

December 27, 1989

MEMORANDUM FOR: Frank P. Gillespie, Director
Program Management and
and Analysis Staff
Office of Nuclear Reactor Regulation

FROM: Frank J. Congel, Director
Division of Radiation Protection
and Emergency Preparedness
Office of Nuclear Reactor Regulation

SUBJECT: CONCURRENCE FOR PROPOSED RULEMAKING-NOTIFICATION OF
INCIDENTS 10 CFR 20.403 (WITS No. 899288)

By memo dated December 14, 1989, Eric Beckjord requested Dr. Murley's concurrence on the proposed rule making package revising the reporting requirements in 10 CFR 20.403. This rule making will delete portions of 20.403 and add new reporting requirements to Parts 30, 40 and 70. My staff has reviewed this package and has one minor comment. The first sentence of Enclosure 1, page 4, should be modified to clarify the applicability of these revised requirements. Enclosed is a marked up copy of that page with suggested wording.

Since the comments previously provided by my staff have been incorporated in this draft, I recommend NRR concurrence, with the comment noted above.

If you have any questions regarding our comments, please contact Jim Wigginton at 492-1136.

Original Signed By:

Frank J. Congel, Director
Division of Radiation Protection
and Emergency Preparedness
Office of Nuclear Reactor Regulation

Enclosure: As stated

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Approved for
FJ Congel
12/27/89
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discussed below do not apply to commercial power reactor licensees under 10 CFR Part 50; however, they do apply to the activities of nuclear utilities licensed under Parts 30, 40, and 70 including such activities on sites of nuclear power reactors.

Definition of Immediate Notification

A period of four hours would be used to define the term "immediate notification" for material licensees. It is intended that licensees will notify the NRC of incidents as soon as possible, but in no case later than four hours after discovery. This is consistent with some of the immediate reporting requirements specified in § 50.72 for power reactors. Four hours was used because many smaller material licensees do not have the capability to quickly assess and respond to events that reactor licensees possess and because the degree of hazard posed by nonreactor events is typically much smaller than the hazard posed by reactor events.

Worker Safety-Related Events

NRC places the primary responsibility on the licensee for controlling and using licensed material safely. Therefore, it is important that NRC receive reports of events or conditions that prevent or threaten to prevent the performance of surveys or other safety-related duties necessary to maintain control of licensed material. A reporting requirement for these types of safety-related events has been specifically included to clarify that these events must be reported. A similar requirement is currently specified in 10 CFR 50.72(b)(1)(vi) for reactor licensees. An example of an incident that should be reported is the bulging of a filled uranium hexafluoride cylinder. This incident may cause minimal damage and no injury, but if it threatens a release of licensed material that could injure individuals in the area and prevent corrective actions necessary to control the material, NRC must be aware of the situation so that it can respond appropriately.

Prompt notification is required only if events or conditions threaten an immediate disabling injury or threaten to prevent immediate