

POLICY ISSUE
(Notation Vote)

June 4, 2001

SECY-01-0098

FOR: The Commission

FROM: William D. Travers /RA/
Executive Director for Operations

SUBJECT: MODIFICATION OF 10 CFR PART 20 REPORTING
REQUIREMENTS

PURPOSE:

To inform the Commission of the staff's recommendation not to pursue development of a rulemaking plan to modify the reporting requirements in 10 CFR Part 20.

BACKGROUND:

In SRM-SECY-98-036, "Rulemaking to Modify Event Reporting Requirements for Power Reactors," dated May 14, 1998, the Commission indicated that: "The staff should request industry identification of other reporting requirements that are potential candidates for modifying to a more risk-informed approach in the planned ANPR on § 50.72, and include this issue in the agendas for the upcoming workshops on § 50.72 and Decision Setting Initiative (DSI) 13. Based on the results from these workshops, a schedule and plan of action should be submitted to the Commission."

Input from the public meeting was transmitted to the Commission in SECY-99-181, "Proposed Plans and Schedules to Modify Reporting Requirements Other Than 10 CFR 50.72 and 50.73 for Power Reactors and Materials Licensees," dated July 9, 1999. Comment 6 suggested that the requirements for immediate reporting of radiological events in 10 CFR 20.1906(d)(1), §§ 20.1906(d)(2), 20.2201(a)(i), and 20.2202(a) should be changed to be consistent with the required reporting times in §§ 50.72 and 50.73.

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For example, "immediately" could be changed to (i) "...as soon as practical and in all cases within 1 hour" or (ii) "...as soon as practical and in all cases within 8 hours." Additionally, the comment suggests that the reporting requirement in § 20.2203(a) (i.e. within 30 days), could be changed to 60 days.

In the attached SRM-SECY-99-181, dated August 13, 1999, the Commission approved the staff's recommendation to develop a rulemaking plan or a Commission paper explaining why the rulemaking is unnecessary.

DISCUSSION:

In response to SRM-SECY-99-181, a Working Group (WG) was formed, comprised of staff from the Office of Nuclear Material Safety and Safeguards (NMSS), Office of Nuclear Reactor Regulation, Office of Enforcement, Office of General Counsel, and the Office of State and Tribal Programs (STP). The WG reviewed the existing requirements and the proposed changes to Part 20 reporting requirements. Additionally, the WG contacted cognizant U.S. Nuclear Regulatory Commission (NRC) regional and Headquarters staff to ascertain whether any problems with current reporting requirements or enforcement issues had been identified.

Comment 6 of SRM-SECY-99-181 (see attachment) suggested that the requirements for immediate reporting of radiological events in §§ 20.1906(d)(1), 20.1906(d)(2), 20.2201(a)(i), and 20.2202(a) should be changed to be consistent with the required reporting times in 10 CFR Part 50 and that the 30-day written report requirement in § 20.2203(a) could be changed to 60 days.

The staff examined the requirements for immediately reporting radiological events in §§ 20.1906(d)(1), 20.1906(d)(2), 20.2201(a)(i), and 20.2202(a) in light of the NRC Strategic Plan and found these reports are required to help ensure that NRC is able to achieve and measure its strategic and performance goals. Sections 20.1906(d)(1) and (2) require that a licensee receiving a shipment of radioactive material immediately notify the final delivery carrier and the NRC Operations Center when removable radioactive surface contamination, or external radiation levels, exceed limits specified in §§ 71.87(i) and 71.47. This requirement helps to prevent the spread of contamination and the unnecessary exposure of workers and members of the public to licensed material and relates to NRC's performance goal of maintaining safety. Section 20.2201(a)(1)(i) requires that a licensee immediately report lost, stolen, or missing licensed material in an aggregate quantity equal to or greater than 1000 times the quantities specified in Appendix C of Part 20 if it appears that an exposure to persons in unrestricted areas could result. This requirement is necessary to ensure that appropriate action is taken to quickly locate lost or stolen material to reduce potential exposures to members of the public and relates to the control of licensed material performance measure. Section 20.2202(a) requires that a licensee immediately report an event that may have caused or threatens to cause individual doses equal to or in excess of five times the annual dose limits or the release of material that could cause an individual to receive five times the Annual Limit of Intake in 24 hours. This requirement could prevent exposure of workers and the public and relates to the overexposure performance measure. These reporting requirements help NRC to analyze the event and ensure appropriate action is taken to maintain safety, protect the environment, and promote the common defense and security. These requirements allow NRC to measure its

performance against the goals and measures in the strategic plan, and to adjust its regulatory oversight accordingly. By performing this ongoing process, NRC will enhance its accountability and credibility which should increase public confidence.

