

Rules and Regulations

Federal Register

Vol. 68, No. 57

Tuesday, March 25, 2003

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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NUCLEAR REGULATORY COMMISSION

10 CFR Part 20

RIN 3150-AH07

Radiation Exposure Reports: Labeling Personal Information

AGENCY: Nuclear Regulatory Commission.

ACTION: Direct final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is amending its filing requirements for written event reports submitted to the NRC concerning individuals occupationally overexposed to radiation and radioactive materials. Licensees will be required to clearly label any section of the event report containing personal information "Privacy Act Information: Not for Public Disclosure." This action is necessary to ensure that personal information filed with the NRC is segregated from the event report and maintained in a separate, non-public document.

EFFECTIVE DATE: The final rule is effective June 9, 2003, unless significant adverse comments are received by April 24, 2003. A significant adverse comment is a comment where the commenter explains why the rule would be inappropriate, including challenges to the rule's underlying premise or approach, or would be ineffective or unacceptable without a change. If the rule is withdrawn, timely notice will be published in the **Federal Register**.

ADDRESSES: Submit comments to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attn: Rulemakings and Adjudications Staff.

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

Certain documents related to this rulemaking, as well as all public

comments received on this rulemaking, may be viewed and downloaded electronically via the NRC's rulemaking Web site at <http://ruleforum.llnl.gov>.

You may also provide comments via this website by uploading comments as files (any format) if your web browser supports that function. For information about the interactive rulemaking site, contact Ms. Carol Gallagher (301) 415-5905; e-mail CAG@nrc.gov.

Certain documents related to this rule, including comments received by the NRC, may be examined at the NRC Public Document Room, Room O-1F23, 11555 Rockville Pike, Rockville, MD. For more information, contact the NRC Public Document Room (PDR) Reference staff at 1-800-397-4209, 301-415-4737 or by e-mail to pdr@nrc.gov.

The NRC maintains an Agencywide Document Access and Management System (ADAMS), which provides text and image files of NRC's public documents. These documents may be accessed through the NRC's Public Electronic Reading Room on the Internet at <http://www.nrc.gov/reading-rm/adams.html>. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room (PDR) Reference staff at 1-800-397-4209, 301-415-4737, or by e-mail to pdr@nrc.gov.

FOR FURTHER INFORMATION CONTACT:

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SUPPLEMENTARY INFORMATION: The NRC requires licensees to file written reports within 30 days after learning of any occupational exposure to radiation or radioactive materials that exceeds the constraints or limits set out in §§ 20.2202 and 20.2203. These records contain personal information that is protected from public disclosure by the Privacy Act of 1974, Public Law 93-579, 5 U.S.C. 552a, and the Commission's regulations in 10 CFR part 9.

Currently, each report is required to be prepared so that personal information such as an individual's name, social security number, and date of birth is contained in a separate and detachable part of the report. However, the regulations do not require that the

report be marked in any way to indicate the information should be protected as privacy information. The intent of the separate report was to keep the sensitive personal information out of the publically accessible environment. Documents received by the NRC are placed directly into the Agency-Wide Documents Access and Management System (ADAMS) unless they are marked as sensitive or controlled. In order for the Agency's document control personnel to properly process this section of the report as a non-public document, licensees will be required to clearly label this section with the following notation: "Privacy Act Information: Not for Public Disclosure." This labeling will ensure that personal information filed with exposure event reports will not be accessible by the public through the NRC's document control system, ADAMS.

Procedural Background

Because this amendment involves only a minor amendment to existing regulations and it is not expected to be controversial, the NRC is using the direct final rule process for this rule. The amendments to the rule will become effective on June 9, 2003. However, if the NRC receives significant adverse comments on this direct final rule by April 24, 2003, then the NRC will publish a document that withdraws this action and will subsequently address the comments received in a final rule as a response to the companion proposed rule published elsewhere in this **Federal Register**. Absent significant modifications to the proposed revisions requiring republication, the NRC will not initiate a second comment period on this action.

A significant adverse comment is a comment where the commenter explains why the rule would be inappropriate, including challenges to the rule's underlying premise or approach, or would be ineffective or unacceptable without a change. A comment is adverse and significant if:

- (1) The comment opposes the rule and provides a reason sufficient to require a substantive response in a notice-and-comment process. For example, a substantive response is required when:
 - (a) The comment causes the NRC staff to reevaluate (or reconsider) its position or conduct additional analysis;
 - (b) The comment raises an issue serious enough to warrant a substantive