

# Proposed Rules

Federal Register

Vol. 73, No. 216

Thursday, November 6, 2008

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-50-75; NRC-2002-0018]

#### Anthony R. Pietrangelo, Nuclear Energy Institute; Consideration of Petition in the Rulemaking Process

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Resolution and closure of petition docket.

**SUMMARY:** The Nuclear Regulatory Commission (NRC) is considering the issues raised in a petition for rulemaking submitted by Anthony R. Pietrangelo, on behalf of the Nuclear Energy Institute, in the ongoing "Risk-Informed Redefinition of Large Break Loss-of-Coolant Accident (LOCA) Emergency Core Cooling System (ECCS) Requirements" rulemaking. The petitioner requested that the NRC amend its regulations to allow the use of an alternative to the currently required double-ended rupture of the largest pipe in the reactor coolant system in ECCS evaluation models.

**DATES:** The docket for the petition for rulemaking PRM-50-75 is closed on November 6, 2008.

**ADDRESSES:** You can access publicly available documents related to this petition for rulemaking using the following methods:

*Federal e-Rulemaking Portal:* Further NRC action on the issues raised by this petition will be accessible at the federal rulemaking portal, <http://www.regulations.gov>, by searching on rulemaking docket ID: NRC-2002-0018 and docket ID: NRC-2008-0332. The NRC also tracks all rulemaking actions in the "NRC Regulatory Agenda: Semiannual Report (NUREG-0936)."

*NRC's Public Document Room (PDR):* The public may examine and have copied for a fee, publicly available documents at the NRC's PDR, Public File Area O-1F21, One White Flint

North, 11555 Rockville Pike, Rockville, Maryland.

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

**FOR FURTHER INFORMATION CONTACT:**

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**SUPPLEMENTARY INFORMATION:** On April 8, 2002 (67 FR 16654), the NRC published for public comment a petition for rulemaking (PRM) filed by Anthony R. Pietrangelo, on behalf of the Nuclear Energy Institute. The comment period closed on June 24, 2002, and the NRC received eighteen comment letters ML082460625. The NRC has determined that the issues raised in PRM-50-75 are appropriate for consideration and, in fact, the issues are already being considered in the ongoing "Risk-Informed Redefinition of Large Break LOCA ECCS Requirements" rulemaking. This proposed rule was published on April 8, 2005 (67 FR 16654), and a report on "Seismic Considerations for the Transition Break Size" was published for public comment on December 20, 2005 (70 FR 75501). The comment periods for both the proposed rule and the report expired on February 6, 2006. The NRC will address substantive comments filed in PRM-50-75 as part of the "Risk-Informed Redefinition of Large Break LOCA ECCS Requirements" rulemaking.

Dated at Rockville, Maryland, this 15th day of October 2008.

For the Nuclear Regulatory Commission.

**Bruce S. Mallett,**

*Acting Executive Director for Operations.*

[FR Doc. E8-26463 Filed 11-5-08; 8:45 am]

**BILLING CODE 7590-01-P**

## NUCLEAR REGULATORY COMMISSION

### 10 CFR Part 50

[Docket No. PRM-50-71; NRC-2000-0004]

#### Petition for Rulemaking Filed by David J. Modeen, Nuclear Energy Institute; Consideration of Petition in the Rulemaking Process

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Resolution and closure of petition docket.

**SUMMARY:** The Nuclear Regulatory Commission (NRC) is considering the issues raised in a petition for rulemaking submitted by David J. Modeen, on behalf of the Nuclear Energy Institute, in the ongoing "Performance-Based Emergency Core Cooling System (ECCS) Cladding Acceptance Criteria" rulemaking (ADAMS accession no. ML020630082). The petitioner requested that the NRC amend its regulations to allow nuclear power plant licensees to use zirconium-based cladding materials other than Zircaloy or ZIRLO, provided the cladding materials meet the requirements for fuel cladding performance and have been approved by the NRC staff. Specifically, the petitioner stated that the NRC's current regulations require uranium oxide fuel pellets, used in commercial reactor fuel, to be contained in cladding material made of Zircaloy or ZIRLO. The requirement to use either of these materials is stated in the regulations that govern combustible gas control and acceptance criteria for emergency core cooling systems for nuclear power reactors. The petitioner noted that subsequent to promulgation of these regulations, commercial nuclear fuel vendors have developed and continue to develop materials other than Zircaloy or ZIRLO. To allow a licensee to use fuel made with these new cladding alloys, the NRC must review and approve an exemption request. The petitioner requested that the NRC amend these regulations to allow licensees discretion to use zirconium-based cladding materials other than Zircaloy or ZIRLO, provided that the cladding materials meet the fuel cladding performance requirements and have been reviewed and approved by the NRC staff.