broadcast, the more certain broadcasters can be that substantial public harm is unforeseeable. By contrast, the timing of the broadcast will not necessarily determine foreseeability, although it may be one factor that is considered. Other factors, such as the number of public complaints received about the broadcast, may also be relevant in determining whether any public harm that has occurred should have been foreseeable.

12. We are also mindful of commenters' concern that legitimate fictitious programming might be implicated by our rule, since all fiction is, by definition, "false" programming. Therefore, one situation in which we will presume that programming otherwise subject to this rule will pose no foreseeable harm is if the programming is accompanied by a disclaimer. To qualify for this presumption, disclaimers must clearly label the broadcast as a fiction and be presented in a way that is reasonable under the circumstances. For example, indicia of reasonableness would include airing disclaimers at the beginning and end of a program and ensuring that no more than 15 minutes elapses between disclaimers during a program. We do not intend to impose a requirement that all fictional works must now include disclaimers. Rather, disclaimers would be necessary only in those programs that would otherwise meet all elements of the rule.

13. Direct Causation of Substantial Public Harm. Finally, the hoax must in fact directly cause substantial public harm. "Public harm" will include damage to the health or safety of the general public, diversion of law enforcement or other public health or safety authorities from their duties and damage to property. In all cases, the public harm must be substantial. The public harm must also begin immediately after the broadcast and result in actual damage. (By "immediate," we mean that the harm would have to occur contemporaneously or shortly after the broadcast. By "actual" damage, we mean that there must be injury in fact; the mere threat of harm is not sufficient.)

14. Rather than adopt a particular benchmark or definition by which we will assess "substantial" public harm, we have decided to leave this determination to the factual context of each case. In general, however, a broadcast concerning an imaginary danger that diverts local police and emergency resources from their duties, causes widespread public disorder or harms the health or safety of the general public, would most likely inflict substantial public harm. By contrast, a broadcast hoax that results in no more than a few questions to the police or complaints to the station would probably not impose substantial public harm. Clearly, we are concerned with public harm that is more than nominal in nature.

Ordering Clauses

15. Accordingly, *it is ordered* that pursuant to authority contained in Sections 4 and 303 of the Communications Act of 1934, 47 U.S.C. 154 and 303, as amended, part 73 of the Commissions Rules is amended as set forth below.

16. *It is further ordered* that the amendments to 47 CFR part 73 adopted in this Report and Order will be effective 30 days after publication in the **Federal Register**.

17. *It is further ordered* that this proceeding is terminated.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Amendatory Text

Part 73 of title 47 of the Code Of Federal Regulations is amended to read as follows:

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

2. Section 73.1217, Broadcast hoaxes, is added to part 73 to read as follows:

§ 73.1217 Broadcast hoaxes.

No licensee or permittee of any broadcast station shall broadcast false information concerning a crime or a catastrophe if:

(a) The licensee knows this information is false;

(b) It is forseeable that broadcast of the information will cause substantial public harm, and

(c) Broadcast of the information does in fact directly cause substantial public harm.

Any programming accompanied by a disclaimer will be presumed not to pose foreseeable harm if the disclaimer clearly characterizes the program as a fiction and is presented in a way that is reasonable under the circumstances.

Note: For purposes of this rule, "public harm" must begin immediately, and cause direct and actual damage to property or to the health or safety of the general public, or diversion of law enforcement or other public health and safety authorities from their duties. The public harm will be deemed foreseeable if the licensee could expect with a significant degree of certainty that public harm would occur. A "crime" is any act or omission that makes the offender subject to criminal punishment by law. A "catastrophe" is a disaster or imminent disaster involving violent or sudden event affecting the public.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 92-15011 Filed 6-25-92; 8:45 am]

BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1180

[Ex Parte No. 55 (Sub-No. 22B)]

Implementation of Environmental Laws

AGENCY: Interstate Commerce Commission.

ACTION: Final rule.

SUMMARY: The Commission is removing a regulation to conform with its revision of environmental regulations effective September 29, 1991. In addition, it is modifying a regulation to update that provision. Since the changes are technical in nature and not intended to have substantive effect, public comment is not sought.

EFFECTIVE DATE: June 26, 1992.

