

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.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1280

[No. LS-99-13]

Sheep and Lamb Promotion, Research, and Information Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Invitation to submit proposals: Reopening and extension of time to submit proposals.

SUMMARY: The Agricultural Marketing Service (AMS) is reopening and extending the time to February 1, 2000, for the sheep industry to submit proposals for a sheep and lamb promotion, research, and information order (Order) or parts of an Order as provided for by the Commodity Promotion, Research, and Information Act of 1996 (Act). The Act authorizes national industry-funded programs for promotion, research, and information regarding agricultural commodities. Interested parties are also invited to submit views on whether it would be beneficial to hold a public meeting during an ensuing comment period to discuss the proposals. The invitation to submit proposals was published in the **Federal Register** on November 23, 1999.

DATES: Proposals must be received on or before February 1, 2000.

ADDRESSES: Proposals (two copies) should be mailed to: Ralph L. Tapp, Chief, Marketing Programs Branch, Room 2627-S; Livestock and Seed Program, USDA; STOP 0251; 1400 Independence Avenue, SW.; Washington, D.C. 20090-0251.

FOR FURTHER INFORMATION CONTACT: Ralph L. Tapp, Chief, Marketing Programs Branch on 202/720-1115.

SUPPLEMENTARY INFORMATION:

Purpose

A request for proposals for a Order under the Act was published in the **Federal Register** on November 23, 1999.

The purpose is to establish a self-help promotion, research, and information program for the industry.

Reason for Granting an Extension

The National Sheep Association (NSA) and the National Lamb Feeders Association (NLFA) have requested an extension of time to submit proposals.

Both organizations express the need for more producers to be involved in the process to help generate industry support. They point out that meetings of the American Sheep Association and NLFA will provide the opportunity for more producer input. NSA points out that many State association and other industry meetings are being held early in the year 2000 which will provide an opportunity for additional producer input on draft proposals. NSA also believes results from other pending activities should be known before the issuance of an Order by the Secretary. These include: (1) The specific project assistance that the U.S. sheep Improvement Center will provide to the industry and (2) the dimensions of the assistance available through USDA to the sheep industry as a result of the decision to provide assistance to offset the impact of increased lamb imports. However we believe that any such delay is not necessary in connection with these issues.

Further, NSA believes the recently published draft Guidelines for AMS Oversight of Commodity Research and Promotion Programs (Guidelines) are another reason more time is needed since an Order will need to be consistent with the Guidelines. NSA requested an extension of time until February 21, 2000 and NLFA requested an extension until February 1, 2000.

After careful consideration of the requests submitted to the Agency, AMS has decided to reopen and extend the comment period until February 1, 2000. AMS believes this will provide a sufficient period of time for all interested persons to discuss and review draft proposals for an Order and to submit proposals for an Order to AMS.

Accordingly, AMS is reopening and extending the period to submit proposals until February 1, 2000.

Authority: 7 U.S.C. 7401-7425.

Dated: January 6, 2000.

Barry L. Carpenter,

Deputy Administrator, Livestock and Seed Program.

[FR Doc. 00-694 Filed 1-7-00; 1:26 pm]

BILLING CODE 3410-02-P

NORTHEAST DAIRY COMPACT COMMISSION

7 CFR Parts 1301, 1304, 1305, 1306, 1307 and 1308

Over-Order Price Regulation

AGENCY: Northeast Dairy Compact Commission.

ACTION: Proposed rule; notice of hearing.

SUMMARY: The Northeast Dairy Compact Commission proposes to amend the over-order price regulation to make technical amendments to certain definitions and to change certain dates of required action. The proposed rule is necessary to conform the over-order price regulation to similar regulations recently reformed by the United States Department of Agriculture regarding milk marketed in the New England states. These amendments will ensure continuity of regulatory definitions and compliance dates in the New England milk market. The Commission also proposes to amend the definition of producer to specify every December since 1996 as a condition of qualification.

DATES: A public hearing will be held on February 2, 2000 at 10 a.m. Sworn and notarized written testimony, comments and exhibits may be submitted until 5 p.m. on February 16, 2000.

ADDRESSES: The public hearing will be held at Centennial Inn, 96 Pleasant Street, Concord, New Hampshire. Mail, or deliver, sworn and notarized testimony, comments and exhibits to: Northeast Dairy Compact Commission, 34 Barre Street, Suite 2, Montpelier, Vermont 05602.

