

OMB SUPPORTING STATEMENT FOR  
PROPOSED RULE  
10 CFR PARTS 72 AND 73  
“REPORTING REQUIREMENTS FOR SPECIFIC EVENTS AND CONDITIONS”

REVISION  
(3150-0002 and -0132)

Description of the Information Collection

The existing regulations in 10 CFR 72.75 establish requirements and criteria for emergency and non-emergency notifications to the NRC Operations Center by licensees of Independent Spent Fuel Storage Installations (ISFSIs) or Monitored Retrievable Storage (MRS) facilities of specific events and conditions involving spent fuel or high level waste. The current regulations include requirements for immediate verbal emergency notifications and 4-hour and 24-hour verbal non-emergency notices. The current regulations also contain requirements for written followup reports within 30 days of the original reports. The regulations supply criteria for the contents of the written reports.

The existing regulation in 10 CFR 72.216 establishes the requirement that Part 72 general licensees must comply with the reporting requirements in 10 CFR 72.74 and 72.75.

The existing regulations in 10 CFR 73.71, including Appendix G to Part 73, establish requirements and criteria for reporting of safeguards events involving special nuclear material or spent fuel. In addition to one-hour verbal reports, the current regulations require followup written reports within 30 days of the initial report. These regulations can apply to a reactor facility, a fuel cycle facility, an ISFSI, an MRS, a licensee who possesses or transports special nuclear material or spent fuel, a geological repository, and a gaseous diffusion plant.

Many ISFSI and MRS facilities currently are co-located with reactor facilities and have common safety plans, management structure, and emergency preparedness organizations. The NRC recently enacted revisions to 10 CFR 50.72, 50.73, and 72.216 addressing reporting requirements for nuclear power reactors and ISFSIs at power reactor sites. (65 FR 63769, October 25, 2000) The NRC also added a new 10 CFR 72.13, “Applicability,” to the Part 72 regulations in a final rule issued on August 21, 2000 (65 FR 50606). These changes reduce or eliminate the unnecessary reporting burden associated with events of little or no safety significance and better align reactor facility event reporting requirements with the type of information NRC needs to carry out its safety mission. The proposed revisions to 10 CFR 72.75, 72.216, 73.71, and Appendix G to Part 73 will more closely conform the event notification requirements for ISFSIs and MRS facilities and for licensees reporting safeguards events with the revised requirements for reactor facilities; and also will reduce unnecessary reporting burden and better align the reporting requirements with the NRC’s needs for information to carry out its safety mission.

The proposed revisions would eliminate certain 4-hour and 24-hour non-emergency reports. Other 4-hour non-emergency reports would be changed to a new category of 8-hour reports. Greater flexibility would be provided for the submission of 24-hour reports. The time period for follow-up written reports would be changed from 30 to 60 days.

To ensure that NRC can respond promptly to heightened public concerns about events, a requirement would be added that licensees notify the NRC within 4 hours of the discovery of an event for which a news release is planned or notification to other government agencies has been or will be made. In addition, verbal followup notifications would be required for specified changes in conditions or other key events.

New provisions also would be added to clarify the applicability of the requirements, ensure that written reports are sufficiently legible to be reproduced and optically scanned, simplify the information required to be provided on human performance events, and provide for an open, continuous, communications channel and for the provision of supplementary information, if requested by NRC.

For this proposed rule, a summary of the changes to the codified requirements is provided below:

Eliminated requirements: §§ 72.75(b)(1), 72.75(b)(6), 72.75(c)(1), 72.216(c)

Redesignated requirements: § 72.75(b) redesignated as § 72.75(c)  
§ 72.75(b)(2) redesignated as § 72.75(c)(1)  
§ 72.75(b)(3) redesignated as § 72.75(c)(2)  
§ 72.75(b)(4) redesignated as § 72.75(b)(1)  
§ 72.75(b)(5) redesignated as § 72.75(c)(3)  
§ 72.75(c) redesignated as § 72.75(d)  
§ 72.75(c)(2) redesignated as § 72.75(d)(1)  
§ 72.75(d) redesignated as § 72.75(e)  
§ 72.75(d)(1) redesignated as § 72.75(e)(1) and (3)(ii-v)  
§ 72.75(d)(2) redesignated as § 72.75(g)  
§ 72.75(d)(2)(i) redesignated as § 72.75(g)(1)  
§ 72.75(d)(2)(ii)(A)-(L) redesignated as § 72.75(g)(2)(i)-(xii)  
§ 72.75(d)(3) redesignated as § 72.75(g)(3)  
§ 72.75(d)(4) redesignated as § 72.75(g)(4)  
§ 72.75(d)(5) redesignated as § 72.75(g)(5)  
§ 72.75(d)(6) redesignated as § 72.75(g)(6)  
§ 72.75(d)(7) redesignated as § 72.75(g)(7)

