



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION III
799 ROOSEVELT ROAD
GLEN ELLYN, ILLINOIS 60137

AC16-1
PDR

February 19, 1986

MEMORANDUM FOR: Guy A. Arlotto, Director, Division of Engineering Technology,
Office of Nuclear Regulatory Research

FROM: James G. Keppler, Regional Administrator, Region III

SUBJECT: AMENDMENTS TO 10 CFR PARTS 30, 40, 50, 61, 70 AND 72
REQUIRING LICENSEES TO NOTIFY NRC OF CASES OF
BANKRUPTCY FILING

By memorandum dated February 6, 1986 you requested comments on a proposed rule requiring licensees to notify NRC in the event the licensee files for bankruptcy. Region III believes that such a rule is desirable and offers the following comments for your consideration.

1. The rule is proposed to be put in the "terms and conditions of licenses" section of 10 CFR Parts 30, 40, 50, 61 70 and 72. Because this section of the regulations typically has numerous subsections we have some concern that small, non-reactor licensees may never become aware of this new requirement. We believe this is particularly apt to occur with Part 30 industrial-type licensees. Therefore, to give this requirement added visibility, we suggest, at least for Part 30 licensees, that the requirement be codified in a new and separate section of Part 30. One possibility would be to codify the requirement in a new §30.42 entitled "Notice of Bankruptcy Filings."
2. As written, the proposed rule would not apply to general licensees under 10 CFR Part 31 since §31.2 only incorporates by reference §§30.34(a) to (e). The new rule would be codified as §30.34(h). Region III believes that general licensees should be subject to the notification requirement since generally licensed devices may pose potential health and safety hazards equal to some specifically licensed devices. We recommend that the proposed rule be revised accordingly.
3. The proposed rule requires that the bankruptcy notice be sent by certified mail to the Commission. First class mail service is all that is usually required or expected from licensees for other correspondence. We suggest that the basis for the certified mail requirement be explained in the draft federal register notice and regulatory analysis.

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James G. Keppler
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Regional Administrator

See Attached Distribution

Guy A. Arlotto

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