

Proposed Rules

Federal Register

Vol. 63, No. 141

Thursday, July 23, 1998

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

RIN 3150-AF98

Reporting Requirements for Nuclear Power Reactors

AGENCY: Nuclear Regulatory Commission.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Nuclear Regulatory Commission is considering amending the event reporting requirements for nuclear power reactors: to update the current rules, including reducing or eliminating the reporting burden associated with events of little or no safety significance; and to better align the rules with the NRC's current needs, including revising reporting requirements based on importance to risk and extending the required reporting times consistent with the need for prompt NRC action. This advance notice of proposed rulemaking invites public comment on issues related to such an amendment.

The Commission is also interested in evaluating other current regulations to identify areas where reporting requirements can be simplified and/or modified to a less burdensome, more risk-informed approach, and this advance notice of proposed rulemaking invites public comment on identification of other reporting requirements that are potential candidates for such modification.

DATE: Submit comments by September 21, 1998. Comments received after this date will be considered if it is practical to do so, but the Commission is able to assure consideration only for comments received on or before this date.

ADDRESSES: Mail comments to: The Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20055-0001, Attention: Rulemaking and Adjudication Staff.

Deliver comments to: 11555 Rockville Pike, Rockville, Maryland, between 7:30 a.m. and 4:15 p.m., Federal workdays.

Electronic comments may be provided via the NRC's interactive rulemaking web site through the NRC home page (<http://www.nrc.gov>). From the home page, select "Rulemaking" from the tool bar at the bottom of the page. The interactive rulemaking website can then be accessed by selecting "Rulemaking Forum." This site provides the ability to upload comments as files (any format), if your web browser supports that function. For information about the interactive rulemaking web site, contact Ms. Carol Gallagher, (301) 415-5905; e-mail CAG@nrc.gov.

Certain documents related to this rulemaking, including comments received, may be examined at the NRC Public Document Room, 2120 L Street NW., (Lower Level), Washington, DC. These same documents also may be viewed and downloaded electronically via the interactive rulemaking website established by NRC for this rulemaking.

FOR FURTHER INFORMATION CONTACT: Dennis P. Allison, Office for Analysis and Evaluation of Operational Data, Washington DC 20555-0001, telephone (301) 415-6835, e-mail dpa@nrc.gov.

SUPPLEMENTARY INFORMATION:

Background

Section 50.72 has been in effect, with minor modifications, since 1983. Its essential purpose is " * * * to provide the Commission with immediate reporting of twelve types of significant events where immediate Commission action to protect the public health and safety may be required or where the Commission needs timely and accurate information to respond to heightened public concern." (48 FR 39039; August 29, 1983). Events defined in § 50.72 are currently required to be reported, by telephone, in the following time frames:

(1) Declaration of an emergency class is reported immediately after notification of appropriate State or local agencies and not later than 1-hour after declaration.

(2) Non-emergency, 1-hour events are reported as soon as practical and in all cases within 1 hour of occurrence.

(3) Non-emergency, 4-hour events are reported as soon as practical and in all cases within 4 hours of occurrence.

(4) Followup notification is made immediately during the course of the

event for: further degradation in the level of plant safety, other worsening plant conditions, declaration of an emergency class, changes in an emergency class, termination of an emergency class, results of ensuing evaluations of plant conditions, effectiveness of response or protective measures taken, or information related to plant behavior that is not understood.

Section 50.73 has also been in effect, with minor modification, since 1983. Its essential purpose is to identify " * * * the types of reactor events and problems that are believed to be significant and useful to the NRC in its effort to identify and resolve threats to public safety. It is designed to provide the information necessary for engineering studies of operational anomalies and trends and patterns analysis of operational occurrences. The same information can be used for other analytic procedures that will aid in identifying accident precursors." (48 FR 33851; July 26, 1983). Events defined in § 50.73 are reported, in writing, within 30 days of discovery. Most of these events are initially reported under § 50.72. However, for two categories of events the initial report is the 30-day LER. These categories are: (1) Operation or condition prohibited by the plant's TS and (2) failure of independent components due to a common cause.