New requirements: §§ 72.75(b)(2), 72.75(c), 72.75(e)(2)(i) and (ii), 72.75(f)(1) and (2), 72.75(f)(3), 72.75(h), 72.75(i)(2), 73.71(d), Appendix G to Part 73

A. JUSTIFICATION

1. Need for and Practical Utility of the Collection Information

Licensee event reports under §§ 72.75, 72.216, 73.71, and Appendix G to Part 73 ensure that, if necessary, (1) NRC can take action to address emergency or non-emergency situations involving spent nuclear fuel (SNF) or High Level Waste (HLW) at Independent Spent Fuel Storage Installations (ISFSIs) or Monitored Retrievable Storage (MRS) facilities, (2) respond to safeguards events at reactor facilities, fuel cycle facilities, ISFSIs, MRSs, licensees who possess or transport special nuclear material or spent fuel, geological repositories, or gaseous diffusion plants; (3) protect the public health and safety; (4) respond to heightened public concern; (5) conduct or evaluate engineering studies of safeguards situations and trends and patterns analysis of operational occurrences; and (6) identify accident precursors.

10 CFR PART 72 - LICENSING REQUIREMENTS FOR THE INDEPENDENT STORAGE OF SPENT NUCLEAR FUEL, HIGH-LEVEL RADIOACTIVE WASTE, AND REACTOR RELATED GREATER THAN CLASS C WASTE

Section 72.75(b) requires each licensee to notify the NRC as soon as possible, but no later than 4 hours after the discovery of any of the events or conditions involving spent fuel, HLW, or reactor related GTCC waste specified in the following subsections:

Subsection 72.75(b)(1) (replaces the current requirement in Section 72.75(b)(4)) - An action taken in an emergency that departs from a condition or a technical specification contained in a license or a Certificate of Compliance (COC) issued under Part 72 when the action is immediately needed to protect the public health and safety and no action consistent with the license or COC conditions or technical specifications that can provide adequate or equivalent protection is immediately apparent. The information would be used by the NRC to determine whether immediate response or corrective action is needed to protect public health and safety.

Subsection 72.75(b)(2) (new requirement) - Any event or situation related to the health and safety of the public or onsite personnel, or protection of the environment, for which a news release is planned or notification to other government agencies has been or will be made. Such an event may include an onsite fatality or inadvertent release of radioactively contaminated materials. This requirement is consistent with the requirement in 10 CFR 50.72(b)(2)(xi) for reactor facilities. Reports of these events are needed promptly because they may involve events (e.g., an onsite fatality or inadvertent release of radioactively contaminated materials) that require the NRC to respond to heightened public concerns.

Section 72.75(c) would impose a new requirement for 8-hour nonemergency reports, requiring a licensee to notify the NRC as soon as possible but no later than 8 hours after the discovery of events or conditions involving spent fuel, High Level Waste, or GTCC waste specified in the subsections of § 72.75(c). The information will be used by NRC to determine whether response or corrective action is necessary to protect public health and safety.

Subsection 72.75(c)(1) (currently a 4-hour report under § 72.75(b)(2)) requires an 8-hour report of a defect in any spent fuel storage structure, system, or component that is important to safety. The revised reporting time will be consistent with the time that information is needed for NRC action. The information will be used by NRC to determine whether response or corrective action is necessary to protect public health and safety and to determine whether patterns exist that might indicate poor design, fabrication, or operation requiring corrective action.

Subsection 72.75(c)(2) requires an 8-hour report for a significant reduction in the effectiveness of any spent fuel storage confinement system during use. currently a 4-hour report under § 72.75(b)(3). The revised reporting time will be consistent with the time that information is needed for NRC action. The information will be used by NRC to determine whether response or corrective action is necessary to protect public health and safety and to determine whether patterns exist that might indicate poor design, fabrication, or operation requiring corrective action.