FOR FURTHER INFORMATION CONTACT: Kenneth M. Becker, Executive Director, Northeast Dairy Compact Commission at the above address or by telephone at (802) 229-1941, or by facsimile at (802) 229-2028.

SUPPLEMENTARY INFORMATION:

I. Background

The Northeast Dairy Compact Commission ("Commission") was

established under authority of the Northeast Interstate Dairy Compact ("Compact"). The Compact was enacted into law by each of the six participating New England states as follows: Connecticut—Pub. L. 93–320; Maine—Pub. L. 89–437, as amended, Pub. L. 93–274; Massachusetts—Pub. L. 93–370; New Hampshire—Pub. L. 93–336; Rhode Island—Pub. L. 93–106; Vermont—Pub. L. 93–57. In accordance with Article I, Section 10 of the United States Constitution, Congress consented to the Compact in Pub. L. 104–127 (FAIR Act), Section 147, codified at 7 U.S.C. 7256. Subsequently, the United States Secretary of Agriculture, pursuant to 7 U.S.C. 7256(1), authorized implementation of the Compact. Authorization of the Compact was extended until September 30, 2001 in the Consolidated Appropriations Act for Fiscal Year 2000, Pub. L. 106–113, 115 Stat. 1501, November 29, 1999.

Pursuant to its rulemaking authority under Article V, Section 11 of the Compact, the Commission concluded an informal rulemaking process and voted to adopt a compact over-order price regulation on May 30, 1997.¹ The Commission subsequently amended and extended the compact over-order price regulation.² In 1998 and 1999, the Commission further amended specific provisions of the over-order price regulation.³ The current compact over-order price regulation is codified at 7 CFR Chapter XIII.

On November 29, 1999, the President signed into law the Consolidated Appropriations Act, 2000 (Pub. L. 106–113, 115 Stat. 1501). That Act required the United States Secretary of Agriculture to immediately implement certain reforms to the federal milk order regulations. The required regulation was published in the **Federal Register** on December 17, 1999, implementing and amending the final rule that was initially published on September 1, 1999.⁴ The Commission intends that the proposed amendments will bring the Commission regulations into conformity with the reformed federal milk market order regulations and provide consistency and uniformity in definitions and compliance dates for regulated entities.

II. Proposed Technical Amendments to the Over-order Price Regulation

The Commission proposes to amend the definition of producer in section 1301.11 to change the qualification condition from "December 1996, December 1997 and December 1998" to "every December since 1996." This language clarifies the future application of this condition, without necessitating annual rulemaking proceedings.

The Commission also proposes to amend definitions in Part 1301 sections 1301.9, 1301.10, 1301.14 and 1301.17 to conform to recent amendments to definitions in the federal market order regulations. The proposed amendment to section 1301.9, the definition of *handler*, brings that section into conformity with the federal amendment to the definition of *handler* in 7 CFR 1000.9 by adding certain milk brokers to the definition. The proposed amendment to section 1301.10, the definition of *producer-handler*, brings that section into conformity with the definition of the same term in 7 CFR 1001.10, through uniform reformatting of the definition and changing the minimum from 300 quarts per day to 150,000 pounds per month. Similarly, the proposed amendments to section 1301.14, *fluid milk products* (adds eggnog and changes descriptive terms for various products, such as skim milk) and section 1301.17, *cooperative association* (includes federation of cooperatives) bring those definitions into conformity with the reformed federal regulations at 7 CFR 1000.15 and 1000.18, respectively.

The proposal to amend Part 1304 section 1304.1, deletes eggnog from the list in subsection (b)(4)(iv), in conformity with the new federal regulation at 7 CFR 1000.40(b)(2)(iv), reclassifying eggnog from Class II to Class I. The proposal to amend Part 1305 section 1305.1 changes the reference to the federal Class I price from the prior regulation reference to Zone 1, Class 1 to the reformed reference in 7 CFR 1000.52 to the Class I Price for Suffolk County Massachusetts.

The Commission proposes to amend Part 1306 sections 1306.1 and 1306.2 to remove the existing minimum of a daily average of 300 quarts to the new federal minimum of 150,000 pounds per month as codified at 7 CFR 1000.8(d)(4).