FOR FURTHER INFORMATION CONTACT:

Richard B. Felder (202) 927-5610

[TDD for hearing impaired: (202) 927-5721]

SUPPLEMENTARY INFORMATION: The Commission is removing its regulation at 49 CFR 1180.6(a)(9) to reflect the revisions approved in Implementation of Environmental Laws, 7 I.C.C.2d 807 (1991) (Implementation) and making a technical change to its regulation at 49 CFR 1180.6(a)(8) to update that provision. Section 1180.6(a)(9) currently directs that required energy data be prepared in accordance with 49 CFR part 1106. In Implementation, we deleted the separate Energy Policy and Conservation Act requirements at 49 CFR part 1106 and incorporated them into more general environmental regulations set forth at 49 CFR part 1105. Implementation at 818. To conform with our revision, we are removing § 1180.6(a)(9). In addition, we are substituting the phrase the Commission's Section of Energy and Environment for the phrase the Commission's Energy and Environment Branch in the second sentence of § 1180.6(a)(8) to update that provision. These changes are not intended to have an impact on any person or Commission proceeding.

This action will not have a significant effect on a substantial number of small entities.

List of Subjects in 49 CFR Part 1180

Administrative practice and procedure, Bankruptcy, Railroads, Reporting and recordkeeping requirements.

Decided: June 17, 1992.

By the Commission, Chairman Philbin, Vice Chairman McDonald, Commissioners Simmons, Phillips, and Emmett.

Sidney L. Strickland, Jr.,

Secretary.

For the reason set forth in the preamble, the Commission amends title 49, chapter X, part 1180 as follows:

PART 1180—RAILROAD ACQUISITION, CONTROL, MERGER, CONSOLIDATION PROJECT, TRACKAGE RIGHTS, AND LEASE PROCEDURES

1. The authority citation for part 1180 continues to read as follows:

Authority: 49 U.S.C. 10321, 10505, 10903–10906, 11341, 11343–11346; 5 U.S.C. 553 and 559; 45 U.S.C. 904 and 915.

2. In § 1180.6, paragraph (a)(8) is revised to read as follows and paragraph (a)(9) is removed.

§ 1180.6 Supporting information.

(a) * * *

(8) Environmental data (exhibit 4). Submit information and data with respect to environmental matters prepared in accordance with 49 CFR part 1105. In major and significant transaction, applicants shall, as soon as possible, and no later than the filing a notice of intent, consult with the Commission's Section of Energy and Environment for the proper format of the environmental report.

* * * * *

[FR Doc. 92–15082 Filed 6–25–92; 8:45am]

BILLING CODE 7035–01–M

Proposed Rules

Federal Register
Vol. 57, No. 124
Friday, June 26, 1992

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-AE12

Minor Modifications to Nuclear Power Reactor Event Reporting Requirements

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) proposes to amend its regulations to make minor modifications to the current nuclear power reactor event reporting requirements. The proposed amendments would apply to all nuclear power reactor licensees and would delete reporting requirements for some events that have been determined to be of little or no safety significance. These proposed amendments would reduce the industry's reporting burden and the NRC's response burden in event review and assessment.

DATES: The comment period expires July 27, 1992. 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 written comments to: U.S. Nuclear Regulatory Commission, Washington, DC 20555, ATTN: Docketing and Service Branch.

Deliver comments to One White Flint North, 11555 Rockville Pike, Rockville, MD 20852, between 7:30 am and 4:15 pm on Federal workdays.

Copies of the draft regulatory analysis, the supporting statement submitted to OMB and comments received may be examined at: The NRC Public Document Room, 2120 L Street, NW. (Lower Level), Washington, DC 20555.

FOR FURTHER INFORMATION CONTACT: Raji Tripathi (10 CFR 50.73) or Eric Weiss (10 CFR 50.72), Office of Analysis and Evaluation of Operational Data, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Telephone (301) 492–4435 and (301) 492–9005, respectively.

SUPPLEMENTARY INFORMATION:

Background

The Commission is proposing minor amendments to the current nuclear power reactor event reporting requirements contained in 10 CFR 50.72, "Immediate Notification Requirements for Operating Nuclear Power Reactors," and 10 CFR 50.73, "Licensee Event Reporting System," as part of its ongoing activities to improve its regulations.

