

Proposed Rules

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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 Nos. PRM-50-100; NRC-2011-0189]

Petition for Rulemaking Submitted by the Natural Resources Defense Council, Inc.

AGENCY: Nuclear Regulatory Commission.

ACTION: Petition for rulemaking; consideration in the rulemaking process.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) will consider the issues raised in the petition for rulemaking (PRM), PRM-50-100, submitted by the Natural Resources Defense Council, Inc. (NRDC or the petitioner), in the rulemaking process. The petitioner requests that the NRC amend its regulations to require each operating and new reactor licensee to improve spent nuclear fuel safety. The NRC determined that the issues raised in the PRM are appropriate for consideration and will consider them in the ongoing "Station Blackout Mitigation Strategies" rulemaking.

DATES: The docket for the petition for rulemaking, PRM-50-100, is closed on July 23, 2013.

ADDRESSES: Please refer to Docket ID NRC-2011-0189 when contacting the NRC about the availability of information for this PRM. You can access publicly available documents related to the petition, which the NRC possesses and are publicly available, using any of the following methods:

- Federal Rulemaking Web site: Go to <http://www.regulations.gov> and search on the petition Docket ID NRC-2011-0189 or the Docket ID for the Station Blackout Mitigation Strategies rulemaking, NRC-2011-0299. Address questions about NRC dockets to Carol Gallagher; by telephone: 301-287-3422; or by email: Carol.Gallagher@nrc.gov. For technical questions, contact the

individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- NRC's Agencywide Documents Access and Management System (ADAMS): You may access publicly available documents online in the NRC Library at <http://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "ADAMS Public Documents" and then select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff by telephone at 1-800-397-4209, 301-415-4737, or by email to PDR.Resource@nrc.gov. The ADAMS accession number for each document referenced in this notice (if that document is available in ADAMS) is provided the first time that a document is referenced. The incoming petition is in ADAMS under Accession No. ML11216A240.

- NRC's PDR: You may examine and purchase copies of public documents at the NRC's PDR, Room O1-F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Tim Reed, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555; telephone: 301-415-1462; email: Timothy.Reed@nrc.gov; or Scott Sloan, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555; telephone: 301-415-1619; by email: Scott.Sloan@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. The Petition

On September 20, 2011, the NRC published a notice of receipt in the **Federal Register** (76 FR 58165) of six PRMs filed by the NRDC, including PRM-50-100. The petitioner solely and specifically cited the "Recommendations for Enhancing Reactor Safety in the 21st Century: The Near-Term Task Force Review of Insights from the Fukushima Dai-ichi Accident," (Fukushima Task Force Report, ADAMS Accession No. ML111861807) dated July 12, 2011, as the rationale for the PRMs. For PRM-50-100, the petitioner cited Section 4.2.4, pages 43-46, of the Fukushima Task Force Report, which discusses the enhancement of spent fuel pool makeup capability and instrumentation for the

spent fuel pool. At the time of receipt of the PRMs, the Commission was still in the process of reviewing the Fukushima Task Force Report, and the NRC did not institute a public comment period for the PRMs.

In PRM-50-100, the petitioner requests the NRC to institute a rulemaking proceeding applicable to nuclear facilities licensed under Parts 50 and 52 of Title 10 of the *Code of Federal Regulations* and other applicable regulations to require licensees to (1) provide sufficient safety-related instrumentation, able to withstand design-basis natural phenomena, to monitor key spent fuel pool parameters (i.e., water level, temperature, and area radiation levels) from the control room; (2) provide safety-related alternating current (AC) electrical power for the spent fuel pool makeup system; (3) revise their technical specifications to address requirements to have one train of onsite emergency electrical power operable for spent fuel pool makeup and spent fuel pool instrumentation when there is irradiated fuel in the spent fuel pool, regardless of the operational mode of the reactor; and (4) have an installed seismically qualified means to spray water into the spent fuel pools, including an easily accessible connection to supply the water (e.g., using a portable pump or pumper truck) at grade outside the building.

II. Reasons for Consideration

The Commission has established a process for addressing a number of the recommendations in the Fukushima Task Force Report. In the Staff Requirements Memorandum for COMSECY-13-0002, "Consolidation of Japan Lessons Learned Near-Term Task Force Recommendations 4 and 7 Regulatory Activities," dated March 4, 2013 (ADAMS Accession No. ML13063A548), the Commission directed the NRC staff to consider Fukushima Task Force Report Recommendation 7 actions along with the Station Blackout Mitigation Strategies rulemaking. The NRC determined that the issues raised in PRM-50-100 are similar to the actions of Recommendation 7.5 of the Fukushima Task Force Report. Therefore, the NRC will consider the issues raised in PRM-50-100 in the ongoing Station Blackout Mitigation

Strategies rulemaking. The public will have the opportunity to provide comments on PRM-50-100 as part of that rulemaking. The NRC will consider the issues raised by the remaining NRDC PRMs through the process the Commission establishes for addressing the remaining recommendations in the Fukushima Task Force Report. This PRM docket is closed.