Subsection 72.75(c)(3) requires an 8-hour report for an event that requires the transport of a radioactively contaminated person to an offsite medical facility for treatment. This requirement is currently a 4-hour report under § 72.75(b)(5). The revised reporting time will be consistent with the time that information is needed for NRC action. The information will be used by NRC to determine whether response or corrective action is necessary to protect public health and safety.

Section 72.75(d) requires licensees to notify the NRC within 24 hours after the discovery of certain events specified in the following subsections of §72.75(d):

Subsection 72.75(d)(1) (currently a 24-hour report under § 72.75(c)(2)), requires 24-hour notice for certain specified events in which safety equipment is disabled or fails to function as designed, when (i) the equipment is required by regulation, license condition, or certificate of compliance to be available and operable to prevent releases that could exceed regulatory limits, to prevent exposures to radiation or radioactive materials that could exceed regulatory limits, or to mitigate the consequences of an accident; and (ii) no redundant equipment was available and operable to perform the required safety function. The information will be used by NRC to determine whether response or corrective action is necessary to protect public health and safety and to determine whether patterns exist that might indicate poor design, fabrication, or operation requiring corrective action.

Subsection 72.75(d)(2) would add a new provision that the licensee may delay the notification required under § 72.75(d), if the end of the 24-hour period occurs outside of the NRC's normal working day, on a weekend, or a Federal holiday. In such cases, the licensee would be required to notify the NRC before 8:00 a.m. Eastern time on the next working day. This requirement will make the reporting time consistent with the time that information is needed for NRC action.

Section 72.75(e), entitled “Initial notification,” requires reports made by licensees in response to the requirements of § 72.75 (a), (b), (c), or (d) to:

Subsection 72.75(e)(1) be made by telephone to the NRC Operations Center;

Subsection 72.75(e)(2) (new requirement) to identify the Emergency Class declared or the paragraph of § 72.75 requiring notification of the non-emergency event; and

Subsection 72.75(e)(3) to the extent that the information is available at the time of notification, the caller’s name and call back telephone number; a description of the event, including date and time; the exact location of the event; the quantities, and chemical and physical forms of the spent fuel, HLW, or reactor-related greater than Class C (GTCC) waste; and any personnel radiation exposure data.

This requirement is currently § 72.75(d), with the exception that the proposed rule would add a requirement that the notice identify the Emergency Class declared or the paragraph of § 72.75 requiring notice of the non-emergency event. The information will be used by NRC to determine whether immediate response or corrective action is necessary to protect public health and safety.

Section 72.75(f), entitled “Followup notification” would add a new requirement that, with respect to the telephone notifications made under §§ 72.75 (a), (b), or (c), in addition to making the required initial notification, each licensee, during the course of the event:

Subsection 72.75(f) (1) shall immediately report any further degradation in the level of safety of the ISFSI or MRS or other worsening conditions, including those that require the declaration of any of the Emergency Classes, if such a declaration has not been previously made, or any change from one Emergency Class to another, or a termination of an Emergency Class;

Subsection 72.75(f)(2) shall immediately report the results of ensuing evaluations or assessments of ISFSI or MRS conditions, the effectiveness of response or protective measures taken, and information related to ISFSI or MRS behavior that is not understood; and

Subsection 72.75(f)(3) shall maintain an open, continuous communications channel with the NRC Operations Center upon request by the NRC.

The information will be used by NRC to determine whether changes in the situation following the initial report make immediate response or corrective action necessary to protect public health and safety.

Section 72.75(g), entitled "Preparation and submission of reports," requires written reports to be prepared and submitted to NRC as a followup to initial notifications under § 72.75(a), (b), (c), or (d) within 60 days of initial notification. Written reports prepared pursuant to other regulations may be submitted if the reports contain all the necessary information and the appropriate distribution is made. Section 72.75(g) of the proposed rule contains the same requirements with respect to the information the reports must include as § 72.75(d)(2) of the current rule, as follows:

Subsection 72.75(g)(1) a brief abstract describing the major occurrences during the event,

Subsection 72.75(g)(2) a narrative description of the event that must include the ISFSI or MRS operating conditions before the event, the status of structures, components or systems in operable at the start of the event and that contributed to the event, dates and times of occurrences, the causes of each component or system failure or personnel error, if known; the failure mode, mechanism, and effect of each failed component, if known; a list of systems or secondary functions that were affected; for wet spent fuel storage systems only, an estimate of the time the any safety systems rendered inoperable remained inoperable; the method of discovery of each component or system failure or procedural error; automatically and manually initiated safety system responses for wet spent fuel storage systems only; the manufacturer and model number or other identification of each component that failed, the quantity and chemical and physical forms of spent fuel, HLW; or reactor-related GTCC waste involved;