Experience has shown a need for change in several areas. Specific proposals under consideration are discussed below.

State Input

Many States (Agreement States and Non-Agreement States) have agreements with power reactors to inform the States of plant issues. State reporting requirements are frequently triggered by NRC reporting requirements. Accordingly, the NRC seeks State input on issues related to amending power reactor reporting requirements. Appropriate State agencies will be requested by letter to provide comments on this advance notice of proposed rulemaking.

Specific NRC Proposals for Amending 10 CFR 50.72 and 50.73

Objectives: The objectives of contemplated amendments would include the following.

(1) To better align the reporting requirements with the NRC's current reporting needs. Examples would

include: (a) extending the required reporting times, consistent with the need for timely NRC action and (b) revising the reporting requirements based on importance to risk, such as by adding reports related to actuation of systems that are risk-significant and dropping reports related to actuation of systems that are not risk-significant.

(2) To reduce the reporting burden, consistent with the NRC's reporting needs. Examples include: (a) reducing or eliminating the reporting burden associated with events of little or no safety significance, provided reporting is not otherwise needed to support NRC regulatory programs, and (b) simplifying the reporting effort, such as by redesigning the LER form to employ a "check the box" approach to the extent feasible.

(3) To clarify the reporting requirements where needed. The principal example would be clarifying which events involving design or analysis defects or deviations must be reported.

Issues and contemplated amendments: The issues under consideration and the contemplated amendments include the following.

(1) Required initial reporting times. In the contemplated amendments, the required initial reporting times would be as follows.

(a) Emergencies: Declaration of an emergency class would continue to be reported immediately after notification of appropriate State or local agencies and not later than 1-hour after declaration. Emergency actions taken pursuant to 10 CFR 50.54(x) would continue to be reported as soon as practical and in all cases within 1 hour of occurrence.

(b) Follow up notifications: Follow up notifications during the course of an event would continue to be made immediately.

(c) Loss of capability to perform safety function: An event or condition that could prevent fulfillment of the safety function of a structure or system [as described in 10 CFR 50.72(b)(2)(iii) and 50.73(a)(2)(v)] would be reported promptly (e.g., within 8 hours) if the plant is in a mode where the affected structure or system is required to be operable. Otherwise, the initial report would be required in writing within 30 days. It should be noted that *an event or condition that could prevent fulfillment of a safety function includes design and analysis defects and deviations*. For example, if there is a defect in an analysis and as a result of that defect a system is not capable of performing its specified safety functions, that is a reportable event or

condition under this criterion. In addition, reportable events or conditions can result from factors such as: personnel errors; procedure violations; procedural errors; equipment failures; inadequate maintenance; or deficiencies in fabrication, construction or equipment qualification.

(d) Partial loss of capability to perform a safety function: An operation or condition prohibited by the plant's TS [as described in 10 CFR 50.73(a)(2)(i)(B)] would continue to be reported in writing within 30 days. It should be noted that an operation or condition prohibited by the plant's TS results from *any operation or condition, including a design or analysis defect or deviation, that results in one train of a multiple-train safety system being incapable of performing its specified safety function for a period of time longer than allowed by the TS*.

(e) No loss of capability to perform a safety function: *Conditions, including design or analysis defects or deviations, that do not result in a structure, system, or train being incapable of performing its specified safety function* would no longer be reportable under 10 CFR 50.72 and 50.73, unless they meet one of the other reporting criteria discussed below. However, other regulatory requirements such as 10 CFR 50.59, 10 CFR 50.71(e), or Appendix B to 10 CFR 50 may be applicable.

