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NUCLEAR ENERGY INSTITUTE

DOCKET NUMBER
PROPOSED RULE **PR 72+73**
(67FR 54360)

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October 30, 2002

DOCKETED
USNRC

Secretary
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

November 6, 2002 (11:18AM)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

ATTENTION: Rulemakings and Adjudication Staff

SUBJECT: Proposed Rule: *Amendment of 10 CFR Parts 72 and 73 Event Notification Requirements; (67 Fed. Reg. 54630, August 22, 2002)*

The Nuclear Energy Institute (NEI),¹ on behalf of the commercial nuclear energy industry is submitting comments on the Nuclear Regulatory Commission's proposed rule, *Amendment of 10 CFR Parts 72 and 73 Event Notification Requirements; (67 Fed. Reg. 54630)*.

In general, NEI supports the proposed rule. The proposed rule modifies the reporting requirements for Independent Spent Fuel Storage Installation (ISFSIs) events, Monitored Retrievable Storage (MSR) installation events and safeguards events. The modifications are intended to align these event reporting requirements with the recently issued changes to the power reactor event reporting requirements (see 10 CFR 50.72 and 50.73). The new time frames for initial reports and written reports more appropriately match the significance of the events. Changing the written reports from within 30 days to within 60 days can potentially reduce the number of amended reports required because reports are likely to need revision when additional information becomes available that was not available when the initial written report was required. The list of events in Part 72 seem appropriate for the ISFSIs and MSR installations.

NEI has one recommended change. The types of events which require written reports in Part 72 are not consistent with 10 CFR 50.73. Most of the immediate

¹ NEI is the organization responsible for establishing unified nuclear industry policy on matters affecting the nuclear energy industry, including the regulatory aspects of generic operational and technical issues. NEI's members include all utilities licensed to operate commercial nuclear power plants in the United States, nuclear plant designers, major architect/engineering firms, fuel fabrication facilities, materials licensees, and other organizations and individuals involved in the nuclear energy industry.

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notification requirements for operating nuclear power reactors (see 10 CFR 50.72) also require licensee event reports (see 10 CFR 50.73). The exceptions include: declaration of an emergency class, a press release, notification to another government agency, and transportation of a contaminated person offsite. Events equivalent to those events in 50.73 that don't require written reports should not require written reports in the proposed revisions to Part 72, specifically parts 10 CFR 72.75 (a), (b)(2), and (c)(3) should not require written reports. Although there are several ways to address this recommended change, NEI suggests that the first full sentence in proposed paragraph (g) *Preparation and submission of written reports*, be rewritten to read as follows:

Each licensee who makes an initial notification required by paragraphs (b) (1), (c) (1), (c)(2) or (d) of this section shall also submit a written follow-up report to the Commission within 60 days of the initial notification.

If you have questions or would like to discuss these comments further, I can be reached at 202.739.8109, or contact Rich Luckett at 202.739.8058.

Sincerely,



Lynnette Hendricks