

September 29, 1994

MEMORANDUM TO: Eric S. Beckjord, Director  
Office of Nuclear Regulatory Research

FROM: Original Signed by Edward L. Jordan, Director  
E. L. Jordan Office for Analysis and Evaluation  
of Operational Data

SUBJECT: REVIEW AND CONCURRENCE ON FINAL RULEMAKING TO AMEND 10 CFR  
PART 72 FOR NOTIFICATION OF EVENTS

Your September 9, 1994 memorandum requested that AEOD review and approve the Federal Register notice concerning the proposed amendment to 10 CFR 72 for notification of events. We have reviewed the proposed rule and the associated response to public comments and have several recommendations.

In general, we are concerned that the proposed wording in 72.75 does not discuss notification to NRC in the event of an emergency. We understand that 72.75 deals primarily with non-emergency reports, and that 72.32 discusses emergency notifications. However, we believe it is appropriate to have the requirements for both emergency and non-emergency notifications in one location within the regulations. Our recommended change, which is consistent with the approach taken in Part 50.72 for reactors, should reduce the potential for confusion in notifying the NRC, since most ISFSI facilities are under the auspices of reactor licensees.

We have also suggested some revisions to the staff's response to public comments. We believe these changes are more responsive to the questions presented and, more importantly, are less controversial in their presentation.

I thank you for providing the Office the opportunity to comment on this rule change. Since the Headquarters Operations Officers are the recipients of these notifications, our interest in ensuring as clear and concise a rule as possible is obvious. If you have any questions on this matter, please contact Ken Brockman of my staff (301) 415-7482.

Attachment: As stated

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### Comments of the Part 72 Rulemaking Amendment

- A) Revise 72.75 to include the following paragraphs:
- (a) Emergency Notifications - Each licensee shall notify the NRC Operations Center upon the declaration of an Emergency as specified in the licensee's approved Emergency Plan addressed in Section 32 of this part.
    - (1) The licensee shall notify the NRC immediately after notification of the appropriate State or local agencies, but not later than one hour after the time the licensee declares an Emergency.
- B) All paragraphs in the currently proposed amendment to 72.75 should be reordered with (a) becoming (b), (b) becoming (c), etc.
- C) The words "Immediate report" in the current paragraph 72.75 (a) should be changed to: "Non-emergency notifications; Four hour reports."
- D) The words "Twenty-four hour report" in the current paragraph 72.75 (b) should be change to: "Non-emergency notifications: Twenty-four hour reports."
- E) Current paragraph 72.75 (c) (1) should be revised to state "... reports required by paragraphs (a), (b), or (c) of this section..."

### Comments on Supplementary Information to the Rulemaking

- F) Change the response on the 4-hour threshold for immediate reporting on page 3 to state:
- "The NRC agrees that Emergencies should be reported immediately. Even though already addressed in Part 72.32, Part 72.75 has been clarified to explicitly specify that all emergencies, as classified by the licensee's Emergency Plan, must be reported to the NRC Operations Center after notification to State and local authorities. Additionally, this notification must be made within one hour of the emergency declaration by the licensee. The remaining reporting requirements in 72.75 are for events which are significant, but not emergencies; therefore, reporting to the NRC within minutes is not necessary. The NRC believes that for these non-emergency type events a 4-hour reporting period is appropriate."

- G) Revise the response to immediate notification of off-site agencies on the 2nd paragraph of page 4 to read:

"Part 72.75 has been clarified to specify the requirement that emergency events be promptly reported to off-site agencies as specified in the licensee's Emergency Plan. The NRC agrees that, in the event of an emergency, NRC and State and local agencies should be notified in less time than 1 hour....."

- H) Revise paragraph 2 of the thirty-day time limit for written reports on page 5 to state:

"The NRC notes that the telephone notifications made to the Operations Center are formalized and distributed to the public document room within approximately one working day. However, for a written followup investigation, the 30 day time limit is standard. For these type of events..."

- I) The last paragraph of the comments on uniformity of requirements on page 8 should be revised to include the following additional sentence:

"It should be noted that the immediate notification requirements for emergency event reporting have not been changed. This has been clarified in Part 72.75."