Dated at Rockville, Maryland, this 2nd day of July 2013.

For the Nuclear Regulatory Commission.

M.R. Johnson,

Deputy Executive Director for Reactor and Preparedness Programs.

[FR Doc. 2013-17658 Filed 7-22-13; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

10 CFR Parts 50 and 52

[NRC-2011-0299]

RIN 3150-AJ08

Station Blackout Mitigation Strategies

AGENCY: Nuclear Regulatory Commission.

ACTION: Regulatory basis for rulemaking.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing a regulatory basis document to support the potential amendment of its regulations concerning nuclear power plant licensees' and applicants' station blackout mitigation strategies. The issuance of this regulatory basis document is one of the actions stemming from the NRC's lessons-learned efforts associated with the March 2011 Fukushima Dai-ichi Nuclear Power Plant accident in Japan.

DATES: At this time, the NRC is not soliciting formal public comments on the materials identified in this document. There will be an opportunity for formal public comment on the proposed rule when it is published in the **Federal Register**.

ADDRESSES: Please refer to Docket ID NRC-2011-0299 when contacting the NRC about the availability of information for this document. You may access information related to this document, which the NRC possesses and is publicly available, by any of the following methods:

- *Federal Rulemaking Web site:* Go to www.regulations.gov and search for Docket ID NRC-2011-0299. Address questions about NRC dockets to Carol Gallagher; telephone: 301-287-3422; email: Carol.Gallagher@nrc.gov. For technical questions, contact the

individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may access publicly available documents online in the NRC Library at <http://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "ADAMS Public Documents" and then select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by email to pdr.resource@nrc.gov. The regulatory basis document, "Station Blackout Mitigation Strategies," is available in ADAMS under Accession No. ML13171A061.

- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1-F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT:

Timothy A. Reed, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-1462; email: Timothy.Reed@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Background

As the NRC continues its ongoing proposed rulemaking effort to amend portions of Parts 50 and 52 of Title 10 of the *Code of Federal Regulations* (10 CFR) to incorporate requirements involving station blackout mitigation strategies (SBOMS), the NRC is making documents publicly available on the Federal rulemaking Web site, www.regulations.gov, under Docket ID NRC-2011-0299. This regulatory action is one of the near-term actions based on the lessons-learned from the March 11, 2011, Fukushima Dai-ichi accident in Japan. By making these documents publicly available, the NRC seeks to inform stakeholders of the current status of the NRC's rulemaking development activities. Stakeholders should also note that there two related petitions for rulemaking (PRM), both submitted by the Natural Resources Defense Council that are being addressed within this rulemaking. Those are PRM-50-100 (notice of consideration published in the Proposed Rules section of this issue of the **Federal Register** (NRC-2011-0189)) and PRM-50-101 (77 FR 16483; March 21, 2012; NRC-2011-0189) that endorse actions recommended by the Near Term Task Force (NTTF) in Recommendations 4 and 7, respectively.

II. Publicly Available Documents

The NRC has posted on www.regulations.gov a regulatory basis to support a rulemaking to incorporate requirements involving station blackout mitigation strategies into the *Code of Federal Regulations*. The regulatory basis documents the reasons why rulemaking now appears to be the appropriate course of action to remedy an apparent regulatory shortcoming. The regulatory basis reflects the NRC's consideration of stakeholder feedback on the draft regulatory basis published in the **Federal Register** for public comment on April 10, 2013 (78 FR 21275). Section 5 of the regulatory basis provides additional discussion regarding the stakeholder feedback that informed development of the SBOMS regulatory basis. Please note that the NRC may identify additional information through further rulemaking activities that may affect the NRC staff determination documented in the regulatory basis. Such information, if any, and its effects on the rulemaking effort will be documented in a notice published in the **Federal Register** in connection with this rulemaking.

Also note that the draft regulatory basis contained an appendix (i.e., Appendix A) that provided draft rule concepts which, during the rulemaking process, may evolve into regulatory requirements, guidance, or other regulatory information. Appendix A was not revised to reflect stakeholder feedback on the draft regulatory basis, and is not being republished with this regulatory basis. Instead stakeholder comments on the draft rule concepts deserve further deliberation and consideration, and are being considered as the NRC develops a proposed rule. The draft rule concepts, as a whole, do not represent a final NRC staff position and have not been approved by the Commission. Therefore, the proposed rule language that will subsequently be developed may change substantially from the draft rule concepts in the regulatory basis.

The NRC is not requesting formal public comments on the SBOMS regulatory basis. As they are developed, the NRC may post additional materials, including preliminary proposed rule language, to the Federal rulemaking Web site at www.regulations.gov, under Docket ID NRC-2011-0299. The Federal rulemaking Web site allows you to receive alerts when changes or additions occur in a docket folder. To subscribe: (1) Navigate to the docket folder (NRC-2011-0299); (2) click the "Email Alert" link; and (3) enter your email address and select how frequently you would