

Rules and Regulations

Federal Register

Vol. 68, No. 108

Thursday, June 5, 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.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 72 and 73

RIN 3150-AG90

Event Notification Requirements

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is amending its event notification regulations that apply to an Independent Spent Fuel Storage Installation (ISFSI) and to a Monitored Retrievable Storage (MRS) installation. The final rule will also amend safeguards event notification requirements that apply to facilities such as reactor facilities, fuel cycle facilities, ISFSIs, an MRS, licensees who possess or transport special nuclear material or spent fuel, a geological repository operations area, and gaseous diffusion plants. Some changes will reduce licensee burden by consolidating some notifications and lengthening, where appropriate, the reporting period for other notifications. These changes will not impact public health and safety. New requirements will be added to permit the NRC to more effectively carry out its responsibilities during emergencies and in responding to public, media, and other stakeholder inquiries during events or conditions at licensees' facilities. These changes will also align the standards for both the event notification requirements and the safeguards event notification requirements with previous changes made to the power reactor event notification requirements.

EFFECTIVE DATE: This final rule is effective on October 3, 2003.

FOR FURTHER INFORMATION CONTACT: Mark Haisfield, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission,

Washington, DC 20555-0001, [telephone (301) 415-6196, e-mail, MFH@nrc.gov].

SUPPLEMENTARY INFORMATION:

Background

An advance notice of proposed rulemaking (ANPR) was published on July 23, 1998, (63 FR 39522), notifying the public that the NRC was considering amending its event notification reporting requirements. Although the ANPR was primarily directed at potential changes to power reactor event notification requirements in 10 CFR 50.72 and 50.73, the notice also requested public comments to identify areas where other event notification reporting requirements could be simplified and/or modified to be less burdensome and more risk informed.

In SECY-99-022, "Rulemaking to Modify Reporting Requirements for Power Reactors" (January 20, 1999), the NRC staff presented recommendations for changes to reporting requirements beyond those to §§ 50.72 and 50.73, including the following:

- 10 CFR 72.75 (Reporting requirements for specific events and conditions) contains the requirement for a 4-hour report and 30-day written follow-up report. Revise this requirement to 8 hours and 60 days similar to changes proposed for §§ 50.72 and 50.73.
- 10 CFR 73.71 (Reporting of safeguards events) and 10 CFR part 73, Appendix G (Reportable safeguards events) contain requirements for 1-hour reports. Amend these requirements to 8 hours and 60 days similar to changes proposed for §§ 50.72 and 50.73.

The Commission subsequently issued a final rule revising the event reporting requirements in §§ 50.72, 50.73, and 72.216 (65 FR 63769; October 25, 2000), and directed the NRC staff to consider, under a separate rulemaking, similar changes to the event notification requirements in 10 CFR parts 72 (Licensing Requirements for the Independent Storage of Spent Nuclear Fuel, High-Level Radioactive Waste, and Reactor-Related Greater Than Class C Waste) and 10 CFR part 73 (Physical Protection of Plants and Materials).

Proposed Rule

The NRC published the proposed rule, "Event Notification Requirements" in the **Federal Register** on August 22,

2002 (67 FR 54360). The comment period closed on November 5, 2002. The NRC received four comment letters on the proposed rule. These comments and responses are discussed in the "Public Comments on the Proposed Rule" section.

On September 6, 2002, the NRC published a proposed rule (67 FR 57120) and a concurrent direct final rule (67 FR 57084) on "Electronic Maintenance and Submission of Information." This rulemaking would have revised, in part, § 73.71(a)(4). On December 4, 2002 (67 FR 72091), the NRC published a notice withdrawing the direct final rule, because the agency had received significant adverse comments on the proposed rule. However, no comments were received on either the specific changes to § 73.71(a)(4) proposed by 67 FR 57120 or the changes to § 73.71(a)(4) proposed by 67 FR 54360. Accordingly, the NRC is consolidating these proposed rules, with respect to § 73.71(a)(4), in this final rule. The consolidated changes to § 73.71(a)(4) are described in the section-by-section changes below.

Discussion and Regulatory Action

This final rule will amend the NRC's regulations at 10 CFR part 72 to change several event notification requirements that apply to Independent Spent Fuel Storage Installations (ISFSIs) and Monitored Retrievable Storage (MRS) installations. The final rule will also amend safeguards event notification requirements that apply to facilities subject to 10 CFR part 73, such as reactor facilities, fuel cycle facilities, ISFSIs, MRSs, licensees who possess or transport special nuclear material or spent fuel, a geological repository operations area, and the gaseous diffusion plants. The NRC evaluated the issues and concerns of the §§ 50.72 and 50.73 event notification reporting requirements and considered this regulatory framework as a basis for concluding that similar changes to the event notification reporting requirements in 10 CFR parts 72 and 73 are also warranted. The event reporting requirements of 10 CFR parts 72 and 73 affect both material licensees and nuclear power plant licensees. Most of the facilities subject to the event notification reporting requirements in 10 CFR parts 72 and 73 (power reactors and ISFSIs) are either physically co-