The NRC/State Working Group on Event Reporting was established in January 2000 to: (1) perform an independent review of the materials event reporting and assessment process; and (2) make recommendations for improving the effectiveness and efficiency of the process. In July 2000, the working group issued a questionnaire to NRC regional offices and Agreement State offices to solicit input on issues and concerns. The working group issued its report for review (ML011220065) to all participating offices including the Organization of Agreement States on March 31, 2001. Based on a review of the report, none of the recommendations in the report impacted, or warranted a revision to, the current reporting requirements of Part 20.

ARGUMENTS FOR RULEMAKING

Currently, the term “immediately” is not defined in Part 20, which leaves the reporting time open for possible interpretation by licensees. Timely and accurate event reports allow NRC to make decisions on the actual or potential threats to public health and safety. By receiving reports of significant events in a timely manner, NRC is able to assess the facts, take necessary actions, inform the public, and alleviate public fear and concern. Removing the term “immediate” and replacing it with a statement such as “as soon as practical and in all cases within 1 hour,” may help NRC take necessary actions by ensuring that reports are made in a timely fashion. The reporting times would depend on the possibility of an actual or potential threat to public health and safety.

Section 20.2203 only requires a licensee to submit a report within 30 days after learning that the event meets the reporting requirements in this section. Allowing licensees to provide a written report 60 days after an event rather than 30 days may reduce some licensee burden. The resource burden to licensees would be spread out over 60 days rather than 30 days. Further, the additional time could allow the licensee to ensure the completeness and accuracy of the event report to NRC.

ARGUMENTS AGAINST RULEMAKING

The WG contacted cognizant NRC regional and Headquarters staff to determine if there was an apparent need and adequate justification for pursuing rulemaking to replace the word “immediate” in Part 20 reporting requirements with more definitive language. The staff did not identify significant safety or enforcement issues that would be resolved by the proposed action. Currently, NRC is receiving most reports in a timely manner that allows an appropriate course of action to be determined. The staff noted that the problems that it has experienced with the reporting requirements are not with licensees’ interpretation of the term “immediate,” but rather that licensees do not always determine in a timely manner that an event meets the reporting requirements. For example, for an event that requires processing of dosimetry, a licensee will not necessarily learn that the event was potentially reportable until it receives the results from the dosimetry processor. It may be appropriate for the licensee to take some time to perform a reenactment if it does not believe the dosimetry results reflect the actual dose. The staff does not believe these problems will be resolved by rulemaking to revise the term “immediate.” While the staff realizes that maintaining the current language in Part 20 could lead to untimely

reports by licensees and could hinder NRC's ability to take enforcement action, the staff is not aware of any occasion when an NRC response was delayed by late reporting. Further, the staff does not believe it is necessary to pursue rulemaking to address this concern since these situations occur infrequently and NRC should be able to take enforcement action in cases where a licensee acts unreasonably in making a report determination. Finally, it should be noted that changes to the Part 20 reporting requirements could negatively impact NRC's ability to validate NRC's performance data. A delay in written reports would further lengthen the time needed to have a complete record of events for the year.

To estimate the current burden on NRC and Agreement State licensees, event reports from January 1995 through August 24, 2000, were reviewed. There were two reports from power reactor licensees reported under the subject reporting requirements. The Part 20 immediate reporting requirements do not place a great burden on reactor licensees. During this same time period, there were approximately 842 immediate reports made by materials licensees. While submitting these reports is a burden on materials licensees, the staff continues to believe the reporting requirement is necessary to ensure the NRC will be able to achieve and measure its strategic and performance goals. It will also ensure appropriate action is taken to maintain safety, protect the environment, and promote the common defense and security. Therefore, changing the requirement will not affect the licensees efforts required to generate and submit the reports.