(f) Other non-emergency events: Other non-emergency events that are currently reported in 1 hour would be reported in 8 hours, except for a condition outside the coverage of procedures, which would be deleted as discussed further in Item (7) below. Thus, the remaining events in this category, which would be reported in 8 hours, are summarized as follows:

- (i) Initiation of shutdown (S/D) required by (TS);
- (ii) Serious degradation of plant including its principal safety barriers;
- (iii) Plant in unanalyzed condition, significantly compromising plant safety;
- (iv) External condition that poses an actual threat or significantly hampers site personnel in the performance of duties necessary for safe operation of the plant;
- (v) Valid Emergency Core Cooling System (ECCS) initiation signal that results (or should have resulted) in discharge to the reactor coolant system;
- (vi) Internal event that poses an actual threat or significantly hampers site personnel in the performance of duties necessary for safe operation of the plant; and,
- (vii) Major loss of capability for emergency assessment, offsite response, or communication.

Unplanned actuation of the reactor protection system (RPS), which is currently reported in 4 hours, would be reported in 8 hours when the reactor is critical. Otherwise, it would be reported in writing within 30 days. Unplanned actuation of an engineered safety feature (ESF) other than the RPS, which is currently reported in 4 hours, would be reported in 8 hours if it resulted from (a) intentional manual actuation or (b) a valid signal (i.e., a signal in response to actual plant conditions that warrant ESF actuation). Otherwise, it would be reported in writing within 30 days.

Other non-emergency events that are currently reported in 4 hours would be reported in 8 hours. These are summarized as follows:

- (i) Airborne radioactive release that results in concentrations over 20 times allowable levels in an unrestricted area;
- (ii) Liquid effluent in excess of 20 times allowable concentrations released to an unrestricted area;
- (iii) Radioactively contaminated person transported to an offsite medical facility for treatment;
- (iv) News release or other government agency notification related to the health and safety of the public or onsite personnel, or protection of the environment;
- (v) Defect in a spent fuel storage cask structure, system, or component which is important to safety or significant reduction in the effectiveness of a spent fuel storage cask confinement system.

Failure of independent components due to a common cause would continue to be reportable in writing within 30 days.

(2) Clarification of requirement for reporting an event or condition that could prevent fulfillment of the safety function of a structure or system. The current rules require reporting "Any event or condition that *alone* could have prevented the fulfillment of the safety function of structures or systems that are needed to:

- (A) Shut down the reactor and maintain it in a safe shutdown condition;
 - (B) Remove residual heat;
 - (C) Control the release of radioactive material; or
 - (D) Mitigate the consequences of an accident." [Emphasis added.]
- In the contemplated amendments, in order to eliminate any potential for misunderstanding the requirement, the wording would be revised to require reporting any event or condition that *alone or in combination with other existing condition(s)* could have prevented the fulfillment of the safety function of structures or systems that are needed to * * *

(3) Reporting of design issues: In the contemplated amendments there would be no specific criterion to require reporting conditions outside the design basis of the plant. However, depending on whether they result in loss or partial loss of capability to perform a safety function, design or analysis defects or deviations would be reported as discussed in Items (1)(c) and (1)(d) above.

There has been some confusion and controversy about the meaning of the current requirement to report conditions outside the design basis of the plant. For instance, in one case the Final Safety Analysis Report (FSAR) characterized a building design basis as follows: pressure relief panels will relieve at about 45 psf in order to ensure that building pressure does not exceed its design pressure of 80 psf. When it was found that the panels would not relieve at 45 psf but would still relieve well below 80 psf, controversy ensued between the NRC staff and the licensee regarding whether a report was required.

Under the contemplated amendments, the pressure relief panel example, discussed above, would not be reportable because the structure (building that houses the potentially affected safety systems) remains within its design capabilities so that the systems within the building would still be capable of performing their specified safety functions. The event would be reportable if the pressure relief panels would not prevent the building from exceeding its design capabilities such that the systems housed within the building would not be considered capable of performing their specified safety functions because of potential building collapse.

