

October 10, 2003

The Honorable Paul I. Clymer
Pennsylvania House of Representatives
Harrisburg, Pennsylvania 17120-2020

Dear Mr. Clymer:

I am responding on behalf of the U.S. Nuclear Regulatory Commission (NRC) to your August 21, 2003, letter regarding a license application for CFC Logistics, Inc., to operate an irradiator in Milford Township, Bucks County, Pennsylvania. In that letter you noted that residents of Milford Township have expressed concerns about the irradiator and requested a hearing on this application. You further requested that the NRC make every effort to consider these concerns in reviewing the license application and the related request for a hearing.

Our Region I staff in King of Prussia, Pennsylvania, received this application in February 2003. The application was reviewed against NRC's regulations in 10 CFR Part 36, "Licenses and Radiation Safety Requirements for Irradiators," as well as the guidance contained in NUREG-1556, Volume 6, "Program-Specific Guidance About Licensing Part 36 Irradiators." The regulations in Part 36 include specific design, construction, and operational requirements for these types of facilities. These requirements, along with the Commission's standards for protection against radiation contained in 10 CFR Part 20, provide a substantial and well-defined basis for assessing the safety of the facility.

The NRC review included the following: 1) an acceptance review to ensure that the application contained the necessary information; 2) technical reviews and numerous onsite inspections by health physicists, electrical engineering, and geotechnical engineering experts; 3) several visits by senior Region I management; and 4) a peer review by an internal panel that focused on unique engineering aspects of the irradiator's design. In short, NRC thoroughly reviewed this application to ensure that the health and safety standards contained in our regulations were met.

In response to the citizens' concerns about the irradiator, the Milford Township Board of Supervisors held an informational meeting at the Quakertown High School on July 16, 2003, at which Region I management made presentations and answered questions about the licensing review. On August 21, 2003, the NRC staff held a public meeting at the same location to provide the public with an update on the licensing review and to describe how NRC considered public concerns in that review. During both meetings, NRC managers responded to concerns raised by members of the public, including concerns similar to those referenced in your letter. We have carefully considered the issues and concerns raised at these meetings and in your letter and believe they were taken into account during our review of the license application. Following the review of the license and consideration of the public concerns, NRC issued a materials license to CFC Logistics for the Quakertown irradiator facility on August 27, 2003.

With respect to security requirements, in June 2003, the NRC staff issued Orders requiring certain additional specific measures to enhance security at irradiator facilities under Part 36. The NRC staff ensured that CFC Logistics, as part of the irradiator community, was kept informed of the additional security measures under consideration, and CFC has already incorporated applicable security measures into the design of, and operational procedures for, the Quakertown facility. On August 28, 2003, the NRC staff issued an Order imposing additional specific security measures on CFC, as it previously did to all other licensed pool irradiators.

As you are aware, on June 23, 2003, counsel for Concerned Citizens of Milford Township requested a hearing on this application. In accordance with NRC's procedures regarding the conduct of adjudicatory proceedings for this type of facility, contained in 10 CFR Part 2, Subpart L, the Chairman of the Atomic Safety Licensing Board Panel has appointed a Presiding Officer to determine whether that request should be granted. The Presiding Officer heard oral arguments on the request for hearing on September 10, 2003, and is currently considering the issues raised by the citizens. However, under the Atomic Energy Act, Federal Case Law, and NRC's regulations a request for hearing on a materials license (such as that for an irradiator under Part 36) need not delay the license application or issuance of the license by the staff. The Presiding official has issued a ruling denying a request by the petitioners to stay the license.

NRC plans robust oversight of the CFC facility through initial stages of testing and subsequent operation consistent with our regulatory program. We have required the licensee to inform us in advance of receiving the cobalt-60 sources, so that we can inspect the loading and testing of the irradiator and review the results of radiation surveys at the facility prior to operating the irradiator. Further, the NRC will continue to perform periodic unannounced inspections of the facility to ensure its operations adhere to NRC requirements. If the inspection program identifies violations of NRC requirements, we will ensure that appropriate corrective action is taken and will also take appropriate action under our Enforcement Policy, issuing sanctions if necessary.

I trust that this information is responsive to your request. If you have additional questions regarding this matter, please feel free to contact Mr. George Pangburn, Director, Division of Nuclear Materials Safety, in our Region I office.

Sincerely,

/RA/

William D. Travers
Executive Director
for Operations

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