

Proposed Rules

Federal Register

Vol. 87, No. 225

Wednesday, November 23, 2022

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-50-124; NRC-2022-0178]

Licensing Safety Analysis for Loss-of-Coolant Accidents

AGENCY: Nuclear Regulatory Commission.

ACTION: Petition for rulemaking; notice of docketing and request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has received a petition for rulemaking from Ralph O. Meyer dated August 1, 2022, requesting that the NRC revise its regulations regarding the licensing safety analysis for loss-of-coolant accidents. The petition was docketed by the NRC on October 11, 2022, and has been assigned Docket No. PRM-50-124. The NRC is examining the issues raised in PRM-50-124 to determine whether they should be considered in rulemaking. The NRC is requesting public comment on this petition at this time.

DATES: Submit comments by February 6, 2023. Comments received after this date will be considered if it is practical to do so, but the NRC is able to assure consideration only for comments received on or before this date.

ADDRESSES: You may submit comments by any of the following methods; however, the NRC encourages electronic comment submission through the Federal rulemaking website:

- *Federal rulemaking Website:* Go to <https://www.regulations.gov> and search for Docket ID NRC-2022-0178. Address questions about NRC Dockets to Dawn Forder; telephone: 301-415-3407; email: Dawn.Forder@nrc.gov. For technical questions contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *Email comments to:* Rulemaking.Comments@nrc.gov. If you do not receive an automatic email reply

confirming receipt, then contact us at 301-415-1677.

- *Mail comments to:* Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, ATTN: Rulemakings and Adjudications Staff.

For additional direction on obtaining information and submitting comments, see “Obtaining Information and Submitting Comments” in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT:

Blake Purnell, U.S. Nuclear Regulatory Commission, Washington DC 20555-0001; telephone: 301-415-1380, email: Blake.Purnell@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC-2022-0178 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- *Federal Rulemaking website:* Go to <https://www.regulations.gov> and search for Docket ID NRC-2022-0178.

- *NRC’s Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, 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, at 301-415-4737, or by email to PDR.Resource@nrc.gov.

- *NRC’s PDR:* You may examine and purchase copies of public documents, by appointment, at the NRC’s PDR, Room P1 B35, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852. To make an appointment to visit the PDR, please send an email to PDR.Resource@nrc.gov or call 1-800-397-4209 or 301-415-4737, between 8:00 a.m. and 4:00 p.m. eastern time (ET), Monday through Friday, except Federal holidays.

B. Submitting Comments

The NRC encourages electronic comment submission through the Federal rulemaking website (<https://www.regulations.gov>). Please include

Docket ID NRC-2022-0178 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at <https://www.regulations.gov> as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. The Petitioner and Petition

The petition for rulemaking (PRM) was filed by Ralph O. Meyer. The PRM requests that the NRC revise its regulations at part 50 of title 10 of the *Code of Federal Regulations* (10 CFR), “Domestic Licensing of Production and Utilization Facilities,” regarding the licensing safety analysis for loss-of-coolant accidents (LOCAs). The PRM requests that the NRC amend its regulations at 10 CFR 50.46, “Acceptance criteria for emergency core cooling systems for light-water nuclear power reactors,” which limits peak cladding temperature and maximum cladding oxidation to satisfy General Design Criterion No. 35 of appendix A to part 50, “Emergency core cooling.” The petition may be found in ADAMS at Accession No. ML22284A087.

III. Discussion of the Petition

The letter from the petitioner states that the NRC’s current rule “limits peak cladding temperature and maximum cladding oxidation” and “no longer ensures coolable geometry at higher fuel burnups” and includes an analysis and discussion of a proposed alternative. The petitioner requests the NRC to conduct rulemaking to implement criteria in 10 CFR 50.46 that would limit the number of fuel rod ruptures to 10 percent for large break LOCAs and to 1 percent for small break LOCAs, in lieu

of existing acceptance criteria in 10 CFR 50.46(b). The petitioner argues that current licensing safety analyses for LOCAs are no longer valid for fuel at moderate and higher burnups.

According to the petitioner, the German regulatory agency uses these criteria.

