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RECORD #51

TITLE: Guidance on Reporting Requirements of !0 CFR 20.403

FICHE: 68579-241

10 CFR 20.403
Issue Date 11/1/78

GUIDANCE - REPORTING REQUIREMENTS OF 10 CFR 20.403

PURPOSE - To provide clarification for certain conditions under which reports would be required for the subject regulation.

BACKGROUND - OELD was requested to provide guidance on certain reporting requirements for 10 CFR 20.403 (see OELD's enclosure). The guidance is intended to be used until a rule change clarifies the reporting requirements for 20.403.

DISCUSSION - As a result of the OELD guidance, the IE interim position for inspection and enforcement is as follows: 1) In vivo data is not reportable under 10 CFR 20.403. It would be reportable under 10 CFR 20.405 to the extent that, together with other measurements, it indicates that an exposure to concentrations in excess of applicable limits has occurred. 2) The reporting requirements of 10 CFR 20.403(a)(2) and 20.403(b)(2) apply only to releases to unrestricted areas.

Enclosure:
As stated



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

Enclosure to IE Manual
10 CFR 20.403
Issue Date: 11/1/78

FEB 10 1978

MEMORANDUM FOR: L. B. Higginbotham, Acting Director,
Division of FFMSI, IE

FROM: Karen Cyr, OELD

SUBJECT: GUIDANCE ON REPORTING REQUIREMENTS OF 10 CFR 20.403

This is to clarify my earlier response to your request for information on reporting requirements of 10 CFR 20.403 following a conversation with members of your staff.

Information was requested on:

- 1) whether or not in vivo data which indicates a significant body deposition of licensed material is reportable to NRC under 10 CFR 20.403; and
- 2) whether paragraphs 20.403(a)(2) and (b)(2) require reports of release of radioactive material to restricted areas as well as unrestricted areas.

As to the first question, results of in vivo data do not explicitly fall within any of the categories of reportable items listed in the Section. Nor do any of the Sections of Part 20 which refer to the use of a bioassay program make any reference to reporting of those results under the requirements of 20.403. Consequently, in vivo data is not reportable under 20.403. It would be reportable under §20.405 to the extent that, together with other measurements, it indicates that an exposure to concentrations in excess of applicable limits has occurred.

Your second question concerns whether the reporting requirements of §20.403(a)(2) and 20.403(b)(2) are applicable to releases to both restricted and unrestricted areas.

It is my understanding that it has been the practice of IE to require that any release of the magnitude specified, whether in a restricted or unrestricted area, should be reported. The concern was that a release of this magnitude, regardless of where it occurred, represented a loss of control over the material. Since §20.403 does not specify either restricted or unrestricted areas, it has been considered to apply to releases in both areas.

Confusion has arisen, however, because the section refers to releases in excess of the limits in Table II, Appendix B. Elsewhere in Part 20, Table II is used to determine limits on radioactivity in releases of effluents to unrestricted areas. See reference §20.106(a). Table I, in contrast, is used only in determining limits on individual exposures in restricted areas. See reference 20.103(a)(1) and (2). Therefore, it is reasonable to infer from the face of the regulation that Table II applies only to unrestricted areas and therefore, only releases to unrestricted areas are reportable under the requirements of 20.403.

Consequently, in our view, the interpretation of §20.403(a)(2) and (b)(2) is ambiguous at best. The regulation needs to be clarified to more accurately identify those releases which the Staff believes need to be reported and to put licensees on notice of what releases must be reported.

The proposed letter from one of the regional offices is not in accord with the past practice which is to be concerned with releases of a certain magnitude, apart from whether an overexposure has occurred, because they represent a loss of control of material. The reportability of releases to restricted areas should not be tied to an overexposure incident. In addition, overexposures to individuals in restricted areas are to be determined only by the limits for airborne concentration in 20.103 (Table I, Appendix B).

Karen Cyr
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