In this regard, various NRC reviews of operating experience and the patterns of licensees' reporting of operating events since 1984 have indicated that reports on some of these events are not necessary for the NRC to perform its safety mission. The reporting of certain types of events are no longer contributing useful information to the operating reactor events database and, therefore, are no longer necessary. The unnecessary reports are consuming resources in preparation and review that would be better applied elsewhere.

Over the past several years, the NRC has increased its attention to event reporting issues to ensure uniformity, consistency, and completeness in event reporting. As a result, in September 1991, the NRC's Office for Analysis and Evaluation of Operational Data (AEOD) issued for comment a draft NUREG–1022, Revision,[1] "Event Reporting Systems 10 CFR 50.72 and 10 CFR 50.73—Clarification of NRC Systems and Guidelines for Reporting." Following resolution of public comments, the NUREG will contain improved guidance for event reporting. The NRC's continuing examination of reported events during development of this document has determined that certain types of events primarily involving invalid engineered safety feature (ESF) actuations are of little or no safety significance.

Valid ESF actuations are those actuations that result from "valid signals" or from international manual initiation. Valid signals are those signals that are initiated in response to actual plant conditions or parameters satisfying the requirements for ESF initiation.

Invalid actuations are by definition those that do not meet the criteria for being valid. Thus, invalid actuations include actuations that are not due to valid signals and are not intentional manual actuations. Invalid actuations include instances where instrument drift, spurious signals, human error, or other invalid signals caused actuation of the ESF (e.g., jarring a cabinet, an error in use of jumpers or lifted leads, an error in actuation of switches or controls, equipment failure or radio frequency interference).

NRC's evaluation of both the reported events since January 1984, when the existing rules first became effective, and the comments received during the Event Reporting Workshops conducted in Fall of 1990, identified needed improvements in the rules. The NRC determined that invalid actuation, isolation, or realignment of a limited set of ESFs or their equivalent systems, subsystems, or components (i.e., an invalid actuation, isolation, or realignment of only the reactor water clean-up (RWCU) system, the control room emergency ventilation (CREV) system, the reactor building ventilation system, the fuel building ventilation system, or the auxiliary building ventilation system) are of little or no safety significance. However, these events are currently reportable under 10 CFR 50.72 (b)(2)(ii) and 10 CFR 50.73 (a)(2)(iv).

The final rules for the current event reporting regulations, 10 CFR 50.72 and 10 CFR 50.73 (48 FR 39039; August 28, 1983, and 48 FR 33850; July 26, 1983, respectively), stated that ESF systems, including the reactor protection system (RPS), are provided to mitigate the consequences of a significant event. Therefore, ESFs should (1) work properly when called upon and (2) should not be challenged frequently or unnecessarily. The Statements of Consideration for these final rules also stated that operation of an ESF as part of a pre-planned operational procedure or test need not be reported. The Commission noted that ESF actuations, including reactor trips, are frequently associated with significant plant transients and are indicative of events

[1] A free single copy may be requested by writing to the Distribution and Mail Services Section, U.S. Nuclear Regulatory Commission, Washington, DC 20555. A copy is also available for inspection or copying for a fee at the NRC Public Document Room, 2120 L Street, NW. (Lower Level), Washington, DC 20555.

that are of safety significance. At that time, the Commission also required all ESF actuations, including the RPS actuations, whether manual or automatic, valid or invalid—except as noted, to be reported to the NRC by telephone within 4 hours of occurrence followed by a written Licensee Event Report (LER) within 30 days of the incident. This requirement on timeliness of reporting remains unchanged.

The reported information is used by NRC in confirmation of the licensing bases, identification of precursors to severe core damage, identification of plant specific deficiencies, generic lessons, review of management control systems, and licensee performance assessment.

Discussion

Relaxing reporting requirements for certain ESF actuations, primarily invalid actuations, could save resources for both the industry and the NRC. The Commission emphasizes that only specific invalid ESF actuations would be exempt from reporting. The relaxations in event reporting requirements contained in the proposed rule would apply only to a limited set of specifically defined invalid ESF actuations. These events are limited to invalid actuation, isolation, or realignment of the RWCU system, the CREV system, the reactor building ventilation system, the fuel building ventilation system, or the auxiliary building ventilation system. Invalid actuation/isolation/realignment events in these systems are of little or no safety significance.

