

PR-30, 40, 61 et al.

(50 FR 23960)

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September 20, 1985

Secretary of the Commission
US Nuclear Regulatory Commission
Washington, DC 20555

'85 SEP 23 AM 11:00

Attn: Docketing and Services Branch

OFFICE OF THE SECRETARY
DOCKETING SERVICE

Dear Sir:

This is in response to the ANPRM, FINANCIAL RESPONSIBILITY REQUIREMENTS APPLICABLE TO NRC LICENSEES FOR CLEANUP OF ACCIDENTAL AND UNEXPECTED RELEASES OF RADIOACTIVE MATERIALS, published in the Friday, June 7, 1985 Federal Register, Volume 50, No. 110, pages 23960 through 23963.

As a small licensee (less than \$100,000 gross per year), utilizing radioactive material for calibration sources, I feel that the subject matter addressed by this ANPRM would have a significant impact on my survivability as a small business. As such, I wish to offer the following comments for your consideration in this matter.

In the discussion, the Commission indicates that in a three to four year period, less than one percent of the fuel cycle and materials licensees have even had releases resulting in cleanup costs exceeding a few thousand dollars. Considering this fact, and the limited costs cited in the three examples given, I fail to see where the Commission has shown the need for such drastic regulatory action. It is estimated that the annual cost of insurance which would have to be paid by licensees in order to obtain coverage to assure financial capability to cleanup an accidental radioactive release would greatly exceed these cleanup costs. Furthermore, as a small business, I am not able to self-insure as many large corporations are. Thus, I would be forced to purchase coverage. This would greatly increase my fixed business expenses - for something that has a very low probability of occurring, in my case.

With respect to the invited comments on the "Specific Considerations" requested by the Commission, I offer the following. The number/letter designations refer to those in the ANPRM.

1/2c/2f through 2i/2k/2m through 2o. No comments.

2a. I would recommend that fully encapsulated sealed sources meeting the requirements of ANSI N542 be exempted. Additionally, for unsealed radioactive sources in which the radioactive material is not chemically reactive or leachable, I suggest that the limits found in 10 CFR Part 71, Appendix A, as Type A2, be used to establish minimal coverage limits. 8508240173 050820

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2b. At \$1000 per year for coverage, the cost would equal 1/3 of all my present liability insurance costs including auto and Blue Cross/Blue Shield. At \$5000 per year it would double my insurance costs, and equal 5% of my annual gross income. This does not appear to follow ALARA principles. Since all such incidents are reportable, the regulatory agency would be aware of the contamination, and could assure that personnel or environmental doses are kept low. The time element in which the contamination is cleaned up is not really relevant as long as doses are kept ALARA.

2d. I would recommend that any of the following conditions be cause for exemption from any proposed regulation developed as a result of this ANPRM.

Radionuclides of any form having a half-life less than or equal to thirty days, and having activities less than 10 curies.

Sealed sources complying with the requirements of the American National Standard, N542; Sealed Radioactive Sources, Classification; in particular, tables 3 and 4.

Any radioactive material having a physical form not likely to cause loose contamination, or which is not readily leachable; i.e., ceramic pellets or microspheres.

Any radioactive material in quantities less than 1 millicurie.

2e. I fail to see the relationship between contamination potential and the quality of the safety program, at least with respect to sealed sources. As such, I would not factor in safety or inspection records into any equation in this matter, as long as sealed sources are being used.

2j. I have not been able to find an underwriter for this type of coverage.

I would also like to comment on the fact that the ANPRM only addresses "cleanup". It should be kept in mind that this is only one technique of mitigating the consequences of a radioactive material release. Personnel exposure can also be reduced or prevented by other techniques such as fixing in place or utilizing natural decay. If a licensee is able to demonstrate that it is possible to restrict contamination to an area not accessible to personnel, it should be the licensee's decision as to the method of exposure prevention.

Thank you for the opportunity to comment on this ANPRM.

Sincerely,

Anthony La Mastra

A. LaMastra
Certified Health Physicist