The proposed amendments in Parts 1305, 1307 and 1308 sections 1305.2, 1307.2, 1307.3, 1307.4 1307.7, 1307.9 and 1308.1 change the prescribed dates for required action to conform to the new dates used under the federal market order reform regulations for similar

required activities. The proposed amendments change the dates required for: (1) Announcing the over-order obligation (from the 5th of the month to the 23rd); (2) issuing statements (from the 15th to the 13th); (3) for making payments (including adjustments and administrative assessments) to the producer-settlement fund (from the 18th to the 15th) and (4) for issuing payments (including adjustments) from the fund (from the 20th to the 16th).

The proposed amendment to Part 1307 section 1307.8 conforms to the federal regulation at 7 CFR 1000.78 by changing the language regarding charges on overdue accounts to include funds due to both the producer-settlement fund and the administrative assessment fund and includes the new requirement that all interest accrues to the administrative assessment fund. The proposed rules also add a new section at Part 1307 section 1307.9, in conformance with the federal regulation at 7 CFR 1000.90, specifying that if a required date falls on a weekend or holiday, the action is required on the next business day.

Official Notice of Technical, Scientific or Other Matters

Pursuant to the Commission regulations, 7 CFR 1361.5(g)(5), the Commission hereby gives public notice that it may take official notice, at the public hearing February 2, 2000, or afterward, of relevant facts, statistics, data, conclusions, and other information provided by or through the United States Department of Agriculture, including, but not limited to, matters reported by the National Agricultural Statistics Service, the Market Administrators, the Economic Research Service, the Agricultural Marketing Service and information, data and statistics developed and maintained by the Departments of Agriculture of the States or Commonwealth within the Compact regulated area.

Public Participation in Rulemaking Proceedings

The Commission seeks and encourages oral and written testimony and comments from all interested persons regarding these proposed rules. The Commission continues to benefit from the valuable insights and active participation of all segments of the affected community including consumers, processors and producers in the development and administration of the Over-order Price Regulation.

¹ 62 FR 29626 (May 30, 1997).

² 62 FR 62810 (Nov. 25, 1997).

³ See, e.g., 63 FR 10104 (Feb. 27, 1998); 63 FR 46385 (Sept. 1, 1998); 63 FR 65517 (Nov. 27, 1998); 64 FR 23532 (May 3, 1999); and 64 FR 34511 (June 28, 1999).

⁴ 64 FR 70868 (Dec. 17, 1999); 64 FR 47898 (Sept. 1, 1999).

Date, Time and Location of the Public Hearing

The Northeast Dairy Compact Commission will hold a public hearing at 10:00 a.m. on February 2, 2000 at the Centennial Inn, 96 Pleasant Street, Concord, New Hampshire.

Request for Written Comments

Pursuant to the Commission rules, 7 CFR 1361.4, any person may participate in the rulemaking proceeding independent of the hearing process by submitting written comments or exhibits to the Commission. Comments and exhibits may be submitted at any time before 5 p.m. on February 16, 2000.

Please note: Comments and exhibits will be made part of the record of the rulemaking proceeding only if they identify the author's name, address and occupation, and if they include a sworn and notarized statement indicating that the comment and/or exhibit is presented based upon the author's personal knowledge and belief. Facsimile copies will be accepted up until the 5 p.m. deadline, but the original must then be sent by ordinary mail.

List of Subjects in 7 CFR Parts 1301, 1304, 1305, 1306, 1307 and 1308

Milk, Price support programs.

Codification in Code of Federal Regulations

For reasons set forth in the preamble, the Northeast Dairy Compact Commission proposes to amend 7 CFR Parts 1301, 1304, 1305, 1306, 1307 and 1308 as follows:

PART 1301—DEFINITIONS

1. The authority citation for Part 1301 continues to read as follows:

Authority: 7 U.S.C. 7256.

2. Amend § 1301.9 to revise paragraph (e) to read as follows:

§ 1301.9 Handler.

Handler means:

* * * * *

(e) Any person who does not operate a plant but who engages in the business of receiving fluid milk products for resale and distributes to retail or wholesale outlets packaged fluid milk products received from any plant described in paragraph (a), (b) or (c) of this section. Any person who as a broker negotiates a purchase or sale of fluid milk products or fluid cream products from or to any pool, partially regulated or nonpool plant, and any person who by purchase or direction causes milk of producers to be picked up at the farm and/or moved to a plant. Persons who

qualify as handlers only under this paragraph are not subject to the payment provisions of §§ 1307.3 and 1308.1.

3. Revise § 1301.10 to read as follows:

§ 1301.10 Producer-handler.

