**Proposed Rules** 

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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 Parts 60, 72, 73, and 75

RIN: 3150-AF32

### Safeguards for Spent Nuclear Fuel or High-Level Radioactive Waste

AGENCY: Nuclear Regulatory Commission.

# ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is proposing to amend its regulations to clarify safeguards requirements for spent nuclear fuel or high-level radioactive waste stored at independent spent fuel storage installations, power reactors that have permanently ceased reactor operations, monitored retrievable storage installations, and geologic repository operations areas. This rule would allow general licensees the option of implementing the proposed safeguards requirements for spent nuclear fuel stored in approved casks at operating power reactor sites. This action is necessary to reduce the regulatory uncertainty regarding the safeguards requirements for the storage of spent nuclear fuel and high-level radioactive waste without reducing the level of protection for public health and safety.

**DATES:** Comment period expires November 13, 1995. 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 submitted to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001. Attn: Docketing and Service Branch. Hand deliver comments to 11555 Rockville Pike, Rockville, Maryland, between 7:45 am and 4:15 pm on Federal workdays.

Comments may be submitted electronically, in either ASCII text or Wordperfect format (version 5.1 or later), by calling the NRC Electronic Bulletin Board (BBS) on FEDWORLD. The bulletin board may be accessed using a personal computer, a modem, and one of the commonly available communications software packages. Background documents on the rulemaking are also available for downloading and viewing on the bulletin board.

The NRC rulemaking subsystem on FEDWORLD can be accessed directly by dialing the toll free number: 1-800-303–9672. Communication software parameters should be set as follows: parity to none, data bits to 8, and stop bits to 1 (N,8,1). Using ANSI or VT–100 terminal emulation, the NRC rulemaking subsystem can then be accessed by selecting the "Rules Menu" option from the "NRC Main Menu." For further information about options available for NRC at FEDWORLD consult the "Help-Information Center" from the "NRC Main Menu." Users will find the "FEDWORLD Online User's Guides" particularly helpful. Many NRC subsystems and databases also have a "Help-Information Center" option that is tailored to the particular subsystem.

The NRC subsystem on FEDWORLD also can be accessed by a direct dial phone number for the main FEDWORLD BBS: 703–321–3339. If you access NRC this way, then you may return to FEDWORLD by selecting the "Return to FEDWORLD" option from the NRC Online Main Menu. However, if you access NRC at FEDWORLD by using NRC's toll-free number, then you will have full access to all NRC systems, but you will not have access to the main FEDWORLD system. For more information on NRC bulletin boards contact Mr. Arthur Davis, Systems Integration and Development Branch, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone (301) 415-5780; e-mail AXD3@nrc.gov.

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 may also be viewed and downloaded electronically via the Electronic Bulletin Board established by NRC for rulemaking as indicated above under the ADDRESSES heading.

FOR FURTHER INFORMATION CONTACT: Mr. John L. Telford (301) 415–6229 or e-mail JLT@nrc.gov, or Dr. Sandra D. Frattali (301) 415–6261 or e-mail SDF@nrc.gov, Office of Nuclear Regulatory Research, or Ms. Priscilla A. Dwyer (301) 415– 8110 or e-mail PAD@nrc.gov, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

#### SUPPLEMENTARY INFORMATION:

#### Background

The Commission's regulations addressing the storage of spent nuclear fuel and high-level radioactive waste (HLW), 10 CFR part 72, "Licensing Requirements for the Independent Storage of Spent Nuclear Fuel and High-Level Radioactive Waste," refer the applicant or licensee to "\* \* applicable requirements of part 73 \* \* " for requirements for physical protection. However, part 73 does not identify any safeguards requirements that are specific to the storage of spent nuclear fuel or HLW. In practice, the NRC has imposed specific safeguards requirements on affected facilities through license conditions using selected portions of 10 CFR 73.50 and 73.55 and interim licensing criteria as guidance.

The Commission's regulations for disposal of spent nuclear fuel or HLW by DOE at a geologic repository operations area (GROA) take a different approach. Instead of specifying applicable requirements to protect the common defense and security, they call for DOE to certify that it will provide "\* \* \* such safeguards as it requires at comparable surface facilities \* \* \*" of DOE. They also require DOE to describe a physical security plan for protection against radiological sabotage, but the contents of that plan are not specified.

The only physical protection requirements in NRC regulations that are specific to the storage of spent nuclear fuel are those that apply to spent nuclear fuel stored in certified casks under a general license at operating nuclear power reactors. These requirements are found in § 72.212(b)(5).

The Commission is proposing regulations to codify existing practice for the safeguarding of stored spent nuclear fuel or HLW. The proposed amendments would provide a set of physical protection and material control and accounting requirements directed at the storage of spent nuclear fuel or HLW, whether at an independent spent