(4) Reporting of errors in and corrections to ECCS analyses: Reporting of errors in and corrections to ECCS analyses would continue to be governed by 10 CFR 50.46(a)(3)(ii) when it applies, as is currently the case. As required by that section, failure to meet the ECCS acceptance criteria (i.e., peak clad temperature [PCT] greater than 2200 °F, excessive cladding oxidation, etc.) would be reported pursuant to 10 CFR 50.72 (e.g., within 8 hours) and 50.73. Errors where PCT increases by more than 50 °F but remains below 2200 °F would be reported in writing in 30 days. Lesser errors would be compiled and reported annually.

(5) Reporting of information with a significant implication for public health and safety or common defense and security: In connection with the contemplated amendments, no changes would be made with regard to the

requirement in 10 CFR 50.9(b) to report “* * * information identified by the applicant or licensee as having for the regulated activity a significant implication for public health and safety or common defense and security.”

(6) Reporting of missed or late equipment surveillance tests. Section 50.73 requires reporting a condition or operation prohibited by the plant's TS. In some cases, this leads to reporting events that consist of late surveillance tests where the oversight is corrected and the equipment is tested. These events have proven to be of little or no risk-significance when the equipment is found to be functional or, alternately, the requirements of the TS are implemented (i.e., any applicable action statements are carried out) and no systematic breakdown of compliance with the TS is involved.

In the contemplated amendments, the reporting requirement would be eliminated for events that consist of late TS required surveillance tests where there is no systematic breakdown of compliance with the TS, the oversight is corrected, the testing is performed, and the equipment is still functional or, alternately, the requirements of the TS are implemented.

(7) Reporting of a condition outside the coverage of procedures. The current requirement is to report when the plant is in “a condition not covered by the plant's operating and emergency procedures.” Experience indicates that this criterion does not result in needed reports. In addition, this criterion is redundant since the other reporting criteria capture events of safety significance.

In the contemplated amendments, the requirement to report a condition outside the coverage of procedures would be deleted.

(8) Reporting of events that result in actuation of an ESF. The current requirement is to report “Any event or condition that results in a manual or automatic actuation of any Engineered Safety Feature (ESF), including the Reactor Protection System (RPS) except when * * *.” This leads to confusion and variability in reporting because there are varying definitions of what constitutes an ESF. It also leads to reporting for systems of lesser risk-significance, such as reactor water clean up system (RWCU) isolation.

In the contemplated amendments, instead of using the term ESF, the rules would specify the systems for which reporting is required. Systems with lesser risk-significance would be dropped and systems with greater risk-significance would be added. The result would be similar to the discussion in

the NRC staff's reporting guidelines. (See NUREG-1022, Revision 1, “Event Reporting Guidelines, 10 CFR 50.72 and 50.73,” January 1998, Page 60.) These changes would result in the following list:

(a) Reactor Protection System (reactor scram, reactor trip).

(b) Engineered Safety Features Actuation System (general actuation signals affecting numerous components such as: safety injection actuation signal, containment isolation signal, or recirculation actuation signal).

(c) Emergency Core Cooling Systems (ECCS) for Pressurized Water Reactors (PWRs) including: high-, intermediate-, and low-head injection systems and the low pressure injection function of residual (decay) heat removal systems.

(d) ECCS for Boiling Water Reactors (BWRs) including: high- and low-pressure core spray systems; high-pressure coolant injection system, feedwater coolant injection system, the low pressure injection function of the residual heat removal system; and automatic depressurization system.

(e) BWR Isolation Condenser System and Reactor Core Isolation Cooling System.

(f) Containment Systems including: containment and reactor vessel isolation systems (general containment isolation signals affecting numerous valves, main steam isolation valve [MSIV] closure signals in BWRs); and containment heat removal and depressurization systems, including the containment spray and the fan cooler system.

