

**Division of Fuel Cycle Safety and Safeguards  
Interim Staff Guidance - 05**

**Additional Reporting Requirements of 10 CFR 70.74**

**Issue:**

Effective dates for the additional reporting requirements of 10 CFR 70.74, Appendix A to 10 CFR Part 70, and NRC Bulletin 91-01, "Reporting Loss of Criticality Safety Controls."

**Introduction:**

The purpose of this Interim Staff Guidance (ISG) is to clarify what parts of Appendix A to 10 CFR Part 70 are effective as of October 18, 2000; what parts are effective after the submittal of the Integrated Safety Analysis (ISA) Summary, in accordance with 10 CFR 70.62(c)(3)(ii); and when the reporting requirements in NRC Bulletin 91-01, currently referenced in fuel cycle licenses, are superseded by the requirements of 10 CFR 70.74.

This ISG supplements information in Sections 5.4.1, 5.4.3.4.7, and 11.4.3.6 of NUREG-1520.

The information in NUREG-1718 is not affected by this ISG, because a MOX fuel fabrication facility would be a new facility, and therefore (as with any other new Part 70 facilities) the complete submittal of an ISA Summary (i.e., an ISA Summary covering the entire facility) would be necessary before an operating license could be granted. Thus, all requirements of Appendix A to 10 CFR Part 70 would apply to a facility of this type and the provisions of NRC Bulletin 91-01 would not apply.

**Discussion:**

After October 18, 2000, existing licensees must comply with the reporting requirements of (a)(1), (a)(2), and (b)(4) of Appendix A to Part 70. The new reporting requirements require reporting, (1) to the NRC Operations Center within 1 hour: an inadvertent nuclear criticality, and an acute intake by an individual of 30 mg or greater of uranium in a soluble form; and (2) to the NRC Operations Center within 24 hours any natural phenomenon or other external event (including fires internal or external to the facility) to the facility that has affected or may have affected the intended safety function, availability, or reliability of one or more items relied on for safety. All the other reporting requirements listed in Appendix A are held in abeyance until after the complete submittal of the ISA Summary provided in accordance with 10 CFR 70.62(c)(3)(ii). "Complete submittal" means that an ISA summary that includes the entire facility and all licensed processes must have been submitted to NRC. Partial ISA Summary submittals under 10 CFR 70.62(c)(3)(ii) or as part of a license amendment do not meet this criterion.

Many existing fuel facility licenses include reporting requirements in accordance with NRC Bulletin 91-01. These remain conditions of these licenses until the complete submittal of the ISA Summary to NRC, and NRC has issued a licensing action to delete these requirements. Therefore, between October 18, 2000, and complete submittal of the ISA Summary, both the requirements of Bulletin 91-01 (as committed to in the license) and paragraphs (a)(1), (a)(2), and (b)(4) of Appendix A of Part 70 apply. Following complete submittal, the NRC

Bulletin 91-01 requirements in the license will be superceded by the requirements of 10 CFR 70.74 upon issuance of an NRC licensing action to effect this change. It should also be noted that additional immediate reporting requirements in 10 CFR 20.2202(a) and 10 CFR 70.50(a) still apply.

It is expected that many of the reporting requirements of Appendix A of Part 70 will cover existing license provisions pertaining to NRC Bulletin 91-01. If this is true, then meeting the Appendix A requirements will be sufficient. If this is not true, then both sets of reporting requirements must be met until the NRC takes licensing action to delete the existing Bulletin 91-01 requirements.

A new facility would require submittal of an ISA Summary prior to being licensed, and thus, for a new Part 70 facility (e.g., gas centrifuge or MOX facility), all the provisions of Appendix A to Part 70 apply.

### **Regulatory Basis:**

Each licensee shall report to the NRC Operations Center the events described in Appendix A to Part 70. [10 CFR 70.74(a)(1)]

Licensees must comply with the reporting requirements in this appendix, except for (a)(1), (a)(2), and (b)(4), after they have submitted an ISA Summary in accordance with §70.62(c)(3)(ii). Licensees must comply with (a)(1), (a)(2), and (b)(4) after October 18, 2000. [Appendix A to Part 70]

Specific reporting requirements are contained in paragraphs (a), (b), and (c) of Appendix A to Part 70.

### **Technical Review Guidance:**

The staff has concluded that an applicant complies with the reporting requirements of its license and 10 CFR Part 70 provided that the following is met:

- An existing licensee has a program in place that requires reporting the events listed under paragraphs (a)(1), (a)(2), and (b)(4), of Appendix A of Part 70. By a “reporting program” is meant a formal mechanism codified in plant procedures to ensure that events are appropriately reported to the NRC.
- An existing licensee has a program in place that requires reporting all events listed under Appendix A of Part 70 upon complete submittal of its ISA Summary, as required under 10 CFR 70.62(c)(3)(ii).
- An existing licensee has a program in place that requires reporting the loss of double contingency protection, as required by its license commitments to follow NRC Bulletin 91-01, prior to complete submittal of its ISA Summary as required under 10 CFR 70.62(c)(3)(ii) and subsequent NRC licensing action to eliminate the NRC Bulletin 91-01 requirements.

- A new applicant has a program in place that requires reporting all events listed under Appendix A of Part 70 upon complete submittal of its ISA Summary as required under 10 CFR 70.62(c)(3)(ii).

**Recommendation:**

Whereas the complete submittal of a licensee's ISA Summary is required no later than October 18, 2004 (per 10 CFR 70.62(c)(3)(ii)), no change to NUREG-1520 is warranted to reference NRC Bulletin 91-01. All the provisions of Appendix A of Part 70 will apply upon complete submittal of the ISA Summary.

**References:**

NRC Bulletin 91-01, "Reporting Loss of Criticality Safety Controls," October 18, 1991.

NRC Bulletin 91-01, Supplement 1, "Reporting Loss of Criticality Safety Controls," July 27, 1993.

**Approved:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
**Director, NMSS/FCSS**