The staff does not believe that the 30-day written report should be extended to 60 days. Section 20.2203 requires a written report of exposures, radiation levels, and concentrations of radioactive materials exceeding the constraints or limits. Some of the reports in this section do not have a corresponding telephone report requirement. For example, if a worker receives a dose greater than 5 rem and less than 25 rem without at least 5 rem occurring within a 24-hour period, a 30-day report is required without telephone notification. These doses tend to be cumulative doses received over several months. By receiving the report in 30 days, the Regions are able to review the appropriateness and adequacy of the programmatic changes in a timely manner. A recent example of this situation is the extremity overexposure at Mallinckrodt Harrisburg pharmacy. Few licensees have had difficulty in completing the report within 30 days. On occasion, the report had to be extended due to circumstances beyond the control of the licensee, such as waiting for a report from a vendor. This has occurred infrequently and has not posed a significant burden to NRC or the licensee.

STAFF CONCLUSIONS

The staff recommends that rulemaking not be pursued. The staff does not believe that the benefit(s) of making the Part 20 reporting requirements consistent with Part 50 requirements outweighs the cost of NRC and Agreement State resources needed for the rulemaking. The current system does not appear to be problematic for licensees or NRC in identifying events that are required to be reported in a timely manner. Although the proposed changes to the reporting requirements in Part 20 may provide clarification and specificity, the changes are not necessary to ensure that reports are made in a timely manner. Additionally, Part 20 applies to all licensees and therefore needs to be more generic than other parts specific to certain categories of licensed activities (e.g., power reactors). If more prescriptive reporting requirements are necessary for a particular type of licensee, the requirements should be incorporated in the applicable specific part. The written report requirements in §§ 50.72 and

50.73 were relaxed from 30 days to 60 days only for those events where NRC did not need the information within 30 days for protection of public health and safety and the protection of the environment. In addition, by Staff Requirements Memorandum dated April 18, 2001, responding to SECY-01-0054, "Rulemaking Plan: 10 CFR Parts 72 and 73-Conforming Requirements of Event Notification", the Commission, to improve overall regulatory efficiency and effectiveness, approved a rulemaking plan to proceed with the development of a proposed rule to revise the event notification reporting requirements in 10 CFR 72 and 73 to conform, as appropriate, with the current reporting requirements in 10 CFR 50.72 and 50.73. However, the staff believes that the current 30-day written reporting requirement in Part 20 is needed due to the nature of the event, such as exposures in excess of the dose limits, or lost sources, which also involve protection of public health and safety and the protection of the environment. The appearance of relaxing reporting requirements may reduce public confidence that NRC is carrying out its mission. Additionally, regulatory burden on licensees would not be reduced because the reporting requirements will not be eliminated. The issue of delays in determining that a reportable incident has occurred is addressed elsewhere in NRC requirements. Therefore, changing the reporting requirements in Part 20 will not resolve any problems in this area, nor is it needed to maintain safety, and will not significantly reduce unnecessary burden on licensees. Instead, the proposed rulemaking would require that additional resources be expended on unnecessary rulemaking that could be applied to other regulatory actions. Thus, the recommendation not to pursue rulemaking will continue to maintain public confidence by ensuring reports are received in a timely manner to determine appropriate NRC response.

Finally, a number of initiatives are underway to identify means to reduce unnecessary burden and paperwork. Any burdens associated with Part 20 will be prioritized through the Planning, Budgeting and Performance Measures (PBPM) process, including any other staff recommendations provided to the Commission for consideration.

COORDINATION:

The Office of the General Counsel has no legal objection to the staff's recommendation not to pursue rulemaking. The Office of the Chief Financial Officer has reviewed this paper for resource implications and has no objections. The staff actions described in the Commission paper will require no additional NRC resources, beyond what is already provided in the FY 2000 and FY 2001 NMSS budget allocations.

RECOMMENDATIONS:

The staff recommends that rulemaking not be pursued because the benefits do not outweigh the costs of conducting rulemaking. Report requirements are necessary to ensure that appropriate action is taken by the NRC to maintain safety. Currently, the staff is not aware of any occasion when NRC response was delayed by late reporting.

