

Other Radioactive Material Licensees.”<sup>9</sup> Single copies are available upon written request from NRC Distribution Section, Office of Administration, USNRC, Washington, DC 20555.

**Issue 53.** An MRS facility poses far greater potential risk to the public than even a nuclear power plant simply by virtue of the quantity of spent fuel rods to be stored. For example, a nuclear power plant stores no more than 1 metric ton of spent fuel while the MRS facility is authorized to store from 10,000 to 15,000 metric tons of spent fuel. Therefore, licensing procedures and requirements for an MRS facility must be more strict than even those required for a nuclear power plant.

**Response.** See the Commission's Response to Issue 48.

**Issue 54.** The NRC must require off-site evacuation planning for MRS facilities. NRC estimates that “the maximum dose to a member of the public offsite due to an accidental release of radioactive materials would likely not exceed 1 rem effective dose equivalent” cannot be defended because of the uncertainties. Without an EIS, NRC must at a minimum assume that an MRS facility poses an equal danger to the public as a nuclear reactor does. CCNS therefore recommends that NRC minimally require a 10-mile radius evacuation plan for MRS facilities.

**Response.** See the Commission's Response to Issue 48.

**Issue 55.** The NRC's requirement to “notify offsite response organizations and request offsite assistance, including medical assistance for the treatment of contaminated injured onsite workers” is completely unrealistic. The current applicants for MRS facilities are all Indian Nations whose reservations are located in rural areas with no emergency response training, equipment or expertise for handling nuclear emergencies. At a minimum, NRC's proposed rule must require training and equipment for both emergency response personnel as well as hospital facilities.

**Response.** See the Commission's Response to Issue 19.

Additionally, the Commission received 21 suggested editorial changes to the wording of the proposed regulations. Those changes that improved or clarified the proposed regulations were incorporated into the final regulations. Those suggested

changes in wording that departed from the Commission's original intent were not incorporated into the final regulations.

#### **Finding of No Significant Environmental Impact: Availability**

The Commission has determined under the National Environmental Policy Act of 1969, as amended, the Commission's regulations in subpart A of 10 CFR part 51, that this rule is not a major Federal action significantly affecting the quality of the human environment and therefore, an environmental impact statement is not required. The rule does not affect the probability or the size of accidental radioactive releases. It might in some cases reduce the doses people near the facility site could receive. The environmental assessment and finding of no significant impact on which this determination is based are available for inspection at the NRC Public Document Room, 2120 L Street, NW. (Lower Level), Washington, DC. The environmental assessment and finding of no significant impact are contained in 4.3 of NUREG-1140, “A Regulatory Analysis on Emergency Preparedness for Fuel Cycle and Other Radioactive Material Licensees.”

#### **Paperwork Reduction Act Statement**

This final rule amends information collection requirements that are subject to the Paperwork Reduction Action 1980 (44 U.S.C. 3501 et seq.). These requirements were approved by the Office of Management and Budget approval number 3150-0132.

Public reporting burden for this collection of information is estimated to average 625 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 this burden estimate or any other aspect of this collection of information, including suggestions for further reducing reporting burden to the Information and Records Management Branch, T-6F33, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; and to the Desk Officer, Office of Information and Regulatory Affairs, NEOB-10202 (3150-0132), Office of Management and Budget, Washington, DC 20503.

#### **Regulatory Analysis**

The Commission has prepared a regulatory analysis on this final regulation. The analysis examines the accident scenarios considered by the Commission as well as the costs and

benefits of actions considered. The analysis is available by contacting Michael T. Jamgochian, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone (301-415-6534).

#### **Regulatory Flexibility Certification**

As required by the Regulatory Flexibility Act of 1980 (5 U.S.C. 605b), the Commission certifies that this rule does not have a significant economic impact upon a substantial number of small entities.

The final rule requires the development and implementation of emergency plans by licensees who are authorized to possess significant amounts of radioactive material. These companies do not fall within the definition of a small business found in the Small Business Act, 15 U.S.C. 632, or within the small business size standards set forth in 13 CFR part 121. The final rule will affect three (3) licensees. Two licensees hold 10 CFR part 50 licenses and are required to comply with the provisions respecting emergency plans set out in part 50. Thus, the final rule does not impose a significant economic impact on a substantial number of small entities, as defined in the Regulatory Flexibility Act of 1980.

#### **Backfit Analysis**

The NRC has determined that the backfit rule, 10 CFR 50.109 and 10 CFR 72.62, do not apply to this rule change because these amendments do not involve any provisions which would impose backfits as defined in § 50.109(a)(1) or in 10 CFR 72.62. The final rule does not change or impose additional requirements on any ISFSI currently licensed under 10 CFR part 72. For existing ISFSIs at reactor sites, the final rule continues the current option to comply with 10 CFR 50.47. For G.E. Morris, the only ISFSI licensed under 10 CFR part 72 for operation away from a reactor site, the licensee currently is required to have emergency response capabilities that will comply with this rule. Therefore, inasmuch as the rule imposes no requirements on any part 50 facility and imposes no new or different requirements on any part 72 facility after a license has been issued, a backfit analysis is, therefore, not required for this final rule.

#### **List of Subjects in 10 CFR Part 72**

Manpower training programs, Nuclear materials, Occupational safety and health, Reporting and recordkeeping requirements, Security measures, Spent fuel.

<sup>9</sup>Copies of NUREGs may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Mail Stop SSOP, Washington, DC 20402-9328. 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 copying for a fee in the NRC Public Document Room, 2120 L Street, NW. (Lower Level), Washington, DC 20555-0001.