

located with reactor facilities or are reactor facilities. Most 10 CFR part 72 licensees also hold a 10 CFR part 50 (Domestic Licensing of Production and Utilization Facilities) license. These licensees share the same management structure and share the same emergency preparedness organization. Thus, conforming the reporting requirements of 10 CFR part 72 with the revised requirements of 10 CFR part 50 will reduce regulatory burden and potential confusion, will maintain safety, and will take advantage of the work already performed to relate risk to reporting requirements for these types of facilities.

The NRC is removing § 72.216, "Reports." Section 72.216 does not contain separate requirements, but merely directs a 10 CFR part 72 general licensee to comply with the reporting requirements of §§ 72.74 and 72.75. The addition of § 72.13, "Applicability," to the 10 CFR part 72 regulations in a final rule issued on August 21, 2000 (65 FR 50606), eliminated the need for this section. Section 72.13 contains direction on the 10 CFR part 72 regulations that apply to specific licensees, general licensees, or certificate holders. Section 72.216, paragraphs (a) and (b) were removed and reserved in a previous rulemaking (65 FR 63788; October 25, 2000). Paragraph (c) currently requires a general licensee to comply with §§ 72.74 and 72.75. Therefore, § 72.216 is no longer needed and will be removed and reserved, in its entirety. In addition, § 72.9 is revised as a conforming change because of the removal of § 72.216. Also, the reference to § 72.19 is removed from § 72.9 because there is no § 72.19 in 10 CFR part 72.

With respect to the 10 CFR part 73 event notification requirements, the 30-day period for submitting written follow-up reports for safeguards events will be extended to 60 days to be consistent with § 50.73. Changing the time limit from 30 days to 60 days does not imply that licensees should take longer than they previously did to develop and implement corrective actions. The NRC expects licensees to take timely corrective actions commensurate with the safety significance of the issue. The extension is based on simplicity for reporting, importance to risk, and having the required reporting time be consistent with the need for NRC action. Furthermore, the increased time for follow-up reporting will more likely allow for the completion of required root cause analyses, engineering evaluations, and full identification of corrective actions after event discovery; preparation of more complete and accurate event reports; and fewer event

report revisions and supplemental reports. However, the NRC believes the verbal safeguards event notification requirements should remain at 1 hour because the NRC may need to respond expeditiously to licensee safeguards notifications and notify other licensees and Federal agencies of the event, particularly in light of the current threat environment after the terrorist attacks of September 11, 2001.

Revising the 10 CFR parts 72 and 73 event notification reporting requirements to be consistent with those in 10 CFR part 50 will maintain safety and take advantage of the work already performed on the risk impacts of the event notification requirements for 10 CFR part 50 licensees. The revision of 10 CFR parts 72 and 73 will also reduce licensee burden through consolidation of some notifications and lengthening the reporting period for other notifications to correspond to the times required under 10 CFR part 50. The current event notification reporting requirements in 10 CFR part 50 require written notification within 60 days and verbal notification within 1 hour (emergency events), and within 1 hour, 4 hours and 8 hours for some non-emergency events. The need for a 4-hour versus an 8-hour non-emergency notification is based on the urgency of the situation and the NRC's need to take prompt action.

Public Comments on the Proposed Rule

This analysis presents a summary of the comments received on the proposed rule, the NRC's response to the comments, and changes made to the final rule as a result of these comments.

The NRC received four comment letters on the proposed rule. Two were from the nuclear industry (Strategic Teaming and Resource Sharing (STARS) and the Nuclear Energy Institute (NEI)), one from the Idaho National Engineering and Environmental Laboratory (INEEL), and one from the Florida Department of Environmental Health. Copies of the public comments are available for review in the NRC Public Document Room, 11555 Rockville Pike, Rockville, MD.

In general, none of the commenters were opposed to amending the regulations to make the ISFSI and MRS event notification requirements and the safeguards event notification requirements consistent with changes to the power reactor event notification requirements. Several of the commenters provided specific recommendations to improve the final rule. The NRC is also making some clarifications for consistency and editorial changes in the final rule.

Comment 1: Three of the four commenters stated that they support the proposed rule change and the fourth (State of Florida) found that the proposed change is consistent with their existing Florida Coastal Management Program. INEEL, a national laboratory (and an NRC ISFSI licensee), also stated that the proposed changes to 10 CFR parts 72 and 73 are welcomed and as currently described will not be difficult to implement.

Response: The NRC is not making any changes to the final rule that the NRC believes would negate the support for this rulemaking.

Comment 2: The two industry commenters (STARS and NEI) indicated that certain events that require verbal notification under § 50.72 do not require follow-up written notifications under § 50.73. The commenters suggested a similar approach be taken in § 72.75. Specifically, written follow-up notification need not be submitted for an emergency declaration [paragraph (a)], issuance of a press release or notification of another Government agency [paragraph b(2)], or transportation of a radioactively contaminated individual to an offsite medical facility for treatment [paragraph c(3)].

Response: The NRC agrees with the comments. The Commission has previously concluded and affirmed in its 10 CFR part 50 rulemaking (65 FR 63769; October 25, 2000), that written follow-up notifications are not required for reactor licensees who make verbal event notifications relating to the declaration of an emergency, issuance of a press release, notification to another Government agency, or transportation of a radioactively contaminated individual to an offsite medical facility for treatment.

Verbal and written notification requirements serve different purposes. A written follow-up notification provides a detailed analysis by the licensee of a reportable event (*e.g.*, identification of root causes and identification of corrective action to prevent recurrence). The written analysis provides the NRC an opportunity to perform review and analysis as resources are available and to perform reviews for generic issues. In contrast, verbal notifications serve to alert the NRC of an event that may require immediate NRC response and mobilization of NRC and other Government resources. Consequently, written follow-up notification of some types of events do not add any value to the NRC's understanding of the event. For example, the NRC's goal is to be able to promptly respond to public or