(g) Electrical Systems including: emergency ac electrical power systems, including emergency diesel generators (EDGs) and their associated support systems; the hydroelectric facilities used in lieu of EDGs at the Oconee Station; safety related gas turbine generators; BWR dedicated Division 3 EDGs and their associated support systems; and station blackout diesel generators (and black-start gas turbines that serve a similar purpose and are started from the control room and included in the plant's and emergency procedures).

(h) Anticipated Transient Without Scram (ATWS) Mitigating Systems.

(i) PWR Auxiliary Feedwater Systems.

(j) Service Water (actuation of standby, emergency service water systems only).

(k) Reactor Building and Containment Annulus Filter Systems.

(9) Shutdown events. The current rule requires providing the “Status of structures, components, or systems that were inoperable at the start of the event and that contributed to the event” and “An assessment of the safety consequences and implications of the

event. This assessment must include the availability of other systems or components that could have performed the same function as the components and systems that failed during the event." In some cases, this does not provide enough information to estimate the risk associated with important shutdown events.

In the contemplated amendments, these requirements would be clarified to better indicate information required on the status of systems that are included in the operating or emergency procedures that could have been used in recovering from the event to support risk assessment of the event.

(10) Human performance. The current rule requires reporting the following information regarding human performance as a part of the narrative description of the event contained in the written 30 day report:

"(1) Operator actions that affected the course of the event, including operator errors, procedural deficiencies, or both, that contributed to the event.

(2) For each personnel error, the licensee shall discuss:

(i) Whether the error was a cognitive error (e.g., failure to recognize the actual plant condition, failure to realize which systems should be functioning, failure to recognize the true nature of the event) or a procedural error;

(ii) 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;

(iii) Any unusual characteristics of the work location (e.g., heat, noise) that directly contributed to the error; and

(iv) The type of personnel involved (i.e., contractor personnel, utility-licensed operator, utility non-licensed operator, other utility personnel)."

Human performance information is needed to support analysis of human error probabilities used in risk assessments. This helps in making risk-informed decisions regarding human performance issues in areas such as inspection program development, evaluation of licensing actions, preparation of generic communications and resolution of generic issues. Consistent with the advanced incident reporting system of the Organization for Economic Cooperation and Development (OECD) Nuclear Energy Agency (NEA) Committee on the Safety of Nuclear Installations (CSNI) and the International Atomic Energy Agency (IAEA), the contemplated amendments would require information on how the human performance factors listed below affected the event to the extent they

apply. (See NEA/CSNI/R(97)15, PART I, "Improving Reporting and Coding of Human and Organizational Factors in Event Reports," April 1998, Page 15 and Page 16.)

(a) Personnel errors and human performance related issues in the areas of procedures, training, communication, human engineering, management, and supervision.

(b) In the area of procedures, errors due to missing procedures, procedures which are inadequate due to technical or human factors deficiencies, or which have not been maintained current.

(c) Training errors due to a failure to provide training, having provided inadequate training, or training (such as simulator training or on-the-job training) that does not provide an environment comparable to that in the plant.

(d) Communications errors due to inadequate, untimely, misunderstood, or missing communication or due to the quality of the communication equipment.

(e) Human engineering issues related to the interface or lack thereof between the human and the machine (such as size, shape, location, function or content of displays, controls, equipment or labels) as well as environmental issues such as lighting, temperature, noise, radiation and work area layout.

(f) Management errors due to management expectations, corrective actions, root cause determinations, or audits which are inadequate, untimely or missing.

(g) In the area of supervision, errors due a lack of supervision, inadequate supervision, job staffing, overtime, scheduling and planning, work practices (such as briefings, logs, work packages, team work, decision making, and housekeeping) or because of inadequate verification, awareness or self-checking.

(h) The department for which key personnel work and the type of work or activity being performed.

