

### *B. Consideration of Design-Basis Accidents*

The petitioner also states that since the publication of the Reactor Safety Study (WASH-1400) in 1975, there has been growing agreement between practitioners of probabilistic risk assessment and licensing personnel that compliance with some design-basis accident requirements can be detrimental to public health. The petitioner asserts that the NRC staff has formally recognized this position. The petitioner sets out the following excerpts from the San Onofre Task Zero Safety Evaluation Report in support of his assertion.

1. "Although the recombiners are effective in maintaining the Regulatory Guide 1.7 hydrogen concentration below the lower flammability limit of 4 volume percent, they are overwhelmed by the larger quantities of hydrogen associated with severe accidents which are typically released over a much shorter time period (e.g., 2 hours)."

2. "From this information, the NRC staff concludes that the quantity of hydrogen, prescribed by 10 CFR 50.44(d) and Regulatory Guide 1.7, which necessitates the need for hydrogen recombiners and its backup, the hydrogen purge system is bounded by the hydrogen generated during a severe accident. The NRC staff finds that the relative importance of hydrogen combustion for large, dry containments with respect to containment failure to be quite low. This finding supports the argument that the hydrogen recombiners are insignificant from a containment integrity perspective."

3. "In a postulated Loss of Coolant Accident, the San Onofre Nuclear Generating Station Units 2 and 3 Emergency Operating Instructions direct the control room operators to monitor and control the hydrogen concentration inside the containment after they have carried out the steps to maintain and control the higher priority critical safety functions. The key operator actions in controlling the hydrogen concentration are to place the hydrogen recombiners or hydrogen purge system in operation which involves many procedural steps. These hydrogen control activities could distract operators from more important tasks in the early phases of accident mitigation and could have a negative impact on the higher priority critical operator actions."

### *C. Recommended Policy Statement on "Design-Basis Accident Requirements Versus Severe Accident Information"*

The petitioner states that according to the San Onofre Safety Evaluation

Report, the NRC granted an exemption to San Onofre from the design-basis accident requirements from the hydrogen control system on the basis of information obtained in the analysis of severe accidents. According to the petitioner, NRC staff's evaluation also indicated that adherence to the requirements of design-basis accidents could have a detrimental effect on public health. The petitioner asserts that it is likely that similar situations exist with respect to the hydrogen control systems at other nuclear units, and also for other systems at San Onofre and other nuclear units. The petitioner believes that the Commission should issue an interim policy statement concerning requirements for design-basis accidents. The petitioner believes that the interim policy statement would clarify the role of the NRC staff to ensure that matters that present a risk to public health are given appropriate high-level attention. The petitioner recommends the following "strawman" statement.

All situations where there is an indication that adherence to design basis requirements would be detrimental to public health must be brought to the immediate attention of the Executive Director for Operations of the Nuclear Regulatory Commission. The Executive Director for Operations will make a decision on whether an exemption to the design basis requirements should be granted on an expedited basis.

The petitioner believes that the NRC would want all individuals who may be aware of a situation where adherence to design-basis requirements could be adverse to public health, to bring the situation to the attention of the NRC staff without fear of recrimination and regardless of the present licensing basis for each nuclear unit. The petitioner states that, in the present culture of licensing at nuclear electric power units, there are few individuals (at the NRC or within the industry) who would suggest that adherence to design-basis accident requirements can be detrimental to safety. The petitioner believes that this culture must change and "change with NRC blessings."

The petitioner states that he recommends an interim policy statement because the NRC, nuclear industry, and the public are in the process of changing the NRC regulations to eliminate situations where adherence to the regulations could present a risk to public health.

The petitioner believes that the current regulations concerning combustible gas control systems have serious flaws and proposes that 10 CFR 50.44 be revised to read as follows:

### **Section 50.44 Standards for Combustible Gas Control System in Light-Water Cooled Power Reactors**

(a) An inerted reactor containment atmosphere shall be provided for each boiling light-water nuclear power reactor with a Mark I or Mark II type containment.

(b) Each licensee with a boiling light-water nuclear power reactor with a Mark III type of containment and each licensee with an ice condenser type of containment shall provide its nuclear power reactor containment with a hydrogen control system. The hydrogen control system must be capable of handling (based on realistic calculations) the hydrogen equivalent to that generated from a metal-water reaction involving 75 percent of the fuel cladding surrounding the active fuel region (excluding the cladding surrounding the plenum volume).

(c) All light-water reactors with other types of containment than those in paragraphs (a) or (b) of this section, must demonstrate that the reactor containment (based on realistic calculations) can withstand, without any hydrogen control system, a hydrogen burn for accidents with a high probability of causing severe reactor core damage. If such an evaluation of reactor containment capability can not be demonstrated, then the licensee shall provide a hydrogen control system per the backfit process. This hydrogen control system must be capable of handling (based on realistic calculations) the hydrogen equivalent to that generated from a metal-water reaction involving 75 percent of the fuel cladding surrounding the active fuel region (excluding the cladding surrounding the plenum volume).

(d) Each light-water nuclear power reactor shall be provided with high point vents for the reactor coolant system, for the reactor vessel head, and for other systems required to maintain adequate reactor core cooling if the generation of noncondensable gases in these systems would realistically lead to severe reactor core damage during an accident. High point vents are not required, however, for the tubes in U-tube steam generators.

