



DOCKET NUMBER
PROPOSED RULF. PR 20, 30, 40 + 70
(55 FR 19890)

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DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
WASHINGTON, DC 20350-2000

IN REPLY REFER TO

90 AUG 13 P6:15

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Ser 455/OU599493
8 Aug 90

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Attention: Docketing and Service Branch

Dear Sir:

The Navy Radiation Safety Committee has reviewed the proposed rule on Notification of Incidents as published in the Federal Register on Monday, 14 May 1990. Our comments are attached.

The Committee opposes adoption of the proposed rule as written. We find it to be overly restrictive in that it does not establish lower bounds or classes of material that could or should be exempted because they do not present a risk to public health and safety. In addition, the immediate notification requirements in the proposed rule are vague and open to differing interpretations. The proposed rule places an additional administrative burden on licensees without, in many cases, better protecting the public health and safety.

Our point of contact for further information is Captain Karl G. Mendenhall, who may be reached at (202)692-5575.

Sincerely,

John P. Collins
Captain, CEC, U.S. Navy
Chairman, Navy Radiation
Safety Committee

Enclosure:

(1) Comments on Proposed Rulemaking

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NAVY RADIATION SAFETY COMMITTEE
COMMENTS ON PROPOSED REVISION TO
10 CFR 20, 30, 40, 70
NOTIFICATION OF INCIDENTS

1. The proposed rulemaking does not distinguish lower bounds or classes of material that could or should be exempted because public health and safety are not at risk. Examples of sources for which this reporting should not be required are:

- o Specific and generally licensed check sources, small plated calibration sources, and gauging devices, such as gas chromatographs where the decision to classify the item as exempt, generally licensed, or specifically licensed is a vendor business decision directly related to cost.
- o Depleted uranium used as shielding in containers or as a concentrated mass in munitions. This material does not affect public health or safety in explosions or fire. Extensive tests of depleted uranium munitions show that the depleted uranium stays substantially intact during accidents and does not extensively disperse and contaminate areas. Similar results can be expected for containers and counterweights.

2. Para. 30.50(a), 40.60(a), 70.50(a): The requirements for immediate notification are too vague. The phrases "any event" and "threaten to prevent" are very broad and all inclusive. For example, transportation packaging is designed to survive expected accident conditions without release of radioactive material. Yet any vehicular accident, even if minor and clearly not disturbing package integrity, could, by its nature and the particular circumstances, be considered to have "threatened to prevent" immediate action to maintain and verify control of licensed material. Do all such accidents therefore require immediate notification?

3. Para. 30.50(b)(1), 40.60(b)(1), 70.50(b)(1): This requirement is too restrictive and will discourage decay in place of short lived isotopes (e.g., technetium-99m) as a means of preventing unnecessary personnel exposure during decontamination. This is particularly true if the loss of access is during non-working hours. At a minimum, it is recommended that the time for loss of access be changed from "more than 24 hours" to "more than 1 working day."

4. Para. 30.50(b)(2): Recommend equipment failures reported under 10CFR 34.30 be exempt from this requirement. Most

Enclosure (1)

incidents of radiography equipment failure are detected and resolved by the licensee, often within 24 hours, and many of these are due to procedural noncompliance. The NRC Radiography Steering Committee that helped develop the reporting requirements of 10 CFR 34 did not feel such a requirement was necessary.

5. Para. 40.60(b)(3), line 6: Change "significant" to "superficial."