This information is already being captured in the narrative section of most LERs submitted under the current rule, as discussed in the NRC staff's reporting guidelines. (See NUREG-1022, Revision 1, "Event Reporting Guidelines, 10 CFR 50.72 and 50.73," January 1998, Page 110.) The amended rule would explicitly recognize the information discussed in the guidelines.

In the amended rule, such human performance information would be provided using a "check the box" approach added to the LER form, to minimize the reporting burden.

(11) LER form. The current LER form relies heavily on a narrative to provide information such as the human

performance information discussed above, equipment that was not available, and equipment that was actuated. It appears that the reporting effort could be reduced by adopting a "check the box" approach to the extent practical. A narrative would still be required to convey an understanding of the event. However, data regarding human and equipment performance, for example, would be included in the narrative only if they are pertinent to understanding the event.

In conjunction with the contemplated amendments, the LER form would be redesigned to reduce the reporting effort. To the extent practical, this approach would be compatible with equipment failure reporting in the industry's Equipment Performance and Information Exchange (EPIX) program.

(12) Electronic reporting. The NRC staff is currently planning to implement an electronic reporting program, known as the Agency-wide Document Access and Management System (ADAMS), that will in general provide for electronic submittal of many types of reports, including LERs. Accordingly, no separate rulemaking effort to provide for electronic submittal of LERs is contemplated.

(13) Enforcement. Since the criteria for reporting arising from this rulemaking would focus on matters of safety significance and be more risk informed, the reporting criteria may be a relevant consideration in determining the severity level of a violation under the Enforcement Policy. The staff intends to consider the reporting criteria in its ongoing review of the severity levels in the NRC Enforcement Policy.

Contemplated Schedule: The contemplated schedule for the rulemaking is as follows:

- 8/21/98, Conduct public workshop to discuss ANPR
- 9/18/98, Receive public comments on ANPR
- 10/16/98, Provide proposed rule package to NRC staff working group for comment
- 11/27/98, Provide proposed rule package to formal concurrence chain
- 1/8/99, Provide proposed rule package to CRGR and ACRS
- 2/5/99, Complete briefing of CRGR and ACRS
- 2/26/99, Provide proposed rule package to Commission
- 4/2/99, Publish proposed rule
- 5/2/99, Initial public comments due to OMB (with copies to NRC), 30 days after publication
- 6/1/99, Receive OMB approval, 60 days after publication
- 6/15/99, Public comments due to NRC, 75 days after publication

- 7/2/99, Provide final rule package to NRC staff working group for comment
- 8/13/99, Provide final rule package to formal concurrence chain
- 9/17/99, Provide final rule package to CRGR and ACRS
- 11/5/99, Complete briefing of CRGR and ACRS
- 11/26/99, Provide final rule package to Commission
- 1/7/00, Publish final rule

Comments requested: The Commission invites advice and recommendations from all interested persons regarding changes to the event reporting requirements for nuclear power reactors contained in 10 CFR 50.72 and 50.73. Comments and supporting reasons are particularly requested on:

- (1) the objectives;
 - (2) the contemplated amendments, including:
 - (a) the clarity and specificity of the contemplated criteria for reporting design and analysis defects and deviations; and
 - (b) the proposed initial reporting time of 8 hours for events that warrant prompt telephone notification but do not involve emergencies;
 - (3) the contemplated schedule.
- To the extent feasible, commenters are requested to address the following factors.

- (1) Identify a specific reporting requirement.
- (2) Describe the problem with that requirement.
- (3) Describe the proposed resolution.
- (4) Estimate the change in resource burden as a result of the proposed resolution.

In order to support meaningful consideration, comments on resource burden should provide the basis for the burden estimate in sufficient detail to allow specific identification of what causes the burden and how particular changes might affect the burden.

Other Reactor Reporting Requirements

Objectives: The NRC is also interested in evaluating other reactor reporting rules (beyond 10 CFR 50.72 and 50.73) to identify areas where reporting requirements can be risk-informed and/or simplified. For example, the time limit for reporting could be adjusted based on the safety significance of the event or issue and the need for NRC's immediate action. The burden associated with reporting events, conditions or issues with little or no safety or risk significance should be minimized.

