

public comments were received. The primary comment was a coordinated industry response submitted by the Nuclear Energy Institute (NEI). The remaining comment, submitted by Virginia Power, endorsed the NEI comment. Subsequently, the NRC staff developed a draft rule and draft regulatory guide intended to implement a performance-based regulatory structure that provides for the development and implementation of appropriate measures to ensure the consistency and quality of inspection methods, repair criteria, and tube condition assessment, while giving appropriate consideration to risk. As part of the rulemaking process, the NRC staff estimated the risk associated with SG tube degradation and used the results to provide the insights required for performing a regulatory analysis of the proposed rulemaking approach.

In COMSECY-97-013, dated May 23, 1997, the NRC staff provided a risk assessment summary and major conclusions from a regulatory analysis. Based on these results, the NRC staff reassessed whether a rulemaking is the appropriate regulatory vehicle for addressing the problems associated with SG tube integrity. It should be recognized that the NRC staff found that the current regulations governing SG tube integrity provide an adequate basis to ensure public health and safety due to SG operation. However, the NRC staff concluded that further guidance is needed for the industry to continue to effectively meet these regulations. Issues involving a plant's technical specifications (TS) are amenable to a generic letter approach. Given these considerations, the NRC staff informed the Commission that it planned to pursue the following approach in lieu of a new steam generator rulemaking: (1) Complete development of a SG tube integrity regulatory guide which describes an acceptable performance-based program for ensuring adequate tube inspection, monitoring, and assessment; (2) request licensees, through a generic letter, to propose performance-based technical specification changes to address the issues regarding inspection, monitoring, and assessment of SG tube condition to ensure that SG tube integrity is maintained consistent with the plant licensing basis; (3) provide licensees with an option to change current SG tube repair criteria and implement a degradation-specific management approach, if it can be demonstrated that risk will be maintained at an acceptable level. An application-specific regulatory guide would provide guidance on

acceptable approaches for proposing changes to SG tube integrity criteria and assessing changes in risk associated with relaxation of tube integrity criteria. Licensees would not be able to implement alternate repair criteria until an appropriate risk assessment is submitted and found acceptable by the NRC staff; and (4) as part of the IPE follow-up program, the NRC staff will evaluate pressurized water reactors (PWRs) that appear to have a high potential for core damage sequences that can challenge SG tubes. Any additional requirements would be imposed consistent with the backfit requirements of § 50.109.

The SRM on COMSECY-97-013, dated June 30, 1997, approved the revised approach. The SRM also directed the NRC staff to seek industry input, as appropriate, in developing the technical basis for the proposed TS changes to ensure that the proposed changes are consistent with current steam generator tube degradation modes. In support of this commitment, the NRC staff developed a proposed generic letter that: (1) informs PWR licensees that plant TSs for maintaining SG tube integrity do not alone provide the needed assurance that SG tube integrity is being adequately monitored and maintained in accordance with NRC regulations and plant licensing bases; (2) advises licensees that they may request license amendments to their plant TSs to implement the model TSs attached to the generic letter for maintaining SG tube integrity, or justify alternate approaches for ensuring that SG tube integrity; and (3) requires that licensees submit to the NRC written responses that describe their ongoing or planned activities to monitor and maintain SG tube integrity. By letter dated December 16, 1997, the NRC staff was informed that the industry, through the NEI Nuclear Strategic Issues Advisory Committee, had voted to adopt NEI 97-06. The chief objective of the industry initiative is for PWR licensees to evaluate their existing SG programs and, where necessary, to revise or strengthen program attributes to meet the intent of the NEI 97-06 guidelines. The NEI 97-06 guidelines are intended to improve both the quality and the consistency of SG programs throughout the industry. Consistent with Direction Setting Issue (DSI) 13, the NRC staff's preferred approach is to endorse an industry initiative that addresses all NRC staff and stakeholder concerns, rather than issue a generic letter. As a result, the NRC staff has temporarily deferred issuing the proposed generic letter for public comment while it works

with industry to resolve issues associated with NEI 97-06, with the objective of endorsing NEI 97-06 in a regulatory guide.

Whether the NRC staff ultimately endorses the NEI 97-06 guidance or continues with its efforts to issue a generic letter addressing SG tube integrity, the NRC has concluded that equally effective regulatory alternatives to rulemaking are available to address the issue of SG tube integrity. Therefore, the proposed rule is not required and is being withdrawn.

Dated at Rockville, Maryland, this 24th day of November, 1998.

For the Nuclear Regulatory Commission.

**John C. Hoyle,**

*Secretary of the Commission.*

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## **NUCLEAR REGULATORY COMMISSION**

### **10 CFR Part 50**

**RIN 3150-AF33**

#### **Reporting Reliability and Availability Information for Risk-Significant Systems and Equipment**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Proposed rule: Withdrawal.

**SUMMARY:** The Nuclear Regulatory Commission (NRC) is withdrawing a notice of proposed rulemaking that solicited comments on proposed amendments to its regulations that would have required licensees for commercial nuclear power reactors to report to the NRC, plant-specific summary reliability and availability data for certain risk-significant systems and equipment. The proposed rule would have also required licensees to maintain onsite, and to make available for NRC inspection, records and documentation that provide the basis for the summary data reported to the NRC. The systems and equipment for which data would be provided are a subset of the systems and equipment within the scope of the NRC's maintenance rule. The Commission has decided to accept industry's proposed alternative to the rule to voluntarily provide reliability and availability information for risk-significant systems and equipment and, therefore, withdraws this rulemaking.

**ADDRESSES:** The Commission paper, the staff requirement memoranda (SRM), and associated documents are available for public inspection, and copying for a fee, at the NRC Public Document Room

located at 2120 L Street NW. (Lower Level), Washington, DC 20012-7082, telephone: (202) 512-2249.

