



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

AUG 08 1985

MEMORANDUM FOR: James H. Joyner, Chief
Nuclear Materials Safety and Safeguards Branch
Division of Radiation Safety and Safeguards
Region I

FROM: Vandy L. Miller, Chief
Material Licensing Branch
Division of Fuel Cycle and Material Safety

SUBJECT: REQUEST FOR TECHNICAL ASSISTANCE
NUCLEAR ENERGY SERVICES

This is a reply to your memorandum dated May 2, 1985 concerning Nuclear Energy Services' application for a new license to possess byproduct and source material during the performance of certain service activities.

Our general policy is that decontamination and waste management activities are the responsibility of the waste generator, and should only be carried out under the customer's license. Service licensees should not be granted broad authorization to conduct unspecified decontamination and waste management operations at unspecified sites. Such broad authorization would lead to situations where responsibility for radiation safety is unclear, plus it would be difficult in any case to determine whether an applicant is qualified to perform any conceivable decontamination or waste management operation at any site. However, there may be limited circumstances under which NES may need to possess radioactive materials and conduct decontamination at a temporary job site, such as a machine shop. The NES application should only be reviewed under these limited circumstances.

On June 21, 1985, the applicant called John Hickey of my staff. Mr. Hickey learned from the applicant that he is willing to restrict his possession limits so that a contingency plan is not required, and that he will not operate at licensed sites. The applicant also agreed to provide a supplemental letter to Region I to this effect. Therefore, it appears that the applicant will not need a contingency plan if we impose the appropriate possession limits as specified in NUREG-0767.

We recommend that the following special conditions be considered for this type of license:

1. This license does not authorize the possession of imported equipment, samples, or packages containing radioactive material.

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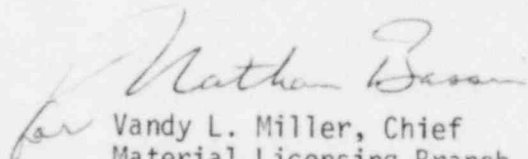
2. This license does not authorize the possession or use of licensed material at licensed customer facilities or licensed customer temporary job sites except as may be specifically authorized under the customer's license. This license is not intended to authorize operations at facilities or sites involving radioactive material for which an NRC license is not required, a customer's license has expired, or the requirement for an NRC license has not been determined.

(Note: These types of cases should be handled on a case-by-case basis.)

Regarding your generic concerns about contingency plans, all licensees covered by NUREG-0767 should be considered candidates for contingency plans. Some waste broker licenses have already been reviewed with respect to radiological contingency planning. If you have specific licensing cases which appear to need review, please contact the Uranium Fuel Licensing Branch.

It should also be noted that the application does not appear to specify a permanent storage location nor does the applicant appear to have an Agreement State license which covers a permanent location. We should not issue a license for possession of packaged wastes solely for transportation to a waste burial site or other licensee, because this activity is basically that of a carrier subject to DOT regulations and is exempt from NRC licensing requirements.

Since this is an unusual case, we would appreciate an opportunity to review the final license prior to issue. If you have any questions, please contact me or Bruce Carrico.


for Vandy L. Miller, Chief
Material Licensing Branch
Division of Fuel Cycle and
Material Safety

Enclosure: NES submittal