Invalid actuations of all other ESFs, except those noted above, have been found to be safety significant and would continue to be reportable under 10 CFR 50.72(b)(2)(ii) and 10 CFR 50.73(a)(2)(iv). Reportable invalid actuations would include emergency core cooling system isolations/actuations, containment isolation valve closures that affect cooling systems, main steam flow, essential support systems, etc., containment spray actuation, and residual heat removal system isolations.

However, the Commission emphasizes that if an invalid ESF actuation reveals a defect in the system so that the system failed or would fail to perform its intended function, the event continues to be reportable under other requirements of 10 CFR 50.72 and 10 CFR 50.73. If a condition or deficiency has (1) an adverse impact on safety-related equipment and consequently on the ability to shut down the reactor and maintain it in a safe shutdown condition, (2) has a potential for significant radiological release or potential exposure to plant personnel or the general public, or (3) would compromise control room habitability, the event/discovery continues to be reportable.

Invalid ESF actuations that would be excluded by this proposed rule, but occur as a part of a reportable event, would continue to be described as part of the reportable event. The proposed amendments are not intended to preclude submittal of a complete, accurate, and thorough description of an event that is otherwise reportable under 10 CFR 50.72 or 10 CFR 50.73. The Commission is proposing to relax only the selected event reporting requirements specified in this proposed rule. Licensees are still required under 10 CFR 50, appendix B, "Quality Assurance Criteria for Nuclear Power Plants and Fuel Reprocessing Plants," to address whether corrective actions for events or conditions that are adverse to quality are reportable or not. In addition, minimizing ESF actuations (such as RWCU isolations) to reduce operational radiation exposures associated with the investigation and recovery from the actuations, are consistent with ALARA requirements.

The existing provisions in 10 CFR 50.72 (b)(2)(ii) and 10 CFR 50.73(a)(2)(iv), require the reporting of an event or condition that results in a manual or automatic actuation of an ESF, including the RPS, except when the actuation results from and is part of the pre-planned sequence during testing or reactor operation. A pre-planned sequence implies that the procedural step indicates the specific ESF or RPS actuation that will be generated and control room personnel are aware of the specific signal generation before its occurrence or indication in the control room. However, if the ESF, including the RPS, actuates during the planned operation or test in a way that is not part of the planned procedure, such as at the wrong step, the event is reportable.

The Commission proposes to make additional relaxations to event reporting by excluding three additional categories of events as follows:

(1) The first category excludes events in which an invalid ESF or RPS actuation occurs when the system is already properly removed from service if all requirements of plant procedures for removing equipment from service have been met. This would include required clearance documentation, equipment and control board tagging, and properly positioned valves and power supply breakers.

(2) The second category excludes events in which an invalid ESF or RPS actuation occurs after the safety function has already been completed (e.g., an invalid containment isolation signal while the containment isolation valves are already closed, or an invalid actuation of the RPS when all rods are fully inserted).

(3) The third category excludes events when an invalid actuation, isolation, or realignment of only the reactor water clean-up (RWCU) system, or any of the following ventilation systems: Control room emergency ventilation (CREV) system, reactor building ventilation system, fuel building ventilation system, auxiliary building ventilation system, or their equivalent ventilation systems occurs. Invalid actuations that involve other ESFs not specifically excluded, (such as emergency core cooling system isolations or actuations; containment isolation valve closures that affect cooling systems, main steam flow, essential support systems, etc.; containment spray actuation; and, residual heat removal system isolations), would continue to be reportable.

Licensees would continue to be requird to submit LERs if a deficiency or condition associated with any of the invalid ESF actuations of the RWCU or the CREV systems (or other equivalent ventilation systems) satisfies any reportability criteria under § 50.72 and § 50.73.

Impact of the Proposed Amendments

Relaxing the current requirement for reporting of certain types of ESF actuations will reduce the industry's reporting burden and the NRC's response burden. This reduction would be consistent with the objectives and the requirements of the Paperwork Reduction Act. The proposed amendments would have no impact on the NRC's ability to fulfill its mission to ensure public health and safety because the reporting requirements that the Commission proposes to delete have little or no safety significance.