/RA/

William D. Travers
Executive Director
for Operations

Attachment: SRM-SECY-99-181and SECY-99-181

RECOMMENDATIONS:

The staff recommends that rulemaking not be pursued because the benefits do not outweigh the costs of conducting rulemaking. Report requirements are necessary to ensure that appropriate action is taken by the NRC to maintain safety. Currently, the staff is not aware of any occasion when NRC response was delayed by late reporting.

/RA/

William D. Travers
Executive Director
for Operations

Attachment: SRM-SECY-99-181and SECY-99-181

RECORD NOTE: This Commission Paper(CP) was originally developed through the efforts of an NRC Working Group comprised of staff from the Offices of NMSS, NRR, OE, STP and OGC. As of January 2, 2000, concurrence was received from all the above Offices (see previous concurrences attached). However, in January 2000 an NRC/AGREEMENT STATE Working Group (WG) was formed to (1) perform an independent review of the materials event reporting and assessment process and, (2) make recommendations for improving the effectiveness and efficiency of the process. It was determined at that time by NMSS management that prior to forwarding the original Commission Paper to the EDO it be placed on hold until the findings from the NRC/STATE WG were received. The NRC/STATE report and findings were received in April 2001. Based on staff review of this report, it was determined that none of the recommendations in the WG report warranted a revision to the event reporting requirements in Part 20, and the recommendation in this paper not to pursue rulemaking still stands.

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August 13, 1999

MEMORANDUM TO: William D. Travers
Executive Director for Operations

FROM: Annette L. Vietti-Cook, Secretary /s/

SUBJECT: STAFF REQUIREMENTS - SECY-99-181 - PROPOSED PLANS AND
SCHEDULES TO MODIFY REPORTING REQUIREMENTS OTHER THAN 10
CFR 50.72 AND 50.73 FOR POWER REACTORS AND MATERIALS
LICENSEES

The Commission has approved of the staff's recommendation to modify reporting requirements other than 10 CFR 50.72 and 50.73 for power reactors and materials licensees, as described in SECY-99-181.

cc: Chairman Dicus
Commissioner Diaz
Commissioner McGaffigan
Commissioner Merrifield
OGC
CIO
CFO
OCA
OIG
OPA
Office Directors, Regions, ACRS, ACNW, ASLBP (via E-Mail)
PDR
DCS

Attachment 1

July 9, 1999

SECY-99-181

FOR: The Commissioners

FROM: William D. Travers /s/
Executive Director for Operations

SUBJECT: PROPOSED PLANS AND SCHEDULES TO MODIFY REPORTING REQUIREMENTS OTHER THAN
10 CFR 50.72 AND 50.73 FOR POWER REACTORS AND MATERIALS LICENSEES

PURPOSE:

The purpose of this paper is to provide the staff's proposed plans regarding modification of reporting requirements other than 10 CFR 50.72 and 50.73 for power reactors and materials licensees.

BACKGROUND:

In SECY-99-022, "Rulemaking to Modify Reporting Requirements for Power Reactors," January 20, 1999, the staff recommended deferring, until the end of calendar year 1999, further consideration of rule changes recently suggested by public comment. In a staff requirements memorandum (SRM) on the same subject, dated March 19, 1999, the Commission disapproved that recommendation. The Commission indicated that while resource constraints may preclude initiating these rulemaking activities in 1999, the staff should provide the Commission with a schedule and a plan of action for revising the reporting rules listed in SECY-99-022. The Commission also indicated that the staff should include the basis for significantly delaying any of these rulemaking activities. Further, the Commission directed the staff to remain cognizant of ongoing efforts to risk inform 10 CFR Part 50 and to use the Planning, Budgeting, and Performance Management process as a framework by which to more effectively plan its work, allocate its resources, and assess its performance.

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DISCUSSION:

As noted in SECY-99-022, public comment included suggestions to revise reporting rules in eight areas. The staff's recommendations for each of these areas are described below. For areas in which the staff proposes to take no action, the justifications are provided. For other areas, a schedule is proposed for providing a rulemaking plan or a Commission paper explaining why the staff does not believe rulemaking is needed. Additional milestones, beyond submittal of a rulemaking plan, if appropriate, will be covered in the appropriate rulemaking plan(s).