Producer-handler means a person who:

(a) Operates a dairy farm and a distributing plant from which there is monthly route disposition in the regulated area during the month;

(b) Receives milk solely from own farm production or receives milk that is fully subject to the pricing and pooling provisions of any Federal order;

(c) Receives at its plant or acquires for route disposition no more than 150,000 pounds of fluid milk products from handlers fully regulated under any Federal order. This limitation shall not apply if the producer-handler's own farm production is less than 150,000 pounds during the month;

(d) Disposes of no other source milk as Class I milk except by increasing the nonfat milk solids content of the fluid milk products; and

(e) Provides proof satisfactory to the compact commission that the care and management of the dairy animals and other resources necessary to produce all Class I milk handled (excluding receipts from handlers fully regulated under any Federal order) and the processing and packaging operations are the producer-handler's own enterprise and at its own risk.

4. Amend § 1301.11 to revise paragraphs (b) introductory text and (b) (1) to read as follows:

§ 1301.11 Producer.

Producer means:

* * * * *

(b) A dairy farmer who produces milk outside of the regulated area that is moved to a pool plant, provided that on more than half of the days on which the handler caused milk to be moved from the dairy farmer's farm in every December since 1996, all of that milk was physically moved to a pool plant in the regulated area. Or: to be considered a qualified producer, on more than half of the days on which the handler caused milk to be moved from the dairy farmer's farm during the current month and for five (5) months subsequent to July of the preceding calendar year, all of that milk must have moved to a pool plant, provided that the total amount of milk at a pool plant eligible to qualify producers who did not qualify in every December since 1996, shall not exceed the total bulk receipts of fluid milk products less:

(1) Producers receipts as described in paragraph (a) of this section and producer receipts as described in paragraph (b) of this section who are qualified based on every December since 1996;

* * * * *

5. Revise § 1301.14 to read as follows:

§ 1301.14 Fluid milk product.

(a) Except as provided in paragraph (b) of this section *fluid milk product* means any milk products in fluid or frozen form containing less than nine percent butterfat, that are intended to be used as beverages. Such products include, but are not limited to: Milk, fat-free milk, low fat milk, light milk, reduced fat milk, milk drinks, egg nog and cultured buttermilk, including any such beverage products that are flavored, cultured, modified with added nonfat milk solids, sterilized, concentrated or reconstituted. As used in this part, the term *concentrated milk* means milk that contains not less than 25.5 percent, and not more than 50 percent, total milk solids.

(b) The term *fluid milk product* shall not include:

(1) Plain or sweetened evaporated milk/skim milk, sweetened condensed milk/skim milk, formulas especially prepared for infant feeding or dietary use (meal replacement) that are packaged in hermetically-sealed containers, any product that contains by weight less than 6.5 percent nonfat milk solids, and whey; and

(2) The quantity of skim milk equivalent in any modified product specified in paragraph (a) of this section that is greater than an equal volume of an unmodified product of the same nature and butterfat content.

6. Revise § 1301.17 to read as follows:

§ 1301.17 Cooperative association.

Cooperative association means any cooperative marketing association of producers which the Secretary of Agriculture of the United States determines is qualified under the provisions of the Capper-Volstead Act, has full authority in the sale of milk of its members and is engaged in marketing milk or milk products for its members. A federation of two or more cooperatives incorporated under the laws of any state will be considered a cooperative association if all member cooperatives meet the requirements of this section.

PART 1304—CLASSIFICATION OF MILK

2. The authority citation for Part 1304 continues to read as follows:

Authority: 7 U.S.C. 7256.

3. Amend § 1304.1 to revise paragraph (b)(4)(iv) to read as follows:

§ 1304.1 Classification of milk.

* * * * *

- (b) * * *
(4) * * *

(iv) Custards, puddings, pancake mixes, buttermilk biscuit mixes, coatings, batter and similar products;

* * * * *

PART 1305—CLASS PRICE

1. The authority citation for Part 1305 continues to read as follows:

Authority: 7 U.S.C. 7256.

2. Amend § 1305.1 to revise paragraph (b)(2) to read as follows:

§ 1305.1 Compact over-order class I price and compact over-order obligation.

* * * * *

- (b) * * *

(2) Deduct Class I Price for Suffolk County, Massachusetts;

* * * * *

3. Revise § 1305.2 to read as follows:

§ 1305.2 Announcement of compact over-order class I price and compact over-order obligation.

The compact commission shall announce publicly on or before the 23rd day of each month the Class I over-order price and the compact over-order obligation for the following month.