It is estimated that the proposed changes to the existing rules will result in about 150 (or 5–10 percent) fewer Licensee Event Reports each year. Similar reductions are expected in the number of prompt event notifications reportable under 10 CFR 50.72.

Submittal of Comments

The licensees are encouraged to submit their estimates on impact of the proposed amendments in their comments on the proposed rule.

Commenters are encouraged to submit, in addition to the original paper copy, a copy of their comments in an electronic format on IBM PC DOS-

compatible 3.5- or 5.25-inch, double-sided diskettes. Data files should be provided in WordPerfect 5.0, or 5.1. ASCII code is also acceptable, or if formatted text is required, data files should be submitted in IBM Revisable Format Text Document Content Architecture (RFT/DCA) format.

Finding of No Significant Environmental Impact: Availability

The NRC has determined that this proposed regulation is the type of action described in categorical exclusions 10 CFR 51.22 (c)(3)(ii) and (iii). Therefore neither an environmental impact statement nor an environmental assessment has been prepared for this proposed regulation.

Paperwork Reduction Act Statement

This proposed rule amends information collection requirements that are subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq). This rule has been submitted to the Office of Management and Budget for review and approval of the paperwork reduction requirements.

Because the rule would relax existing reporting requirements, public reporting burden for the collection of information is expected to be reduced. It is estimated that about 150 fewer Licensee Event Reports (NRC Form 366) and a similarly reduced number of prompt event notifications, made pursuant to 10 CFR 50.72, will be required each year. The resulting reduction in burden is estimated to average 50 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the estimated burden reductions or any other aspect of this collection of information, including suggestions for further reducing reporting burden, to the Information and Records Management Branch (MNBB-7714), U.S. Nuclear Regulatory Commission, Washington, DC 20555; and to the Desk Officer, Office of Information and Regulatory Affairs, NEOB 3019, (3150-0011 and 3150-0104), Office of Management and Budget, Washington, DC 20503.

Regulatory Analysis

The Commission has prepared a draft regulatory analysis on this proposed rule change. The analysis examines the costs and benefits of the alternatives considered by the Commission. The draft analysis is available for inspection in the NRC Public Document Room, 2120 L Street, NW., Lower Level, Washington, DC 20555. Single copies of the draft analysis may be obtained from: Raji Tripathi, Office for Analysis and Evaluation of Operational Data, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Telephone (310) 492-4435.

Regulatory Flexibility Certification

In accordance with the Regulatory Flexibility Act of 1980 (5 U.S.C. 605 (B)), the Commission certifies that this rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. The proposed rule affects only the event reporting requirements for operational nuclear power plants. The companies that own these plants do not fall within the scope of the definition of "small entities" set forth in the Regulatory Flexibility Act or the Small Business Size Standards set out in regulations issued by the Small Business Administration Act in 13 CFR part 121.

Backfit Analysis

As required by 10 CFR 50.109, the Commission has completed an assessment of the need for Backfit Analysis for the proposed rule. The proposed amendments include relaxations of certain existing requirements on reporting of information to the NRC. These changes neither impose additional reporting requirements nor require modifications to the facilities or their licenses.

Accordingly, the NRC has concluded that the proposed rule does not constitute a backfit and, thus, a backfit analysis is not required.

List of Subjects in 10 CFR Part 50

Antitrust, Classified information, Criminal penalty, Fire prevention, Incorporation by reference, Intergovernmental relations, Nuclear power plants and reactors, Radiation protection, Reactor siting criteria, Reporting and recordkeeping.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1964, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 553, the Commission is proposing to adopt the following amendments to 10 CFR part 50.

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

1. The authority citation for part 50 continues to read as follows:

Authority: Secs. 102, 103, 104, 105, 161, 182, 183, 186, 189, 68 Stat. 936, 937, 938, 948, 953, 954, 955, 956, as amended, sec. 234, 83 Stat. 1244, as amended (42 U.S.C. 2132, 2133, 2134, 2135, 2201, 2232, 2233, 2236, 2239, 2282); secs. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846).