These recommendations have been developed within the framework of the Planning, Budgeting, and Performance Management process. This development included consideration of the following four factors:

- (1) Maintaining safety. In two of the changes suggested by commenters (Comments (2) and (3) below), the staff believes that the current requirements are of assistance in maintaining safety. Accordingly, the staff does not propose to take any further action with regard to Comments (2) and (3) as is discussed later in this paper.
- (2) Enhancing public confidence. There is some potential for an adverse effect on public confidence in that some may view a reduction in requirements as a less conservative action. However, only changes that have no adverse impact on safety are being considered.
- (3) Improving NRC efficiency and effectiveness. The staff's recommended action may result in fewer reports to be submitted to and reviewed by the NRC. However, in some cases, such as Comment (1) below, the potential savings may be offset by the cost of effecting the change.
- (4) Reducing unnecessary regulatory burden. Reducing unnecessary reporting burden is the essence of the proposed actions, although the burden associated with the reporting requirements varies with each rule.

In considering the appropriate schedule, the staff's recommended actions have limited potential for burden reduction, whereas rulemaking to effect the suggested changes would consume considerable resources. For Comments (1) through (5), the staff is recommending no further action for the reasons described in the individual discussions. For the reporting requirements addressed in Comments (6) through (8), the central thrust of the comments is to consider making the required reporting times in 10 CFR Parts 20, 72, and 73 more consistent with those currently being proposed for 10 CFR 50.72 and 50.73. However, the final disposition of these proposed changes will not be known until about April 2000. In addition, other priority work precludes beginning work until FY 2000. Finally, the Agreement State review process applies to 10 CFR Part 20. All of these considerations were included in developing the proposed schedules.

The staff's proposals for the eight areas listed in SECY-99-022 are as follows:

Comment 1: Amend 10 CFR 50.46(a)(3) to exclude annual reporting of non-significant errors in and corrections to approved ECCS [emergency core cooling system] models and applications.

Discussion: Currently, 10 CFR 50.46(a)(3) requires the following reports for an error in, or a change to, an acceptable ECCS evaluation model, or its application:

- (a) An error or a change that results in calculated performance that does not meet the ECCS acceptance criteria as defined in 10 CFR 50.46(a)(3)(ii) as a reportable event under 10 CFR 50.55(e), 50.72, and 50.73.
- (a) An error or correction that changes calculated peak cladding temperature by more than 50°F (including a cumulation of changes and errors with a sum of absolute magnitudes greater than 50°F) is considered significant and must be reported in writing within 30 days.
- (c) For other errors or corrections that affect calculated peak cladding temperature, the nature and estimated effect on the limiting ECCS analysis must be reported in writing at least annually.

The comment suggests elimination of the reports in Item (c). About one report per year, industry-wide, has been submitted under Item (c) in recent years. The staff believes that this suggestion has merit. By its own terms, Item (c) involves reporting of errors and corrections that are not considered significant. Furthermore, in the absence of Item (c), such errors and corrections would become significant and, thus, reportable under Item (b), if and when the sum of their absolute magnitudes rises to 50°F.

A rulemaking solely to accomplish this suggested change would not be justified because it would involve expending thousands of hours in order to reduce reporting burden by about 50 hours per year industry-wide. However, if other worthwhile suggestions for reducing reporting burden are identified, the staff will reconsider the need for rulemaking, and a combined rulemaking to accomplish several changes might be justified.

Comment 2: Delete the requirement for annual reporting of changes made pursuant to 10 CFR 50.59.

Discussion: Currently, 10 CFR 50.59(b)(2) requires licensees to provide a brief description of each change and a summary of its safety evaluation annually, or along with the final safety analysis report (FSAR) updates required by 10 CFR 50.71(e), or at such shorter intervals as may be specified in the license. Each power reactor licensee submits about one report every 2 years under this requirement. The staff has estimated that about 100 changes per reactor per year are reported.

