

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

September 14, 1990

MEMORANDUM FOR: James M. Taylor
Executive Director for Operations

FROM: Samuel J. Chilk, Secretary

SUBJECT: SECY-90-211 - PROPOSED FOR LICENSES AND
RADIATION SAFETY REQUIREMENTS FOR LARGE
IRRADIATORS

The Commission (with all Commissioners agreeing) has approved publication of the notice of proposed rulemaking to obtain public comments on a new Part 36 on licenses and radiation safety requirements for large irradiators subject to the attached revisions and the following comments.

The Statement of Consideration should clearly indicate that investigation of cesium Waste Encapsulation and Storage Facility (WESF) capsules is continuing and that the Commission may reconsider their use when the results or other pertinent information becomes available. Accordingly, the Federal Register notice should be revised specifically to acknowledge the potential need for such reconsideration and to solicit public comment on whether the Commission should allow continued use of sources containing soluble cesium-137.

The need for rule section of the Federal Register notice should include a summary of relevant lessons learned from the RSI-Decatur accident. The summary should briefly describe how the proposed rule addresses the lessons discussed in Enclosure 6 of SECY-90-211 that are relevant to the proposed rule (e.g., items 1, 3, and 6-10).

State Programs staff should prepare a suitable response to the issue of Agreement State licensing, which is relevant to the proposed rule because it bears on the Commission's decision to require the States to adopt compatible regulations. The remainder of the text of the Statement of Consideration should be reordered appropriately.

SECY NOTE: THIS SRM, SECY-90-211 AND THE VOTE SHEET OF
COMMISSIONER CURTISS WILL BE MADE PUBLICLY AVAILABLE
10 WORKING DAYS FROM THE DATE OF THIS SRM

- 2 -

361

In order to maintain consistency among the various Parts of the regulations dealing with byproduct material licensing with respect to provisions on employee protection and completeness of information, sections 36.7 and 36.9 should be deleted. To make it clear that an irradiator licensee must comply with provisions addressing these matters in Part 30, the following should be added as the last sentence of section 36.1(a):

In particular, the provisions of Parts 19, 20, 21, 30, 71 & 170 of this chapter apply to applications and licenses subject to this Part.

(EDO) (SECY Suspense: 10/26/90)

In addition, the Commission believes the Interim Report of DOE's Type B Investigation Board and any records of the WESF source testing performed to date should be requested from DOE as soon as possible. Staff should assemble a review panel composed of individuals who represent the full range of appropriate expertise and who have not been directly involved in decisions affecting the licensing of WESF sources. The panel should review DOE's findings and report to the Commission with an assessment of the implications of these findings and recommendations regarding the continued commercial use of the WESF sources.

(EDO) (SECY Suspense: 12/17/90)

The review panel recommendations and all related public comments on the rule should form the basis for recommended changes to the proposed final rule which address the matter of continued licensability of sealed sources containing readily soluble or dispersible material.

(EDO) (SECY Suspense: 3/25/91)

Commissioners Rogers and Remick think that staff's discussion regarding ability to pay for recovery operations is confusing (page 3 of enclosure 6). The result is a perception that the specific issue raised in the cleanup of the RSI accident was not considered relative to this rulemaking. This confusion should be addressed in the final rulemaking.

In addition, the staff should review the current priority for rulemaking to address financial assurance for cleanup of

- 3 -

362

accidents, not just for large irradiators, but for all materials licensees with the potential for significant accidental contamination.

(EDO) (SECY Suspense: 3/25/91)

Attachments:
As stated

cc: Chairman Carr
Commissioner Rogers
Commissioner Curtiss
Commissioner Remick
OGC
GPA