Section 50.7 also issued under Pub. L. 95-601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5851). Section 50.10 also issued under secs. 101, 185, 68 Stat. 936, 955, as amended (42 U.S.C. 2131, 2235); sec. 102, Pub. L. 91-190, 83 Stat. 853 (42 U.S.C. 4332). Sections 50.13, and 50.54(dd), and 50.103 also issued under sec. 108, 68 Stat. 939, as amended (42 U.S.C. 2138). Sections 50.23, 50.35, 50.55, and 50.56 also issued under sec. 185, 68 Stat. 955 (42 U.S.C. 2235). Sections 50.33a, 50.55a and Appendix Q also issued under sec. 102, Pub. L. 91-190, 83 Stat. 853 (42 U.S.C. 4332). Sections 50.34 and 50.54 also issued under sec. 204, 88 Stat. 1245 (42 U.S.C. 5844). Sections 50.58, 50.91, and 50.92 also issued under Pub. L. 97-415, 96 Stat. 2073 (42 U.S.C. 2239). Section 50.78 also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Sections 50.80-50.81 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Appendix F also issued under sec. 187, 68 Stat. 955 (42 U.S.C. 2237).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273); §§ 50.5, 50.46(a) and (b), and 50.54(c) are issued under sec. 161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b)); §§ 50.5, 50.7(a), 50.10(a)-(c), 50.34(a) and (e), 50.44(a)-(c), 50.46(a) and (b), 50.47(b), 50.48(a), (c), (d), and (e), 50.49(a), 50.54(a), (i), (i)(1), (1)-(n), (p), (q), (t), (v), and (y), 50.55(f), 50.55a(a), (c)-(e), (g), and (h), 50.59(c), 50.60(a), 50.62(b), 50.64(b), 50.65, and 50.80(a) and (b) are issued under sec. 151i, 68 Stat. 949, as amended (42 U.S.C. 2201(i)); and §§ 50.49(d), (h), and (j), 50.54(w), (z), (bb), (cc), and (dd), 50.55(e), 50.59(b), 50.61(b), 50.62(b), 50.70(a), 50.71(a)-(c) and (e), 50.72(a), 50.73(a) and (b), 50.74, 50.78, and 50.90 are issued under sec. 161o, 69 Stat. 950, as amended (42 U.S.C. 2201(o)).

2. In § 50.72, paragraph (b)(2)(ii) is revised to read as follows:

§ 50.72 Immediate notification requirements for operating nuclear power reactors.

* * * * *

(b) Non-emergency events * * *

(2) Four-hour reports. * * *

(ii) 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:

(A) The actuation results from and is part of a pre-planned sequence during testing or reactor operation;

(B) The actuation is invalid and:

(*1*) Occurs while the system is properly removed from service;

(*2*) Occurs after the safety function has been already completed; or

(*3*) Involves only the following specific ESFs or their equivalent systems:

(*i*) Reactor water clean-up system;

(*ii*) Control room emergency ventilation system;

(*iii*) Reactor building ventilation system;

(*iv*) Fuel building ventilation system; or

(*v*) Auxiliary building ventilation system.

* * * * *

3. In § 50.73, paragraph (a)(2) introductory text is republished and paragraph (a)(2)(iv) is revised to read as follows:

§ 50.73 Licensee event report system.

(a) Reportable events. * * *

(2) The licensee shall report: * * *

(iv) Any event or condition that resulted in a manual or automatic actuation of any engineered safety feature (ESF), including the reactor protection system (RPS), except when:

(A) The actuation resulted from and was part of pre-planned sequence during testing or reactor operation;

(B) The actuation was invalid and:

(*1*) Occurred while the system was properly removed from service;

(*2*) Occurred after the safety function had been already completed; or

(*3*) Involved only the following specific ESFs or their equivalent systems:

(*i*) Reactor water clean-up system;

(*ii*) Control room emergency ventilation system;

(*iii*) Reactor building ventilation system;

(*iv*) Fuel building ventilation system; or

(*v*) Auxiliary building ventilation system.

* * * * *

Dated at Rockville, MD, this 19th day of June, 1992.

For the Nuclear Regulatory Commission.

James M. Taylor,

Executive Director for Operations.