The staff has recently submitted a final rule to the Commission in SECY-99-130, dated May 12, 1999. The final rule would change the reporting interval to 24 months, but in other respects, this reporting requirement would remain unchanged. (This change in frequency would have little effect on power reactor licensees because most of them submit the reports along with the FSAR updates required by 10 CFR 50.71(e), which can be on a frequency of up to 24 months.)

The comment suggests deleting this reporting requirement entirely. The burden reduction that could be achieved from such a change is limited because licensees would still be required to evaluate the changes, maintain records related to them, and reflect the effects of the changes in the periodic FSAR updates. That is, the burden of creating the reports required by 10 CFR 50.59(b)(2) is limited to summarizing work that has already been done. Because no particular format is specified for the report, the burden of creating these reports can be, and sometimes is, reduced to the making of copies of the evaluations and transmitting them formally to the NRC.

Furthermore, the staff believes that these reports are of assistance in maintaining safety. Primarily, the reports are read by resident and region-based inspectors who use them to plan inspections of design changes. They also provide information to other staff members and the public about changes, tests, and experiments implemented without prior NRC approval. They are the only docketed source of information about tests, experiments, and the effects of temporary changes (if any) that are not reflected in periodic FSAR updates.

For these reasons, the staff does not propose any action or further evaluation with regard to this suggestion.

Comment 3: Amend the requirements for 24-hour reporting of fitness-for-duty events in 10 CFR 26.73(b).

Discussion: Currently, 10 CFR 26.73(b) requires reporting certain fitness-for-duty events by telephone within 24 hours. There is no requirement for written followup reports. Reporting under this requirement includes events such as the sale, use, or possession of illegal drugs within the protected area or by licensed personnel, confirmed positive drug tests for licensed personnel, or consumption of alcohol within the protected area by licensed personnel. The staff is completing work on a final rule that would redefine and clarify what is reportable. However, the 24-hour time limit would remain unchanged. About 40 reports per year, industry-wide, have been made under this requirement in recent years.

The comment suggests that the NRC consider a longer reporting time because individuals involved in this type of event would be promptly barred from the site. However, in some cases, that may not be so. For example, a licensee might find evidence of drugs or alcohol on site but lack the link to a particular individual necessary to bar the individual from the site. Furthermore, since a period of 24 hours is a relatively long time in which to make a telephone report, little or no burden reduction could be obtained by further extension of the required reporting time. Finally, in some cases, the staff may need to initiate followup action, such as a special inspection, and further extension of the required reporting time would delay such action without any compensating benefit. For these reasons, the staff does not propose any action or further evaluation with regard to this suggestion.

Comment 4: Amend the requirements for 1-hour reporting of fitness-for-duty events in 10 CFR 26.73(b).

Discussion: The fitness-for-duty events defined in 10 CFR 26.73(b) are reportable within 24 hours, not 1 hour as suggested by the comment. See Comment (3) above for a discussion of the suggestion to extend this 24-hour limit.

Comment 5: For construction permit holders, amend 10 CFR 50.55(e) in the same fashion as is proposed for 10 CFR 50.72 and 50.73.

Discussion: Currently, Section 10 CFR 50.55(e) requires that construction permit holders report defects and failures to comply that are associated with a substantial safety hazard. About one report per year, industry-wide, has been submitted under this requirement in recent years. If construction becomes active at Bellefonte, the staff would expect to receive about two or three reports per year, industry-wide, as was the case when construction was active at Watts Bar.

The staff believes that this is an appropriate reporting criterion for a plant under construction. It is similar to the reporting criterion of 10 CFR Part 21 and has a generally higher (i.e., less restrictive) reporting threshold than 10 CFR 50.72 and 50.73. The staff is not aware of any recognized problems with 10 CFR 50.55(e), and it is not apparent how the reporting criterion might be improved to reduce burden. Any potential benefit in terms of burden reduction is very small and would be far outweighed by the cost of effecting a change (via rulemaking). For these reasons, the staff does not propose any action or further evaluation with regard to this suggestion.

Comment 6: Amend the requirements for immediate reporting of radiological events in 10 CFR 20.1906(d)(1), 20.1906(d)(2), 20.2201(a)(i), 20.2202(a), and 20.2203(a).

