



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

January 30, 1985

AB 35-1

Duck
Roe
Rubin
Stella
Ames
Davis

MEMORANDUM FOR: Richard E. Cunningham, Director
Division of Fuel Cycle and Material Safety
Office of Nuclear Material Safety and Safeguards

FROM: *J. E. Zerbe*
John E. Zerbe, Director
Office of Policy Evaluation

SUBJECT: OPE COMMENTS ON PROPOSED NEW 10 CFR PART 39

OPE has recommended to the Commission that the proposed rule for well logging be published as proposed. During our review we identified several areas which merit further consideration during the public comment phase. Our specific comments are enclosed for your consideration along with those you will receive from the public.

Enclosure:
As stated

cc w/enclosure:
Commissioner's Technical Assts.
✓ EDO
OGC

8505310629 850530
PDR PR PDR
39

850241

AB3-1
Jan 30, 1985

OPE COMMENTS ON SECY-85-11

Enclosure 1: Notice of Proposed Rulemaking

- Page 1 Item 3 in the summary, as elsewhere in the proposed package, emphasizes reduction in the "likelihood" of accidents when the consequences are also likely to be reduced by implementation of the rules. We suggest reference to reduction in both likelihood and consequences or, alternatively, reduction in risk.
- Page 6 A specific reference should be provided for Part W of the "Suggested State Regulations for Control of Radiation." Where is it published or where can copies be obtained?
- Page 10 First two lines at top of page. The statement that "the well owner or operator controls the overall coordination of activities at the well" appears to imply a limitation on the owner's control. Suggest deleting "overall coordination of." The owner's control may be exercised through agreements with other parties (e.g., the drilling contractor) but it is more than "coordination."
- Page 14 Would it be possible to require licensed material to be insoluble (in water, brine, and oil) and, particularly for alpha emitters, to be nondispersible (i.e., not a powder or unconsolidated small particles)? We understand the Am-241 accident was greatly aggravated by the physical form of the radioactive source.
- Page 16 Third line from bottom states "a bioassay could be required." The relevant regulations (Secs. 39.45 and 39.65(b)) do not provide any criteria for determining when a bioassay would be required.
- Page 17 Paragraph beginning on third line from top. Suggest you insert "unless specifically authorized by NRC" or similar language after "In addition." The present statement does not track the proposed regulation, Sec. 39.45(b) on p. 47.
- Page 20 First paragraph of Section M. There should be a specific reference to the ALARA requirement, 10 CFR 20.1(c) since the proposed Part 39 is stated as incorporating "key features of a radiation protection program," and since ALARA is a basic tenet of radiation protection.
- Page 23 Ninth line from bottom. Should be "Agreement States' regulations."
- Pages 38, 46-48 Secs. 39.15(c), 39.43(d), 39.43(e), 39.45(b), and 39.51 require NRC authorization or approval for certain licensee actions. Does this mean that Agreement States' licensees must secure NRC authorization or approval? What are the resource implications?

Enclosure 3: Draft Public Announcement

In tenth line from top of first page, two sentences beginning "The log of the well ... " is technically [imprecise]. Because a logging source emits gamma radiation and/or neutrons, the word "reflected" oversimplifies the subsurface formation response. Suggest substituting " ... by recording the way in which radiation emitted by the source interacts with the underground formation." To be more precise would require at least two sentences; the resulting level of detail is probably unnecessary in a public announcement.

Enclosure 4: Draft Regulatory Analysis

The potential costs of the proposed rule are described in detail and expressed in quantitative terms (per licensee-year). However, none of the benefits (averted accidents, more efficient regulations, etc.) are quantified. As a result no cost/benefit balance can be made and the rationale depends on a showing that "Costs associated with this action would be negligible." Also, it is not clear whether the additional manufacturing costs associated with §39.41(b)--double-sealed sources--are included.

Page 11 The \$2,000 net annual cost per licensee is obviously negligible for a major logging company, such as Schlumberger. However, to prove the costs would be negligible for a smaller company, the licensee cost would have to be compared to the smaller company's annual gross receipts for nuclear logging. It is not clear that the analysis is valid for logging companies with limited resources.