

In new § 72.75(f), new requirements are added for licensees to immediately make follow-up notifications to report degrading conditions, declaration of any Emergency Class, change of an Emergency Class, termination of the Emergency Class, the results of evaluations, the effectiveness of responses or protective measures, and information on unexpected ISFSI or MRS behavior. These added requirements will ensure that the information on a degrading condition or termination of the event is promptly communicated to the NRC. Consistent with current policy for reactor licensees, the NRC expects a 10 CFR part 72 licensee to make any follow-up notifications to the NRC as soon as possible, but no later than 1 hour from the time of identification. Additionally, a requirement is added to maintain an open, continuous communication channel with the NRC Headquarters Operations Center upon request by the NRC. This requirement is consistent with the current 10 CFR part 50 event reporting requirements and ensures that during an ongoing emergency, the communications between the licensee and the NRC are not interrupted by the inability to complete a phone call when telephone circuits could be temporarily overloaded.

In new § 72.75(g), the current 30-day requirement is revised to require that written reports be submitted within 60 days [current § 72.75(d)(2)] to reduce the occurrence of supplemental reports and licensee burden. The requirements for human performance events [current § 72.75(d)(2)(i) through (d)(7), except § 72.75(d)(2)(ii)(I)] are revised to be consistent with currently revised § 50.73(b)(2)(ii)(J). The first sentence of the introductory paragraph of § 72.75(g) is revised to exclude events reported under § 72.75(a), (b)(2), and (c)(3) from the written follow-up notification requirements. The second to the last sentence in the introduction of § 72.75(g) is revised to incorporate legibility requirements for the written notifications.

New § 72.75(h) is added to indicate that the Commission may require a licensee to submit supplemental information if this information is necessary for the NRC to obtain a complete understanding of an unusually complex or significant event.

New § 72.75(i) is added to clarify that the requirements of § 72.75 apply (1) after a specific 10 CFR part 72 license has been issued to an applicant; (2) after a 10 CFR part 72 general licensee has first placed spent fuel on the ISFSI storage pad (if the ISFSI is located inside the reactor facility's protected

area) or when the spent fuel is being transferred outside of the reactor facility's protected area to an ISFSI storage pad (if the ISFSI storage pad is located outside of the reactor facility's protected area); and (3) to non-emergency events that occurred within 3 years of the date of discovery. This paragraph will reduce licensee confusion about when the provisions of this section become applicable. The 3-year limitation will eliminate notifications for events that are no longer significant and will be consistent with the current §§ 50.72 and 50.73.

Section 72.216 (Reports) is removed and reserved because it is no longer needed.

In § 73.71, paragraph (a)(4) is revised to extend the period for submitting written safeguards event notifications from 30 days to 60 days. In addition, the filing location and method are revised to require written safeguards event notifications to be submitted in accordance with § 73.4. A copy of the notification must also be provided to the Director, Division of Nuclear Security, Office of Nuclear Security and Incident Response, in addition to the Director of the NRC program office responsible for the license (as specified in § 73.4).

In § 73.71, paragraph (d) is revised to extend the period for submitting written safeguards event notifications from 30 days to 60 days.

10 CFR part 73, Appendix G, Paragraph I, is revised to extend the period for submitting written safeguards event notifications from 30 days to 60 days.

Criminal Penalties

For the purpose of Section 223 of the Atomic Energy Act (AEA), the Commission is issuing the final rule to amend 10 CFR parts 72 and 73 under one or more of Sections 161b, 161i, or 161o of the AEA. Willful violations of the rule will be subject to criminal enforcement.

Agreement State Compatibility

Under the "Policy Statement on Adequacy and Compatibility of Agreement State Programs" approved by the Commission on June 30, 1997, and published in the **Federal Register** on September 3, 1997 (62 FR 46517), this rule is classified as Compatibility Category "NRC." Compatibility is not required for Category "NRC" regulations. The NRC program elements in this category are those that relate directly to areas of regulation reserved to the NRC by the Atomic Energy Act of 1954, as amended (AEA), or the provisions of Title 10 of the Code of Federal Regulations. Although an

Agreement State may not adopt program elements reserved to NRC, it may wish to inform its licensees of certain requirements via a mechanism that is consistent with the particular State's administrative procedure laws, but does not confer regulatory authority on the State

Voluntary Consensus Standards

The National Technology Transfer Act of 1995 (Pub. L. 104-113) requires that Federal agencies use technical standards that are developed or adopted by voluntary consensus standards bodies unless the use of such a standard is inconsistent with applicable law or otherwise impractical. In this final rule, the NRC is amending its regulations to change several event notification requirements for ISFSI and MRS facilities and safeguards event notification requirements to more closely align them with event notifications for reactor facilities. This action does not constitute the establishment of a standard that establishes generally-applicable requirements and the use of a voluntary consensus standard is not applicable.

Environmental Impact: Categorical Exclusion

The NRC has determined that this final rule is the type of action described in categorical exclusion 10 CFR 51.22(c)(3)(iii). Therefore, neither an environmental impact statement nor an environmental assessment has been prepared for this final rule.

Paperwork Reduction Act Statement

This final rule amends information collection requirements contained in 10 CFR parts 72 and 73 that are subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). These requirements were approved by the Office of Management and Budget (OMB), approval numbers 3150-0132 and 3150-0002.

The burden to the public for the information collections in 10 CFR part 72 is estimated to average 1 hour per response, and the burden for the information collections in 10 CFR part 73 is estimated to be reduced an average 6 hours per response. There is also an annualized (over three years) implementation burden for 10 CFR part 72 of 700 hours (33.3 hours per licensee) and for 10 CFR part 73 of 2720 hours (13.5 hours per licensee). This includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the information collection.