IV. Conclusion

The NRC has determined that the petition meets the sufficiency requirements for docketing a PRM under 10 CFR 2.803, "Petition for rulemaking-NRC action." The NRC will examine the issues raised in PRM-50-124 and any comments received in response to this comment request to determine whether these issues should be considered in rulemaking. The public can monitor further action on the rulemaking that will address this petition by searching Docket ID NRC-2022-0178 on the Federal rulemaking website, <https://www.regulations.gov>. The site allows members of the public to receive alerts when changes or additions occur in a docket folder. To subscribe: (1) navigate to the docket folder (NRC-2022-0178); (2) click the "Subscribe" link; and (3) enter an email address and click on the "Subscribe" link. The NRC also tracks the status of all NRC rules and PRMs on its website at <https://www.nrc.gov/about-nrc/regulatory/rulemaking/rules-petitions.html>.

Dated November 17, 2022.

For the Nuclear Regulatory Commission.

Brooke P. Clark,

Secretary of the Commission.

[FR Doc. 2022-25523 Filed 11-22-22; 8:45 am]

BILLING CODE 7590-01-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 261

[EPA-R06-RCRA-2022-0653; FRL-10104-01-R6]

Hazardous Waste Management System; Identification and Listing of Hazardous Waste Proposed Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to grant an exclusion from the list of hazardous wastes to WRB Refining LP (Petitioner) located in Borger, Texas. This action responds to a petition to exclude (or "delist") up to 7,000 cubic yards per year of solids removed from four stormwater tanks from the list of federal hazardous wastes when disposed of in

a Subtitle D Landfill. Resource Conservation Recovery Act (RCRA). The EPA is proposing to grant the petition based on an evaluation of waste-specific information provided by Petitioner.

DATES: Comments on this proposed exclusion must be received by December 23, 2022.

ADDRESSES: Submit your comments by one of the following methods:

- **Federal eRulemaking Portal:**

<https://www.regulations.gov>. Follow the on-line instructions for submitting comments.

- **Email:** shah.harry@epa.gov.

Instructions: The EPA must receive your comments by December 23, 2022. Direct your comments to Docket ID Number EPA-R06-RCRA-2022-0653. The EPA's policy is that all comments received will be included in the public docket without change and may be made available online at <https://www.regulations.gov>, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI), or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through <https://www.regulations.gov>, or email. The Federal [regulations.gov](https://www.regulations.gov) website is an "anonymous access" system, which means the EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to the EPA without going through [regulations.gov](https://www.regulations.gov), your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the internet. If you submit an electronic comment, the EPA recommends that you include your name and other contact information in the body of your comment with any CBI you submit. If the EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, the EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption and be free of any defects or viruses.

Docket: The index to the docket for this action is available electronically at www.regulations.gov. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy.

You can view and copy the delisting petition and associated publicly available docket materials either through www.regulations.gov or at: EPA, Region 6, 1201 Elm Street, Suite 500, Dallas, Texas 75270. The EPA facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays and facility closures due to COVID-19. We recommend that you telephone Harry Shah, at (214) 665-6457, before visiting the Region 6 office. Interested persons wanting to examine these documents should make an appointment with the office.

FOR FURTHER INFORMATION CONTACT:

Harry Shah, (214) 665-6457, shah.harry@epa.gov. Out of an abundance of caution for members of the public and our staff, the EPA Region 6 office may be closed to the public to reduce the risk of transmitting COVID-19. We encourage the public to submit comments via <https://www.regulations.gov>, as there will be a delay in processing mail and no courier or hand deliveries will be accepted. Please call or email the contact listed above if you need alternative access to material indexed but not provided in the docket.

SUPPLEMENTARY INFORMATION:

Table of Contents

- I. Overview Information
- II. Background
 - A. What is the history of the delisting program?
 - B. What is a delisting petition, and what does it require of a petitioner?
 - C. What factors must the EPA consider in deciding whether to grant a delisting petition?
 - D. Environmental Justice evaluation.
- III. The EPA's Evaluation of the Waste Information and Data
 - A. What waste did the Petitioner petition the EPA to delist?
 - B. How did the Petitioner generate the waste?
 - C. How did the Petitioner sample and analyze the petitioned waste?
 - D. What factors did the EPA consider in deciding whether to grant the delisting petition?
 - E. How did the EPA evaluate the risk of delisting this waste?
 - F. What did the EPA conclude?
- IV. Conditions for Exclusion
 - A. How will the Petitioner manage the waste if it is delisted?
 - B. What are the maximum allowable concentrations of hazardous constituents in the waste?
 - C. How frequently must the Petitioner test the waste?
 - D. What data must the Petitioner submit?
 - E. What happens if the Petitioner fails to meet the conditions of the exclusion?
 - F. What must the Petitioner do if the process changes?