Subsection 72.75(g)(3) an assessment of the safety consequences and implications of the event;

Subsection 72.75(g)(4) a description of any corrective actions planned;

Subsection 72.75(g)(5) reference to any previous similar events at the same facility that are known to the licensee;

Subsection 72.75(g)(6) name and telephone number of a person within the licensee's organization who is knowledgeable about the event and the facility's characteristics; and

Subsection 72.75(g) (7) the extent of exposure of individuals to radiation or to radioactive materials.

The proposed rule also contains three revised provisions: (1) The proposed rule would extend from 30 days to 60 days after the initial notification the time period within which the followup written reports must be submitted. This change will allow additional time for completion of evaluations after event discovery, provide for more complete and accurate reports, and result in fewer revisions and supplementary reports; (2) The proposed rule would provide that for each human performance related root cause, the licensee shall discuss the cause(s) and circumstances. This would replace the requirement in § 72.75(d)(2)(ii)(I)(1) and (2)(i) - (iv) of the current rule that the written report must describe operator actions that affected the course of the event, including operator errors, procedural deficiencies, or both, that contributed to the event, and for each personnel error, whether the error was a cognitive error or a procedural error, whether the error was contrary to an approved procedure, was a direct result of an error

in an approved procedure, or was associated with an activity or task that was not covered by an approved procedure, any unusual characteristics of the work location that directly contributed to the error, and the type of personnel involved. This change will remove unnecessary detail and make the requirement less prescriptive and, at the same time, clarify the requirement. The change parallels a similar change in the reporting requirements for nuclear reactors in 10 CFR 50.73(b)(2)(ii)(J); and (3) The proposed rule would require written reports submitted under § 72.75 to be of sufficient quality to permit legible reproduction and optical scanning. This change will assist with the implementation of NRC's electronic document management and reporting program.

The information will be used by NRC to determine the appropriate level of response or corrective action necessary to protect public health and safety and to determine whether patterns exist that might indicate poor design, fabrication, or operation requiring corrective action. In addition, the information will be used by NRC to conduct or evaluate engineering studies of safeguards situations and trends and patterns analysis of operational occurrences, and identify accident precursors.

Section 72.75(h) would create a new requirement that provides that the Commission may require the licensee to submit additional information beyond that required by §72.75(g) if the Commission finds that supplemental material is necessary for complete understanding of an unusually complex or significant event. Requests for supplemental information will be made in writing and the licensee is required to submit the requested information as written supplements to the original written report. The information will be used by NRC to determine the appropriate level of response or corrective action necessary to protect public health and safety. In addition, the information will be used by NRC to conduct or evaluate engineering studies of safeguards situations and trends and patterns analysis of operational occurrences, and identify accident precursors and to determine whether patterns exist that might indicate poor design, fabrication, or operation requiring corrective action.

Section 72.75(i)(1) would create a new section entitled "Applicability" clarifying that the requirements of §72.75 apply to licensees issued a specific license under 10 CFR 72.40, and licensees issued a general license under 10 CFR 72.210, after the licensee has placed spent fuel on the ISFSI storage pad (if the ISFSI is located inside the collocated protected area, for a reactor licensed under 10 CFR Part 50) or after the licensee has transferred spent fuel waste outside the reactor licensee's protected area to the ISFSI storage pad (if the ISFSI is located outside the collocated protected area, for a reactor licensed under 10 CFR Part 50). The section clarifies which licensees are required to provide the information.

Section 72.75(i)(2) would create a new section specifying that notice of non-emergency events under §§ 72.75(b), (c) and (d) of the proposed rule is required only for events that occurred within 3 years of the date of discovery. The section clarifies and limits the scope of the information that must be provided.

Section 72.216(c) currently requires a general licensee to make initial and written reports in accordance with §§ 72.74 and 72.75. Sections 72.216(a) and (b) currently are reserved. The proposed rule would remove and reserve § 72.216(c). The need for this section was obviated with the addition of § 72.13, "Applicability," to the Part 72 regulations in a final rule issued on August 21, 2000 (65 FR 50606).