Discussion: Currently, the cited rules contain the requirements summarized below, which apply to power reactors as well as other licensees. On an industry-wide basis, power reactor licensees report about 1 event per year, and other licensees report about 70 events per year under these requirements.

- (a) Sections 20.1906(d)(1) and (2) require that a licensee receiving a shipment of radioactive material *immediately* notify the final delivery carrier and the NRC Operations Center when removable radioactive surface contamination, or external radiation levels, exceed limits specified in the rule.
- (b) Section 20.2201(a)(1)(i) requires that a licensee *immediately* report lost, stolen, or missing licensed material in excess of quantities specified in the rule if it appears that an exposure to persons in unrestricted areas could result.
- (c) Section 20.2202(a) requires that a licensee *immediately* report an event that may have caused or threatens to cause individual doses in excess of limits specified in the rule or radioactive releases in excess of limits specified in the rule.
- (d) Section 20.2203(a) requires that licensees provide a written report *within 30 days* after learning of (i) an incident for which notification is required by Section 20.2202, (ii) doses in excess of limits specified in the rule, (iii) levels of radiation or concentrations of radioactive material in excess of limits specified in the rule, or (iv) levels of radiation or releases of radioactive material in excess of 40 CFR Part 190, or of related license conditions (for licensees subject to those general applicable environmental radiation standards).

The comment suggests that the required reporting times should be changed to be consistent with the required reporting times in 10 CFR 50.72 and 50.73. For example, "immediately" could be changed to (i) "as soon as practical and in all cases within 1 hour" or (ii) "as soon as practical and in all cases within 8 hours." The requirement to report within 30 days could be changed to 60 days.

The staff proposes to evaluate the need to carry out a rulemaking to address these comments. The staff believes that there is merit in defining the term "immediate" in Part 20. However, another option would be to define "immediate" in a guidance document. The Part 20 changes would affect Agreement States and, in accordance with NRC Management

Directive 6.3, Agreement State review will need to be considered in any final rulemaking plan and schedule. The staff does not believe that this rulemaking would result in a large burden reduction for the industry as the reporting requirement would not be eliminated. Therefore, this rulemaking is not being given a high priority. On the basis of other ongoing high-priority rulemakings, the staff would not begin this effort until FY 2000. Following evaluation and coordination with Agreement States, the staff will submit a rulemaking plan, or a Commission paper explaining why the staff thinks a rulemaking is not necessary, by October 30, 2000.

Comment 7: Section 72.75 contains the requirements for a 4-hour report and a 30-day written follow-up report. Revise this requirement to 8 hours and 60 days, similar to the changes proposed for 10 CFR 50.72 and 50.73.

Discussion: See the discussion for Comment (8) below.

Comment 8: Section 73.71 and Appendix G contain requirements for 1-hour reports. Amend these requirements to 8 hours, similar to the changes proposed for 10 CFR 50.72.

Discussion: The staff proposes to evaluate the need to carry out a rulemaking that addresses changes in both 10 CFR Parts 72 and 73. The rulemaking schedule will take into account the schedule for proposed changes to reporting requirements in 10 CFR 50.72 and 50.73 so that consistency can be maintained. If the reporting requirements in 50.72 and 50.73 should change, the staff will consider whether conforming changes to 10 CFR 72.75 and 73.71 would be appropriate. In an SRM dated May 27, 1999, on SECY-99-115, the Commission indicated that if the rulemaking to revise 10 CFR 50.73(b) goes forward, the staff should consider at that time whether conforming changes to Part 72 would be appropriate. The final rule to modify 10 CFR 50.72 and 50.73 is currently scheduled for publication in April 2000. The staff will provide a rulemaking plan for changes to reporting requirements in 10 CFR Parts 72 and 73, or a Commission paper explaining why the staff thinks that a rulemaking is not necessary, within 5 months after the Part 50 rule is completed.

COORDINATION:

OGC has reviewed this paper and has no legal objection to its contents. The OCIO has reviewed this paper for information technology and information management implications and concurs in it. The OCFO has reviewed this paper for resource implications and has no objections to its contents.

RECOMMENDATION:

That the Commission approve the staff's proposed actions and schedules as described above.

original /s/ by

William D. Travers
Executive Director
for Operations