itself as a nonprofit partnership of scientists and citizens who combine rigorous scientific

analysis, innovative policy development, and effective citizen advocacy to achieve practical environmental solutions. Before September 11, 2001, UCS states that it was an active participant in a series of public meetings conducted by the NRC with its external stakeholders regarding security regulations and implementing procedures for nuclear power plant reactors and their spent fuel. UCS states that although NRC closed its doors to them and other non-industry, public stakeholders regarding security matters after September 11, 2001, it continues to articulate potential problems and recommend solutions in other public arenas.

San Luis Obispo Mothers for Peace (MFP) states that it advocates safety and protection of the environment against the dangers of the Diablo Canyon Nuclear Power Plant (DCNPP). MFP states that it has been the foremost DCNPP watchdog group, and is a nationally respected voice on nuclear safety issues. MFP requests that the Commission suspend the licensing proceedings for an Independent Spent Fuel Storage Installation at the DCNPP while it is considering this petition. MFP believes suspension is necessary because consideration of the petition has the potential to bring about a significant redefinition of the fundamental design requirements that are considered adequate to protect independent spent fuel facilities against radiological sabotage.

Background

Discussion of the Petition

The petitioners state that 10 CFR 50.59, changes, tests, and experiments, first promulgated in 1962 and last amended in 2001, contains requirements for the process through which plant owners can modify their facilities and procedures without prior NRC approval. The petitioners characterize the objective of 10 CFR 50.59 as ensuring that plant owners evaluate proposed changes to facilities and procedures for their effects on the licensing basis of the plant and obtain prior NRC approval for changes having a potential impact (as defined in § 50.59 (c)(2)(i)-(viii)) on the basis for issuing the plant's operating license.

In practice, the petitioners note that § 50.59 typically involves a three-tiered review of proposed changes to a nuclear