

media inquires if a licensee issues a press release or transports an injured worker, who is also contaminated, to an offsite facility for treatment. Sixty days after such an event, the NRC is not likely to receive inquiries requiring an immediate response.

With respect to emergency declarations, the NRC is already following the event closely and event notifications are sometimes retracted (*i.e.*, the licensee makes an initial conservative judgement, that upon further review is determined to be unnecessary). Therefore, a written follow-up notification would be both unnecessary and burdensome. Additionally, the absence of a written follow-up requirement on the declaration of an emergency does not obviate the licensee's responsibility in submitting a written follow-up event report based upon other § 72.75 criteria (which may have been the initiating cause that led to the emergency declaration).

Accordingly, the first sentence in the introductory paragraph to § 72.75(g) is revised to exempt verbal notifications made under §§ 72.75(a), (b)(2), and (c)(3) from the requirement for follow-up written notifications.

Comment 3: INEEL recommended that §§ 72.75(e)(3)(iv) and 72.75(g)(2)(xii) be modified to add at the end of the sentences in each of these sections the words "affected by the event." The commenter believes that information provided to the NRC should be limited to the quantities and chemical and physical forms of the spent fuel, high-level waste (HLW), or reactor-related greater than Class C (GTCC) waste involved in the event, rather than the licensee's entire inventory.

Response: The NRC agrees with the intent of the commenter. The wording in the proposed rule for § 72.75(e)(3)(iv) and (g)(2)(xii) inadvertently left off the word "involved." This word is used in the existing § 72.75(d)(1)(iv). Accordingly, § 72.75(e)(3)(iv) and (g)(2)(xii) are revised to include the phrase "involved in the event."

Comment 4: INEEL recommended that § 72.75(g)(8) be deleted, because it is a characteristic of the information provided in the written report, and not part of the report's content. The commenter suggested that § 72.75(g)(8) of the proposed rule be moved to the last sentence of § 72.75(g), "Preparation and submission of written reports."

Response: The NRC agrees with the comment. The second to last sentence of the introductory paragraph of § 72.75(g) is revised to incorporate legibility requirements and § 72.75(g)(8) is removed.

Section-by-Section Changes

The following section is provided to assist the reader in understanding the specific changes made to each section or paragraph in 10 CFR parts 72 and 73. For clarity of content in reading a section, much of that particular section may be repeated, although only a minor change is being made. This section should allow the reader to effectively review the specific changes without reviewing existing material that has been included for content, but has not been significantly changed.

In § 72.9, paragraph (b) is revised to remove §§ 72.19 and 72.216 as a conforming change.

Current § 72.75(b) is split into two new paragraphs, § 72.75(b) and (c) for 4-hour and 8-hour notifications, respectively. In new § 72.75(b), the existing 4-hour notification requirement remains unchanged for departing from a certificate condition or technical specification during an emergency (current § 72.75(b)(4)); a new requirement is added to notify the NRC when another Government agency is notified or a news release is planned to permit the NRC to promptly respond to public, media, and other stakeholder inquiries during events; and the current 4-hour notification is removed for events that require immediate action to avoid exposure or unplanned fires or explosions (current § 72.75(b)(1) and (b)(6)) because these notifications are redundant with the requirements in § 72.75(a).

In new § 72.75(c), the existing 4-hour event notifications are changed to an 8-hour notification for (1) a defect in any spent fuel, high-level radioactive waste, or reactor-related GTCC waste storage structure, system, or component important to safety¹ (current paragraph 72.75(b)(2)); (2) a significant reduction in the effectiveness of any spent fuel, high-level radioactive waste, or reactor-related GTCC storage confinement system in use (current § 72.75(b)(3)); and (3) an event that requires the transport of a radioactively contaminated person to an offsite

medical facility for treatment (revision of current § 72.75(b)(5)).

Current § 72.75(c) for 24-hour reports is redesignated as § 72.75(d) and revised as follows: The current notification is retained for events in which equipment important to safety fails to function (current § 72.75(c)(2)). The requirement for notification of unplanned contamination events requiring controls restricting worker access for greater than 24 hours is removed, because such an event occurring at an ISFSI or MRS does not rise to a level of significance that would warrant notification. Facilities that store and manipulate spent fuel assemblies are by their very nature subject to identification of contamination outside of posted radiological contamination control areas (*i.e.*, hot particles). The NRC considers the identification, control, and decontamination of these areas a routine radiation protection function, not an event requiring NRC notification—even if it takes the licensee more than 24 hours to clean up the contamination. Furthermore, although these 24-hour verbal reports are due within 24 hours of the discovery of the event, their relative lack of significance allows that this notification requirement be revised to permit these notifications to be delayed to the next working day (*i.e.*, 8 a.m. Eastern time) when the end of the 24-hour period falls outside of normal NRC working hours (7:30 a.m.–5 p.m. Eastern time), a weekend, or a Federal holiday.

Current § 72.75(d) is split into three paragraphs and redesignated as new paragraphs (e), (f), and (g) (*i.e.*, initial notification, follow-up notification, and preparation and submission of written reports) to provide greater clarity and consistency with §§ 50.72 and 50.73 event notification requirements.

In new § 72.75(e), the current requirement is retained to notify the NRC Headquarters Operations Center by telephone of emergency and non-emergency conditions [current § 72.75(d)(1)]. A new requirement is added to identify the Emergency Class declared or the respective paragraph of § 72.75 under which either a 4-hour, 8-hour, or 24-hour notification is being made. This notice will reduce confusion and facilitate NRC response to the emergency. The current requirement remains unchanged to provide supporting information [current § 72.75(d)(1)(i) through (v)]. Additionally, § 72.75(e)(3)(iv) is revised to include the words "involved in the event" to clarify the scope of the affected material that the licensee needs to describe.

¹ 10 CFR 72.3—*Definitions*. Structures, systems, and components important to safety means those features of the ISFSI, MRS, and spent fuel storage cask whose functions are—(1) To maintain the conditions required to store spent fuel, high-level radioactive waste, or reactor-related GTCC waste safely; (2) To prevent damage to the spent fuel, the high-level radioactive waste, or reactor-related GTCC waste container during handling and storage; or (3) To provide reasonable assurance that spent fuel, high-level radioactive waste, or reactor-related GTCC waste can be received, handled, packaged, stored, and retrieved without undue risk to the health and safety of the public.