### Information Collections Deleted as a Result of the Proposed Rule

Section 72.75(b)(1) required a 4-hour report of an event that prevents immediate actions necessary to avoid exposures to radiation or radioactive materials that could exceed regulatory limits, or releases of radioactive materials that could exceed regulatory limits, e.g., fires, explosions, and toxic gas releases.) This requirement is being eliminated from this section because the events that trigger the report are reported under the Emergency Plans required by Sections 72.32 and 72.75(a).

Section 72.75(b)(6) required a 4-hour report of an unplanned fire or explosion damaging any spent fuel, HLW, and/or reactor-related GTCC waste or any device, container, or equipment containing spent fuel, HLW, or GTCC waste when the damage affects the integrity of the material or its container.

Section 72.75(c)(1) required a 24-hour report of any unplanned contamination event that required access to the contaminated area by workers or the public to be restricted for more than 24 hours by imposing additional radiological controls or by prohibiting entry into the area.

Section 72.216(c) required general licensees to comply with the reporting requirements of Sections 72.74 and 72.75. The need was obviated with the addition of Section 72.13, "Applicability," to the regulations in a final rule issued August 21, 2000.

### 10 CFR PART 73 - PHYSICAL PROTECTION OF PLANTS AND MATERIALS

Section 73.71(a)(4) requires a licensee that has made a one-hour notification to NRC under § 73.71(a)(1) after discovery of the loss of any shipment of SNM or spent fuel, and within 1-hour after recovery of or accounting for such lost shipment to make a followup written report within 60 days of the initial telephonic notification. The proposed rule changes the requirement from 30 days in the current § 73.71(a)(4) to 60 days after the initial notification as the time period within which the followup written reports must be submitted. This extended reporting period will provide licensees additional time to complete evaluations after event discovery and prepare more complete and accurate reports. This change will result in fewer revisions and supplementary reports.

Section 73.71(d) currently requires each licensee to submit the 30-day written reports required under § 73.71(b) that are of a quality which will permit legible reproduction and processing. The proposed rule would amend this section to change the reference to 30-day reports to 60-day reports. This change will make the reference to written reports consistent with the requirement in § 73.71(a)(4).

Appendix G to Part 73 specifies the safeguards events that licensees subject to the provisions of 10 CFR §§73.20, 73.37, 73.50, 73.51, 73.55, 73.60 and 73.67 must report to NRC, as required by 10 CFR § 73.71(b)(1) and (c). Section I. of Appendix G lists events that must be reported within 1 hour of discovery, followed by a written report within 30 days, as required by § 73.71(b)(1). The proposed rule would change from 30 days in the current Section I. of Appendix G to 60 days after the initial notification the time period within which the followup written reports must be submitted. This change will allow additional time for completion of written evaluations after event discovery, provide for more complete and accurate reports, and result in fewer revisions and supplementary reports.



2. Agency Use of Information

The information included in the notifications and reports is reviewed by the NRC staff to ensure the provision of an adequate level of protection of public health and safety, common defense and security, and the environment. Information concerning the requirements imposed by specific sections is provided below.

3. Reduction of Burden Through Information Technology

This proposed rule would make several changes to the event notification reporting requirements in Parts 72 and 73 that would align the event notification requirements for ISFSIs and MRS facilities and safeguards event notification requirements more closely with recent changes to §§ 50.72 and 50.73. These changes would reduce licensee burden through the consolidation of some notifications and lengthening of reporting periods for others. There are no legal obstacles to reducing the burden associated with this information collection. The types of information requirements for submission are based on simplicity for reporting, importance to risk, and the required reporting time consistent with the need for prompt NRC action.

4. Efforts to Identify Duplication and Use Similar Information

The Information Requirements Control Automated System (IRCAS) was searched to determine duplication. None was found. In general, information required by NRC in notifications and reports concerning specific events and conditions relating to spent nuclear fuel, HLW, and GTCC at ISFSIs or MRS facilities and relating to reporting of safeguards events does not duplicate other Federal information collection requirements and is not available from any other source.

5. Effort to Reduce Small Business Burden

The NRC has determined that the affected entities are not small entities or businesses as those terms are used in the Regulatory Flexibility Act.

6. Consequences to Federal Programs or Policy Activities if the Collection is Not Conducted or is Collected Less Frequently

Reporting of specific events and conditions and reporting of safeguards events are occasioned by specific events. Collection of information concerning them is essential to ensure adequate protection of the public health and safety of workers and the public, to promote the common defense and security, and protection of the environment.