[FR Doc. 92-15067 Filed 6-25-92; 8:45 am]

BILLING CODE 7590-01-M

---

10 CFR Part 72

RIN 3150-AE15

List of Approved Spent Fuel Storage Casks: Additions

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is proposing to amend its regulations to approve two additional spent fuel storage casks (TN-24 and VSC-24). These casks would be added to the "List of Approved Spent Fuel Storage Casks." Holders of power reactor operating licenses are permitted to store spent fuel in the approved casks under a general license. This action is necessary to inform the public and NRC licensees of the propose additions.

DATE: Comment period expires September 9, 1992. 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 written comments to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555. ATTN: Docketing and Service Branch. Hand deliver comments to One White Flint North, 11555 Rockville Pike, Rockville, MD between 7:45 a.m. and 4:15 p.m. Federal workdays.

A copy of NUREG-1092, which is referenced in the environmental assessment, may be purchased from the Superintendent of Documents, U.S. Government Printing Office, P.O. Box 37082, Washington, DC 20013-7082. Copies are also available from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161. A copy is also available for inspection and/or copying at the NRC Local Public Document Room, 2120 L Street, NW. (Lower Level), Washington, DC.

Copies of the environmental assessment and finding of no significant environmental impact, and any comments received on this proposed rule are available for inspection and copying for a fee at the NRC Public Document Room at the above address.

FOR FURTHER INFORMATION CONTACT: Mr. Gordon E. Gundersen, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 492-3803, or Mr. James F. Schneider, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 504-2692.

SUPPLEMENTARY INFORMATION:

Background

Section 218(a) of the Nuclear Waste Policy Act of 1982 (NWPA) includes the following directive: "The Secretary [of DOE] shall establish a demonstration program in cooperation with the private sector, for the dry storage of spent nuclear fuel at civilian nuclear power reactor sites, with the objective of establishing one or more technologies that the (Nuclear Regulatory) Commission may, by rule, approve for use at the sites of civilian nuclear power reactors without, to the maximum extent practicable, the need for additional site-specific approvals by the Commission."

The Commission approved dry storage of spent nuclear fuel in publishing a final rule on July 18, 1990 (55 FR 29181), which established a new subpart K within 10 CFR part 72 entitled, "General License for Storage of Spent Fuel at Power Reactor Sites."

Section 133 of the NWPA states, in part, that "the Commission shall, by rule, establish procedures for the licensing of any technology approved by the Commission under section 218(a) for use at the site of any civilian nuclear power reactor." This directive was carried out on July 18, 1990 (55 FR 29181), by the publication in the Federal Register of a final rule establishing a new subpart L within 10 CFR part 72 entitled "Approval of Spent Fuel Storage Casks."

At the time of this rulemaking, four casks were listed in § 72.214 of subpart K as approved by the NRC for storage of spent fuel at power reactor sites under general license by persons authorized to possess or operate nuclear power reactors.

Discussion

This proposed rulemaking would add two spent fuel storage casks to the list of approved casks in § 72.214. Following the procedures in § 72.230 of subpart L, Transnuclear, Inc., submitted a Topical Safety Analysis Report (TSAR) entitled "TN-24 Dry Storage Cask Topical Report" in July 1988. In July 1989, the NRC issued a Safety Evaluation Report (SER) approving the TSAR with instructions to Transnuclear to revise the TSAR prior to docketing. Pacific Sierra Nuclear Associates (PSNA) submitted a "Topical Report on the Ventilated Storage Cask System for Irradiated Fuel" for their VSC-24 cask in February 1989. The NRC issued its SER in April 1991. Also following the procedures of § 72.230, PSNA submitted a "Safety Analysis Report for the Ventilated Storage Cask System" in November 1991. The NRC issued its SER in April 1992.

The TSARs for the Transnuclear TN-24 and the Pacific Sierra Nuclear Associates VSC-24 casks have been approved for storage of spent fuel under the conditions specified in their Certificates of Compliance. These casks, when used according to the conditions specified in their Certificates of Compliance, will meet the requirements of 10 CFR part 72 and, thus, adequate protection of the public health and safety would be ensured. These casks are being proposed for listing under § 72.214, "List of Approved Spent Fuel Storage Casks." Holders of power reactor operating licenses are permitted