The petitioner proposes that 10 CFR Part 50, Appendix A—General Design Criteria 41 be revised to read as follows:

### **Appendix A—General Design Criteria 41—Containment Atmosphere Cleanup**

As necessary, systems to control fission products, hydrogen, oxygen, and other substances which may be released into the reactor containment shall be provided, consistent with the functioning of other associated systems, to assure that reactor containment integrity is maintained for accidents where there is a high probability that fission products may be present in the reactor containment.

Dated at Rockville, Maryland, this 6th date of January, 2000.

For the Nuclear Regulatory Commission,  
**Annette L. Vietti-Cook,**

*Secretary of the Commission.*

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**DEPARTMENT OF ENERGY****Office of Energy Efficiency and Renewable Energy****10 CFR Part 490**

[Docket No. EE-RM-99-507]

RIN 1904-AA98

**Alternative Fuel Transportation Program; Requirements for Private and Local Government Fleets**

**AGENCY:** Office of Energy Efficiency and Renewable Energy, Department of Energy (DOE).

**ACTION:** Advance notice of proposed rulemaking; extension of deadlines.

**SUMMARY:** The Department of Energy is extending the deadline for a rulemaking regarding alternative fueled vehicle acquisition requirements for private and local government fleets. The Energy Policy Act of 1992 (Pub. L. 102-486) allows the Department to extend the deadlines established under the Act and requires publication of a notice of the extension in the **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** Mr. Kenneth R. Katz, Program Manager, Office of Energy Efficiency and Renewable Energy (EE-34), U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585. (202) 586-9171.

**SUPPLEMENTARY INFORMATION:** The Energy Policy Act of 1992 (Pub. L. 102-486) authorizes DOE to pursue a rulemaking concerning alternative fueled vehicle acquisition requirements for private and local government fleets. Section 507(g) provides for a rulemaking, which was to be completed by January 1, 2000. As part of that rulemaking, section 507(c) of the Act required DOE to publish an Advance Notice of Proposed Rulemaking (ANOPR) to begin a rulemaking process to evaluate and examine the Act's replacement fuel goals and to determine whether alternative fueled vehicle (AFV) acquisition requirements for private and local government fleets are necessary to achieve the Act's energy security and other goals. 42 U.S.C. 13256(c).

DOE published an ANOPR for the purposes described in section 507(c) on April 17, 1998. 63 FR 19372. This notice was intended to stimulate comments to assist DOE in making decisions concerning future rulemaking actions and non-regulatory initiatives to promote alternative fuels and alternative fueled vehicles. Three hearings were held to receive oral comments on the ANOPR. They were held on May 20,

1998, in Los Angeles, California; on May 28, 1998, in Minneapolis, Minnesota; and on June 4, 1998, in Washington, DC. A total of 110 persons spoke at the three hearings, and/or submitted written comments which were to be received by July 16, 1998.

Section 507(h) provides that "The Secretary may, by notice published in the **Federal Register**, extend the deadlines established under subsections (e), (f)(2), and (g) for an additional 90 days if the Secretary is unable to meet such deadlines. Such extension shall not be reviewable." By publication of this notice, DOE is hereby extending the deadlines established under subsections (e), (f)(2), and (g), from January 1, 2000, for an additional 90 days.

The extension of the deadlines is necessary so that DOE can comply with the requirements for intergovernmental consultation as specified in Executive Order 13132 and a **Federal Register** Notice of final statement of policy (62 FR 12820, March 18, 1997). Section 6 of Executive Order 13132, Federalism (64 FR 43255, August 10, 1999), specifies the consultation process that each agency must undertake to ensure meaningful and timely input by State and local officials in the development of regulatory policies that may have federalism implications. The Notice of final statement of policy publishes DOE policy on intergovernmental consultation under the Unfunded Mandates Reform Act of 1995. Section III of that notice specifies the process that DOE must take when proposing a significant intergovernmental mandate on State, local, or tribal governments. DOE will also finalize its required regulatory analyses during this 90-day time frame.

DOE is planning on fulfilling the intergovernmental consultation requirements described above. However, at this time, DOE does not believe that a private and local government fleet program would have Federalism implications, nor would it meet the threshold established for a significant intergovernmental mandate, which is whether the aggregate annual compliance expenditures would equal or be in excess of \$100 million.

Issued in Washington, DC on December 29, 1999.

**Thomas J. Gross,**

*Deputy Assistant Secretary for Transportation Technologies.*

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**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 39**

[Docket No. 99-NE-61-AD]

RIN 2120-AA64

**Airworthiness Directives; Rolls-Royce plc Tay 650-15 Series Turbofan Engines**

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This document proposes the adoption of a new airworthiness directive (AD) that is applicable to Rolls-Royce plc Tay 650-15 series turbofan engines. This proposal would establish cyclic life limits for stage 1 high pressure turbine (HPT) and stage 1 low pressure turbine (LPT) disks operating under new flight plan profiles. This proposal is prompted by reports that on some engines disk cracks in the stage 1 HPT and stage 1 LPT could initiate and propagate at a faster rate than forecast under the flight plan profiles originally published at the time the engine design was certified. The actions specified by the proposed AD are intended to prevent crack initiation and propagation leading to turbine disk failure, which could result in an uncontained engine failure and damage to the aircraft.

**DATES:** Comments must be received by March 13, 2000.

**ADDRESSES:** Submit comments to the Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 99-NE-61-AD, 12 New England Executive Park, Burlington, MA 01803-5299. Comments may also be submitted to the Rules Docket by using the following Internet address: "9-ane-adcomment@faa.gov". Comments may be inspected at this location between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** James Lawrence, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803-5299; telephone 781-238-7176, fax 781-238-7199.

**SUPPLEMENTARY INFORMATION:****Comments Invited**

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as