7. Circumstances which Justify Variation from OMB Guidelines

Contrary to the OMB Guidelines in 5 CFR 1320.6(b), Section 72.75(a) requires the licensee to notify the NRC Operations Center within one hour after the declaration of an emergency. This immediate notification is necessary to permit NRC to determine the appropriate level of response or corrective action needed to ensure adequate protection of the public health and safety of workers and the public, to promote the common defense and security, and protection of the environment.

Contrary to the OMB Guidelines in 5 CFR 1320.6(b), Section 72.75(b) requires the licensee to notify the NRC Operations Center within 4 hours after the discovery of any of the following events or conditions involving spent fuel or high-level radioactive waste: (1) an action taken in an emergency that departs from a condition or a technical specification contained in a license or a Certificate of Compliance (COC) issued under Part 72 when the action is immediately needed to protect the public health and safety and no action consistent with the license or COC conditions or technical specifications that can provide adequate or equivalent protection is immediately apparent; (2) any event or situation, related to the health and safety of the public or onsite personnel, or protection of the environment, for which a news release is planned or notification to other government agencies has been or will be made. Reports of these events are needed promptly because they may involve events (e.g., an onsite fatality or inadvertent release of radioactively contaminated materials) where there may be a need for the NRC to respond to heightened public concern. This immediate notification is necessary to permit NRC to determine the appropriate level of response or corrective action needed to ensure adequate protection of the public health and safety of workers and the public, to promote the common defense and security, and protection of the environment.

Contrary to the OMB Guidelines in 5 CFR 1320.6(b), Section 72.75(c) requires the licensee to notify the NRC Operations Center within 8 hours after the discovery of any of the following events or conditions involving spent fuel or high-level radioactive waste: (1) a defect in any spent fuel storage structure, system, or component which is important to safety; (2) a significant reduction in the effectiveness of any spent fuel storage confinement system during use, or (3) an event that requires unplanned medical treatment at an offsite medical facility of an individual with radioactive contamination on the individual's clothing or body which could cause further radioactive contamination. Reports of these events are needed promptly because they may involve events where there may be a need for the NRC to determine whether immediate response or corrective action is needed to protect public health and safety.

Contrary to the OMB Guidelines in 5 CFR 1320.6(b), Section 72.75(c) requires the licensee to notify the NRC Operations Center within 24 hours after an event in which important to safety equipment is disabled or fails to function as designed, when the equipment is required by regulation, license condition, or certificate of compliance to be available and operable to prevent releases that could exceed regulatory limits, to prevent exposures to radiation or radioactive materials that could exceed regulatory limits, or to mitigate the consequences of an accident, and no redundant equipment was available and operable to perform the required function. This notification is necessary to permit NRC to determine the appropriate level of response or corrective action needed to ensure adequate protection of the public health and safety of workers and the public, to promote the common defense and security, and protection of the environment.

Contrary to the OMB Guidelines in 5 CFR 1320.6(b), Section 72.75 (f) requires the licensee to make immediate followup notifications to the NRC Operations Center of any further degradation in the level of safety of the ISFSI or MRS facility or other worsening conditions, any change from one Emergency Class to another, or a termination of an Emergency Class and to make immediate followup reports of the results of evaluations or assessments of the ISFSI or MRS facility conditions, the effectiveness of response or protective measures taken, and information relating to ISFSI or MRS facility behavior that is not understood, and to maintain an open, continuous communication channel with the NRC Operations Center upon request by the NRC. The number of instances of followup reports is expected to be small, because the events that

would trigger such reports will generally create a need for continuous notification. This immediate and/or continuous notification is necessary to permit NRC to determine whether immediate response or corrective action is needed to protect public health and safety.

#### 8. Consultations Outside the NRC

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 for §§ 50.72 and 50.73, but 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. This issue of potential changes for other reporting requirements was included both in the agenda at a public meeting held on August 21, 1998, to discuss the ANPR, and for the public workshop on September 1, 1998, on Direction Setting Issue (DSI) 13, "The Role of Industry." Pertinent suggestions were provided at those meetings as well as in written comments on the ANPR.

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

- 10 CFR Part 72.75 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 and Appendix G (Reportable Safeguards Events) to Part 73 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.

An opportunity for public comment on the information collection requirements for this clearance package has been published in the Federal Register.