PART 1306—COMPACT OVER-ORDER PRODUCER PRICE

1. The authority citation for Part 1306 continues to read as follows:

Authority: 7 U.S.C. 7256.

2. Revise § 1306.1 to read as follows:

§ 1306.1 Handler's value of milk for computing basic over-order producer price.

For the purpose of computing the basic over-order producer price, the compact commission shall determine for each month the value of milk of each handler with respect to each of the handler's pool plants and of each handler described in § 1301.9(d) of this chapter with respect to milk that was not received at a pool plant, as directed in this section. Any pool plant that does not exceed 150,000 pounds of disposition in the compact regulated area in the month shall not be subject to the compact over-order obligation. The total assessment for each handler is to be calculated by multiplying the pounds of Class I fluid milk products as determined pursuant to § 1304.1(a) of this chapter by the compact over-order obligation.

3. Revise § 1306.2 to read as follows:

§ 1306.2 Partially regulated plant operator's value of milk for computing basic over-order producer price.

For the purpose of computing the basic over-order producer price, the compact commission shall determine for each month the value of milk disposition in the regulated area by the operator of a partially regulated plant as directed in this section. Any partially regulated plant that does not exceed 150,000 of disposition in the compact regulated area in the month shall not be subject to the compact over-order obligation. The total assessment for each handler is to be calculated by multiplying the pounds of Class I fluid milk products as determined pursuant to § 1304.1(a) of this chapter by the compact over-order obligation.

PART 1307—PAYMENTS FOR MILK

1. The authority citation for Part 1307 continues to read as follows:

Authority: 7 U.S.C. 7256.

2. Revise the introductory text of § 1307.2 to read as follows:

§ 1307.2 Handlers' producer-settlement fund debits and credits.

On or before the 13th day after the end of the month, the compact commission shall render a statement to each handler showing the amount of the handler's producer-settlement fund debit or credit, as calculated in this section.

* * * * *

3. Revise § 1307.3 to read as follows:

§ 1307.3 Payments to and from the producer-settlement fund.

(a) On or before the 15th day after the end of the month, each handler shall pay to the compact commission the handler's producer-settlement fund debit for the month as determined under § 1307.2(a).

(b) On or before the 16th day after the end of the month, the compact commission shall pay to each handler the handler's producer-settlement fund credit for the month as determined under § 1307.2(b). If the unobligated balance in the producer-settlement fund is insufficient to make such payments, the compact commission shall reduce uniformly such payments and shall complete them as soon as the funds are available.

4. Revise § 1307.5 paragraph (a) to read as follows:

§ 1307.4 Payments to producers.

(a) For milk received during the month, payment shall be made so that it is received by each producer no later

than the day after the payment date required in § 1307.3(b). Each handler shall make payment to each producer for the milk received from him during the month at not less than the basic over-order producer price per hundredweight computer under § 1306.3. If the handler has not received full payment for the compact commission under § 1307.3(b) by the date payments are due under this paragraph, he may reduce pro rata his payments to producers by an amount not to exceed such underpayment. Such payments shall be completed after receipt of the balance due from the compact commission by the next following date for making payments under this paragraph.

* * * * *

5. Revise § 1307.7 to read as follows:

§ 1307.7 Adjustment of accounts.

(a) Whenever the compact commission verification of a handler's reports or payments discloses an error in payments to or from the compact commission under § 1307.3 or § 1308.1, the compact commission shall promptly issue to the handler a charge bill or a credit, as the case may be, for the amount of the error. Adjustment charge bills issued during the period beginning with the 10th day of the prior month and ending with the 9th day of the current month shall be payable by the handler to the compact commission on or before the 15th day of the current month. Adjustment credits issued during that period shall be payable by the compact commission to the handler on or before the 16th day of the current month.

(b) Whenever the compact commission's verification of a handler's payments discloses payment to a producer or a cooperative association of an amount less than is required by § 1307.4, the handler shall make payment of the balance due the producer not later than the 16th day after the end of the month in which the handler is notified of the deficiency.

6. Revise § 1307.8 to read as follows:

§ 1307.8 Charges on overdue accounts.