**FOR FURTHER INFORMATION CONTACT:** Dennis Allison, Office for Analysis and Evaluation of Operational Data, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone (301) 415-6835, e-mail dpa@nrc.gov.

**SUPPLEMENTARY INFORMATION:**

On February 12, 1996 (61 FR 5318), the NRC published in the **Federal Register** proposed amendments to 10 CFR Part 50 that would have required operating reactor licensees to report reliability and availability information for certain risk-significant systems and equipment. The reporting requirements would have applied to the event-mitigating systems and equipment that have or could have a significant effect on risk in terms of avoiding core damage accidents or preserving containment integrity. The data that would have been reported would have included: the number of demands and the number of failures to start associated with those demands, along with additional descriptive information; the number of hours of operation following each successful start including whether or not the run was terminated by equipment failure, along with additional descriptive information; the number of hours equipment is unavailable, along with additional descriptive information; for each period equipment is unavailable due to component failure, descriptive information on that failure; and the number of hours when two or more trains from the same or different systems were concurrently unavailable, along with additional descriptive information.

The public comment period closed on June 11, 1996. The NRC received 31 comment letters. One comment letter supported the rule, stating that the public and industry could expect significant benefits. Most of the remaining comments opposed the rule, stating that the proposed reporting requirements costs were underestimated, benefits were overestimated, the rule would be overly burdensome, the rule would be premature, and that the rule is not justified.

The Commission SRM dated June 28, 1995, issued in response to SECY-95-129, and the SRM on SECY-95-215 dated October 24, 1995, directed the NRC staff to continue to work with industry on voluntary submittal of reliability data under a program that will meet the needs of all parties. On October 1, 1996, the Institute of Nuclear Power Operations (INPO) provided the

NRC with a sample of data available from its Safety System Performance Indicator (SSPI) system, as part of a voluntary nuclear industry data sharing initiative. A revised Memorandum of Agreement (MOA) between INPO and the NRC was signed on December 24, 1996, providing NRC with access to SSPI data. In addition, on March 21, 1997, the Nuclear Energy Institute (NEI) provided the NRC with a description of a new INPO data collection system, Equipment Performance and Information Exchange (EPIX). Based upon a review of data available in SSPI and EPIX, as well as the information available from Licensee Event Reports and Monthly Operating Reports, the Commission has determined that under the voluntary approach, the NRC can estimate risk parameters and construct a reliability database that reflects the parameters needed for effective use in risk-informed applications. Thus, the intended benefits of the proposed rule would be realized and the main advantages of the voluntary approach (i.e., the lower cost, schedule, and industry support) outweigh any disadvantages. The NRC will continue to work with industry representatives to improve the content of the voluntary data. Because of industry's voluntary alternative approach to the rule, the Commission is withdrawing this proposed rulemaking.

Dated at Rockville, Maryland, this 24th day of November, 1998.

For the Nuclear Regulatory Commission.

**John C. Hoyle,**

*Secretary of the Commission.*

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## NUCLEAR REGULATORY COMMISSION

### 10 CFR Part 60

RIN 3150-AC03

### Elimination of Inconsistencies Between NRC Regulations and EPA High-Level Waste Standards

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Proposed rule: Withdrawal.

**SUMMARY:** The Nuclear Regulatory Commission (NRC) is withdrawing a notice of proposed rulemaking that would have eliminated several inconsistencies with the generic Environmental Protection Agency (EPA) standards to be developed for the disposal of High-Level Waste (HLW) in deep geologic repositories. Because the

NRC is developing site-specific disposal regulations for Yucca Mountain, Nevada, consistent with the Energy Policy Act of 1992 (EnPA), the proposed rule is being withdrawn.

**ADDRESSES:** The Commission paper, the staff requirement memoranda (SRM), and associated documents are available for public inspection, and copying for a fee, at the NRC Public Document Room located at 2120 L Street NW. (Lower Level), Washington, DC 20012-7082, telephone: (202) 512-2249.

**FOR FURTHER INFORMATION CONTACT:** Tim McCartin, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone (301) 415-6681, e-mail tjm3@nrc.gov.

**SUPPLEMENTARY INFORMATION:**

On June 19, 1986 (51 FR 22288), the NRC published a notice of proposed rulemaking in the **Federal Register** that would have eliminated several inconsistencies with the EPA standards to be developed for the disposal of HLW in deep geologic repositories. The Nuclear Waste Policy Act of 1982 (NWPA) directs NRC to issue criteria for the licensing of HLW geologic repositories. Section 121(c) of this Act states that the criteria for the licensing of HLW geologic repositories must be consistent with these standards. The proposed rule was necessary to eliminate several inconsistencies with the EPA standards, thus fulfilling the statutory requirement. However, since then, Congress passed the EnPA, which requires EPA to issue radiation standards for the proposed geologic repository at Yucca Mountain, based on and consistent with the findings and recommendations of the National Academy of Sciences (NAS). Under EnPA, NRC is also required to develop site-specific disposal regulations that would apply solely to the proposed geologic repository at Yucca Mountain. NAS published its findings and recommendations in 1995.

The NRC staff has considered and is implementing a strategy for developing site-specific disposal regulations that would apply solely to the proposed geologic repository at Yucca Mountain, and is deferring the updating of 10 CFR Part 60 generic requirements to a later date. These site-specific regulations will be issued consistent with EnPA, which also requires the Environmental Protection Agency to issue radiation standards for a geologic repository at Yucca Mountain, based on and consistent with the 1995 findings and recommendations of the NAS.

The NRC staff's strategy for developing the site-specific disposal