

June 25, 1998

MEMORANDUM L. Joseph Callan
TO: Executive Director for Operations
FROM: John C. Hoyle, Secretary /s/
SUBJECT: STAFF REQUIREMENTS: SECY 98-105 - RULEMAKING PLAN: ENERGY COMPENSATION SOURCES FOR WELL LOGGING AND CLARIFICATIONS - CHANGES TO 10 CFR PART 39

The Commission did not object to the staff's proposed Rulemaking Plan to modify well-logging requirements to accommodate the use of new well-logging technology and otherwise to improve, clarify, and update 10 CFR Part 39. However, in implementing the Rulemaking Plan, the staff is directed to accomplish the following:

1. The proposed rule package should clearly state that the change to section 39.77 (item 2 on page 2 of the Rulemaking Plan) would allow immediate abandonment of sources without prior NRC approval if a delay could cause an immediate threat to workers due to a possible fire or explosion, and that NRC would be notified after the fact.
2. The proposed rule package should address whether there is adequate justification, including cost-benefit, for performing vibration tests on sealed sources manufactured after July 14, 1989. The proposal to incorporate in Part 39 a generic exemption procedure allowing sealed sources manufactured before July 14, 1989, implies that the vibration test is unnecessary for the older model sources because of the ruggedness of their design.
3. The proposed rule package should provide a technical basis for differentiating the leak test requirements for stainless steel plated sources (ECSs) from non ECS sources (item 5 on page 4 of the Rulemaking Plan) and compare the health risk associated with leakage from each. Alternatively, if the technical basis for exempting ECSs from the leak test requirement is due to a more robust design that increases confidence that the sources will not leak, rather than an insignificant amount of radioactive material contained in the source, the staff should state this rationale more clearly and provide adequate support in the proposed rule.

(EDO)

(SECY Suspend: 3/31/99)

cc: Chairman Jackson
Commissioner Dicus
Commissioner Diaz
Commissioner McGaffigan
OGC
CFO
CIO
OCA
OIG
Office Director, Regions, ACRS, ACNW, ASLBP (by E-Mail)
PDR
DCS

SECY NOTE: This SRM and SECY-98-105 will be made publicly available 5 working days from the date of the final SRM.