Any unpaid obligation due the compact commission from a handler pursuant to 7 CFR parts 1307 and 1308 shall be increased 1.0 percent each month beginning with the day following the date such obligation was due. Any remaining amount due shall be increased at the same rate on the corresponding day of each succeeding month until paid. The amounts payable pursuant to this section shall be computed monthly on each unpaid obligation and shall include any unpaid

charges previously computed pursuant to this section. The late charges shall accrue to the administrative assessment fund. For the purpose of this section, any obligation that was determined at a date later than prescribed by 7 CFR parts 1307 and 1308 because of a handler's failure to submit a report to the compact commission when due shall be considered to have been payable by the date it would have been due if the report had been filed when due.

7. Add a new § 1307.9 to read as follows:

§ 1307.9 Dates.

If a date required for payment contained in 7 CFR parts 1307 and 1308 falls on a Saturday, Sunday, or national holiday, such payment will be due on the next day that the compact commission office is open for public business.

PART 1308—ADMINISTRATIVE ASSESSMENT

1. The authority citation for Part 1308 continues to read as follows:

Authority: 7 U.S.C. 7256.

2. Revise the introductory text of § 1308.1 to read as follows:

§ 1308.1 Assessment for pricing regulations administration.

On or before the 15th day after the end of the month, each handler shall pay to the compact commission his pro rata share of the expense of administration of this pricing regulation. The payment shall be at the rate of 3.2 cents per hundredweight. The payment shall apply to:

* * * * *

Dated: January 6, 2000.

Kenneth M. Becker,
Executive Director.

[FR Doc. 00-687 Filed 1-11-00; 8:45 am]

BILLING CODE 1650-01-P

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

[Docket No. PRM-50-68]

Bob Christie; 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 public comment on a petition for

rulemaking filed by Mr. Bob Christie, Performance Technology, Knoxville, Tennessee. The petition was docketed on November 15, 1999, and has been assigned Docket No. PRM-50-68. The petitioner requests that the NRC amend its regulations concerning hydrogen control systems at nuclear power plants. The petitioner believes that the current regulations on hydrogen control systems at some nuclear power plants are detrimental and present a health risk to the public. The petitioner believes that similar detrimental situations may apply to other systems as well (such as the requirement for a 10-second diesel start time). The petitioner believes the proposed amendments would eliminate those situations that present adverse conditions at nuclear power plants.

DATES: Submit comments by March 27, 2000. 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: Mail comments to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff.

Deliver comments to: 11555 Rockville Pike, Rockville, Maryland, between 7:30 a.m. and 4:15 p.m. on Federal workdays.

For a copy of the petition, write to David L. Meyer, Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

You may also provide comments via the NRC's interactive rulemaking website at <http://ruleforum.llnl.gov>. This site provides the capability to upload comments as files (any format), if your web browser supports that function. For information about the interactive rulemaking website, contact Ms. Carol Gallagher, (301) 415-5905 (e-mail: cag@nrc.gov).

The petition and copies of comments are also available electronically at the NRC's Public Electronic Reading Room on the Internet 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.

The petition and copies of comments received may be inspected and copied for a fee at the NRC Public Document Room, 2120 L Street, NW. (Lower Level), Washington, DC.

FOR FURTHER INFORMATION CONTACT: David L. Meyer, Chief, Rules and

Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Telephone: 301-415-7162 or Toll Free: 1-800-368-5642 or email: DLM1@nrc.gov.

SUPPLEMENTARY INFORMATION:

Grounds for Petition

The petitioner performed a detailed review of the San Onofre Task Zero Safety Evaluation Report (Pilot Program for Risk-Informed Performance-Based Regulation) conducted by the NRC staff and dated September 3, 1998, concerning that plant's hydrogen control system. The petitioner is convinced that action by the Commission is necessary to remedy possible adverse conditions at nuclear power plants.

Background

The petitioner includes three topics of discussion in support of the proposed amendments:

A. Public Health Risk From Nuclear Electric Power Units

The petitioner states that since the publication of the Reactor Safety Study (WASH-1400) in 1975, there has been a growing agreement between the practitioners of probabilistic risk assessment and licensing personnel (both at the NRC and within the industry) that there is a greater risk to public health from the release of fission products from the reactor core during a severe accident at a nuclear power plant, than from a design-basis accident. 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. "Subsequent risk studies have shown that the majority of risk to the public is from accident sequences that lead to containment failure or bypass, and that the contribution to risk from accident sequences involving hydrogen combustion is quite small."

2. "As mentioned in the previous section, the risk associated with hydrogen combustion is not from design-basis accidents but from severe accidents."

3. "The overall public risk and radiological consequences from reactor accidents is dominated by the more severe core damage accidents that involved containment failure or bypass."