#### 9. Payment or Gift to Respondents

Not applicable.

#### 10. Confidentiality of Information

None, except for proprietary or safeguards information.

#### 11. Justification for Sensitive Questions

No sensitive information is requested under these regulations.

#### 12. Estimated Industry Burden and Burden Hour Cost

Changes in the reporting criteria and timing requirements for reporting will result in some one-time implementation costs for licensees, because licensees must revise their reporting procedures and conduct training on the new reporting requirements.

### Part 72 One-Time Implementation Costs

The one-time implementation costs to Part 72 licensees for the changes are estimated to be about 35 hours per ISFSI or MRS facility licensee for revising procedures and about 65 hours per licensee for training. This yields an estimated one-time burden increase of about 100 hours per licensee for 21 ISFSIs (currently there are no licensed MRS facilities). The implementation costs are estimated as \$319,200 (2,100 hours x \$152/hour) over the three year period of this clearance, or 700 burden hours/\$106,400 annually.

### Part 73 One-Time Implementation Costs

The one-time implementation costs to licensees subject to 10 CFR § 73.71(b) and Appendix G to Part 73 for the changes are estimated to be about 40 hours per licensee for revising procedures and training. Reactor licensees are assumed to require relatively few resources for implementing these changes because they are expected to have already revised procedures and conducted training for similar changes under Part 50, and ISFSIs will be able to carry out the necessary activities simultaneously with the implementation activities required under Part 72. The following licensees are expected to be affected:

- 2 category I fuel facilities and 1 Category I transporter subject to § 73.20;
- 31 spent fuel transporters subject to § 73.37 (assumed to be decommissioning reactors and licensed but non-operating nonpower reactors; active reactors and ISFSIs are counted separately below);
- 5 licensees with irradiated strategic special nuclear material subject to § 73.51 (i.e., ISFSIs licensed under Part 50);
- 21 ISFSIs subject to § 73.51;
- 104 power reactors subject to § 73.55,
- 36 nonpower reactors subject to § 73.60; and
- 4 low enriched uranium (LEU) fuel producers subject to § 73.67.

In total, approximately 204 licensees under Part 73 will be affected by the proposed amendments and incur a one time burden of 8,160 hours (204 licensees X 40 hours each). The one-time implementation costs are estimated as \$1,240,320 (8,160 hours x \$152/hour) over the three year period of this clearance, or 2,720 hours and \$413,440 annually.

The total one time annual burden for both Parts 72 and 73 licensees is 3,420 hours (700 hours for Part 72 and 2,720 hours for Part 73).

### Recurring Costs/(Savings)

Licensees will also experience recurring costs/(savings) from the proposed amendments to Parts 72 and 73. Table 1 presents recurring annual reporting burden and cost for the proposed rule under Part 72, while Table 2 presents recurring annual reporting burden and cost under Part 73.

**Table 1: Recurring Annual Reporting Burden and Cost (Part 72)**

<b>Section</b>	<b>Number of Respondents</b>	<b>Number of Responses per Respondent</b>	<b>Total Annual Responses</b>	<b>Burden Hours Per Response</b>	<b>Total Annual Burden (hrs)</b>	<b>Total Annual Licensee Cost (nearest \$)</b>
72.75(b)(2)	8	1.0	8	1	8	\$1,216
72.75(c)(1), (2) & (3)			No additional burden			
72.75(d)(1) & (2)			No additional burden			
72.75(e)(1), (2)(i) & (ii) & (3)			No additional burden. Burden estimated under 72.75(a)-(d)			
72.75(f)(1) & (2)	4	.13	0.52	1	0.52	\$79
72.75(f)(3)	3	.015	.045	8	0.36	\$55
72.75(g)(1), (2) & (3)	2	(0.15)	(0.3)	(3.5)	(1.05)	(\$160)
72.75(h)	2	.03	0.06	4	0.24	\$36
72.75(i)(1)			No additional burden			
72.75(i)(2)	2	(.13)	(0.26)	(2)	(0.52)	(\$79)
72.216(c)			No additional burden			
One-time annualized burden	21	1	21	33.33	700	\$106,400
Subtotal	21		29.07	24	707.47	\$107,548
<b>Sections Eliminated:</b>						
72.75(b)(1)	(1)	(.05)	(0.05)	(2)	(0.10)	(\$15)
72.75(b)(6)	(1)	(.05)	(0.05)	(2)	(0.10)	(\$15)
72.75(c)(1)	(1)	(.15)	(0.15)	(1)	(0.15)	(\$23)
Subtotal	(3)		(.25)		(.35)	(\$53)
<b>Total Part 72</b>	21		29	24	707	\$107,500

