

JAN 21 1994

ALL AGREEMENT STATES

TRANSMITTAL OF STATE AGREEMENTS PROGRAM INFORMATION
(SP-94-010)

Your attention is invited to the attached correspondence which contains:

- INCIDENT AND EVENT INFORMATION.....
- PROGRAM MANAGEMENT INFORMATION.....
- TRAINING COURSE INFORMATION.....
- TECHNICAL INFORMATION..... X Notification of Incidents rule

Enclosed is the response to an inquiry about the NOI rule and the notification requirements in revised 10 CFR Part 20. Please note that the rule is a compatibility requirement as of October 1994.

If you have further questions regarding this correspondence, please contact the individual named below.

POINT OF CONTACT: Richard L. Blanton
TELEPHONE: (301) 504-2322
FAX (301) 504-3502

Original Signed By
RICHARD L. BANGART

Richard L. Bangart, Director
Office of State Programs

Enclosure:
As stated

Distribution:

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DCD (SP01) PDR (YES NO)

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| OFFICE | SP:SA | OGC | SP:SA:AD | SP:DD | SP:D | | |
| NAME | RBlanton | *See Attached | JSurmeier | SSchwartz | Rbangart | | |
| DATE | 01/10/94 | memo 12/3/93 | 01/10/94 | 01/14/94 | 01/21/94 | | |

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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

January 21, 1994

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Richard L. Bangart, Director
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SUBJECT: AGREEMENT STATE ADOPTION OF THE NOTIFICATION OF INCIDENTS
 RULE; COMPATIBILITY REQUIREMENT

A question has been raised about the revised 10 CFR Part 20 and the compatibility requirements of the Notification of Incidents (NOI) rule (published at 56 FR 40757). The NOI rule became effective for NRC licensees on October 15, 1991, and is a matter of compatibility for the Agreement States to adopt by October 1994. A division of compatibility is not specified in the Federal Register notice.

The NOI rule contains new language for Parts 20, 30, 31, 34, 39, 40 and 70. The question being asked is:

"Is the language contained in the revised 10 CFR Part 20 sufficient to satisfy the compatibility requirement, or do the States need to adopt additional language in the Licensing Sections of their rules?"

Based on consideration of the text of the rule and the Statements of Consideration, the answer is:

"No, adopting the revised part 20 is not sufficient. The States will need to amend their rules equivalent to 10 CFR 20.2202, and to adopt additional language."

The NOI rule deleted some of the criteria for reporting from the 10 CFR Part 20 rules. However, the NOI rule also imposes new reporting requirements which are in addition to the reporting requirements remaining in §§ 20.2202. For example, the new rule imposes a four hour time limit for immediate reports of events in which immediate protective actions are prevented by the circumstances of the event, such as in the case of fires, explosions or toxic gas releases, where access to the licensed material becomes impossible. The NOI rule also imposes several new criteria under which reporting is required within 24 hours.

Based on the considerations underlying the Office of State Programs Internal Procedure B.7, "Criteria for Compatibility Determinations" the NOI rule is categorized as division 2. It does not contain basic definitions or standards; the adoption by a State of more stringent reporting requirements or additional reporting requirements (such as of events involving the release of NARM) should not be precluded.

MEMORANDUM FOR: David J. Futoma
Office of General Counsel

FROM: John J. Surmeier, Acting Assistant Director
for State Agreements Program
Office of State Programs

SUBJECT: ADOPTION OF THE NOTIFICATION OF INCIDENTS RULE BY AGREEMENT
STATES

Attached is a draft memo on the above issue for your review and comment (per Chip Cameron). Please note our interpretation that there is less than one year left for the States to adopt the rule. A reply is requested by November 24, so that we may bring this matter to the timely attention of the States.

(The following response was received via E-mail)

From: David J. Futoma (DJF)
To: RLB
Date: Friday, December 3, 1993 3:43 pm
Subject: part 20 memo on notification

We have looked at the memo, and excuse our delay, but we have no legal objection to it as is. Chip will be in Monday if you need to speak further about it.

Thanks.

Dave Futoma 504-1621