Comments requested: Public comments are requested to identify and propose changes to other reactor

reporting requirements (beyond 10 CFR 50.72 and 50.73) that are potential candidates for modifying to a simplified, less burdensome, more risk-informed approach. This issue will be included in the agenda for the public meeting to discuss this ANPR, which is identified in the schedule provided above.

List of Subjects in 10 CFR Part 50

Antitrust, Classified information, Criminal penalties, Fire protection, Intergovernmental relations, Nuclear power plants and reactors, Radiation protection, Reactor siting criteria, Reporting and recordkeeping requirements.

The authority citation for this document is: 42 U.S.C. 2201; 42 U.S.C. 5841.

Dated at Rockville, Maryland, this 16th day of July, 1998

For the Nuclear Regulatory Commission.

L. Joseph Callan,

Executive Director for Operations

[FR Doc. 98-19637 Filed 7-22-98; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

10 CFR Part 72

RIN 3150-AF93

Expand Applicability of Regulations to Holders of, and Applicants for, Certificates of Compliance and Their Contractors and Subcontractors

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is proposing to amend its regulations to expand the applicability of its regulations to holders of, and applicants for, Certificates of Compliance and their contractors and subcontractors. This amendment would enhance the Commission's ability to take enforcement action against these persons when legally binding requirements are violated. The intent of this action is to emphasize the safety and regulatory significance associated with violations of the regulations.

DATES: The comment period expires October 6, 1998. Comments received after this date will be considered if it is practical to do so, but the Commission is able to assure consideration only for comments received on or before this date.

ADDRESSES: Comments may be sent to: Secretary, U.S. Nuclear Regulatory

Commission, Washington, DC 20555-0001, Attn: Rulemakings and Adjudications Staff. Hand deliver comments to 11555 Rockville Pike, Rockville, MD, between 7:45 am and 4:15 pm on Federal workdays.

You may also provide comments via the NRC's interactive rulemaking web site through the NRC's home page (<http://www.nrc.gov>). This site provides the availability to upload comments as files (any format) if your web browser supports that function. For information about the interactive rulemaking site, contact Ms. Carol Gallagher, (301) 415-5905; e-mail CAG@nrc.gov.

Certain documents related to this rulemaking, including comments received by the NRC, may be examined at the NRC Public Document Room, 2120 L Street NW., (Lower Level), Washington, DC. These same documents also may be viewed and downloaded electronically via the interactive rulemaking website established by NRC for this rulemaking.

FOR FURTHER INFORMATION CONTACT:

Anthony DiPalo, telephone (301) 415-6191, e-mail, ajd@nrc.gov, or Philip Brochman, telephone (301) 415-8592, e-mail, pgb@nrc.gov, of the Office of Nuclear Materials Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

SUPPLEMENTARY INFORMATION:

Background

The Commission's regulations at 10 CFR Part 72 were originally established to provide specific licenses for the storage of spent nuclear fuel in an independent spent fuel storage installation (ISFSI) (45 FR 74693; November 12, 1980). Later, Part 72 was amended to include the storage of high-level waste (HLW) at a monitored retrieval storage (MRS) installation. In 1990, the Commission amended Part 72 to include a process for approving the design of spent fuel storage casks by issuance of a certificate of compliance (Subpart L) and for granting a general license to reactor licensees (Subpart K) to use NRC-approved casks for storage of spent nuclear fuel (55 FR 29181; July 18, 1990). In the past, the Commission has noted performance problems with holders of, and applicants for, a certificate of compliance under Part 72. When the NRC identifies a failure to comply with Part 72 requirements by these persons, the enforcement sanctions available under the current NRC Enforcement Policy have been limited to administrative actions.