**Table 2: Recurring Annual Reporting Burden and Cost (Part 73)**

<b>Section</b>	<b>Number of Respondents</b>	<b>Number of Responses per Respondent</b>	<b>Total Annual Responses</b>	<b>Burden Hours Per Response</b>	<b>Total Annual Burden (hrs)</b>	<b>Total Annual Licensee Cost (nearest \$)</b>
73.71(a)(4)	5	(.1)	(.5)	(16)	(8)	(\$1216)
73.71(b)	199	(.1)	(20)	(6)	(120)	(\$18,240)
73.71(d)			Included in 73.71(b)			
Appendix G § I			Included in 73.71(b)			
One time annualized burden	204	1	204	13.3	2,720	\$413,440
<b>Total Part 73</b>	204		183.5	13	<b>2,592</b>	<b>\$393,984</b>
<b>Total (Net) Parts 72 and 73</b>	225		212		<b>3,300</b>	<b>\$501,479</b>

13. Estimate of Other Additional Costs

None

14. Estimated Annualized Cost to the Government

NRC's one-time implementation costs consist of the efforts required to develop the rule, and are estimated to be about 2,100 hours or \$319,200. Most of the rule development costs have already been expended. NRC also estimates a \$14,400 (100 hours @ \$152/hr) one-time cost for revising existing guidance documents.

The annual incremental cost for NRC staff review, primarily for reports of news releases or governmental contacts to determine if there is an immediate need for NRC response to heightened public concern, is estimated to be \$2,880 (Professional effort - 2.5 hours per report x 8 reports per year = 20 hours @ \$152/hr). However, this cost would be offset by the elimination of costs currently incurred by NRC to obtain information about such situations when reports are not made directly to the NRC.

A reduction in cost for receiving and processing reports (two 4-hour report categories eliminated; one 24-hour report category eliminated; and supplementary written reports eliminated as a result of the extension in reporting time from 30 to 60 days) is estimated to save \$23,900 in NRC staff review annually (166 hours @ \$152/hr).

The costs are fully recoverable through fee assessments to NRC licensees pursuant to 10 CFR Parts 72 and 73.

15. Reasons for Change in Burden or Cost

The proposed rule is expected to change the burden estimates contained in the clearances for Parts 72 and 73. Under Part 72, two 4-hour reports are being eliminated by the proposed rule; the requirements for submitting 24-hour reports are being made less stringent; and written followup reports may be submitted within 60 days rather than 30 days. Conversion of three 4-hour reports into 8-hour reports is not expected to lead to any change in burden. A new category of immediate followup reports will be required and licensees may be required to submit supplementary reports as needed. These reports are expected to lead to a slight increase in burden. Reports by licensees that they are issuing news releases or contacting other governmental agencies are expected to increase burden, both to the licensees and to NRC, but these reports are expected to enhance NRC's ability to respond in a timely manner to heightened public concerns. For Part 72, the net effect of these proposed changes is expected to increase the annual burden by 24 hours per response, including the annual 33 hours per respondent (one-time burden for implementing the rule). Under Part 73, written followup reports under § 73.71(a)(4) and under Appendix G may be submitted within 60 days rather than 30 days. This change also is necessary to reflect changes made elsewhere in Part 50 and Part 72. For Part 73, the net effect of these proposed changes is expected to reduce the total annual burden by approximately 6 hours per response. However, the 40 hours per respondent (one-time burden for implementing the rule) was factored over three years, so this reduction will not be realized until the next clearance cycle. Note also that the anticipated burden decrease of 6 hours per respondent is based on the burden in the current inventory. However, for 199 Part 73 licensees, we anticipate at least 1 response per licensee annually for a reduction of 1,194 hours.

16. Publication for Statistical Use

The collected information is not published for statistical use.

17. Reason for not Displaying the Expiration Date

The requirements are contained in regulations. Amending the Code of Federal Regulations to display information that, in an annual publication, could become obsolete would be unduly burdensome and too difficult to keep current.

18. Exceptions to the Certification Statement

None.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

Statistical methods are not used in this collection of information.