

August 14, 1997

MEMORANDUM TO: L. Joseph Callan
Executive Director for Operations

FROM: John C. Hoyle, Secretary /s/

SUBJECT: STAFF REQUIREMENTS - SECY-97-139 - PROPOSED
RULE: LICENSE APPLICATIONS FOR CERTAIN ITEMS
CONTAINING BYPRODUCT MATERIAL
(10 CFR PART 32)

The Commission has approved the staff's recommendation to publish the proposed amendments to 10 CFR Part 32 in the Federal Register subject to the comments provided below.

1. In the Federal Register notice, page 5, first sentence under "Proposed Amendments," replace the period at the end of the sentence and 'The NRC' at the start of the next sentence with 'and.' In line 2, replace the period after 'rulemaking' and 'This rulemaking' at the start of the next sentence with 'that.'

On page 6, at the end of the first paragraph, add a new sentence: Also, the radiation skin dose to an individual from timepieces containing GTLSs has been determined to be significantly less, per millicurie of tritium used, than the skin dose from timepieces containing tritium paint.

On page 6, paragraph 2, line 2, delete 'with an application to distribute timepieces for use.' In line 6, insert 'the same requirements of the regulations as timepieces using tritium paint' after 'under' and place '10 CFR 30.15(a)(1)' in parenthesis. Delete the last sentence: Thus, timepieces ... tritium paint.

On page 6, paragraph 3, line 1, replace 'facilitate' with 'allow' and in line 2, at the end of the sentence insert

SECY NOTE: THIS SRM, SECY-97-139, AND THE COMMISSION VOTING RECORD CONTAINING THE VOTE SHEETS OF ALL COMMISSIONERS WILL BE MADE PUBLICLY AVAILABLE 5 WORKING DAYS FROM THE DATE OF THIS SRM.

'(GTLS) under the same requirements that currently allow distribution of timepieces using tritium paint.'

On page 9, modify the Federal Register notice to reflect the new compatibility designation (reserved to NRC) as described in the "Policy Statement on Adequacy and Compatibility for Agreement State Programs" approved by the Commission in an SRM dated June 30, 1997.

2. The staff should expand the discussion in the Regulatory Analysis on the health and safety effects of the amendments and include references, as appropriate. A comparison of skin dose and total effective dose equivalent for different conditions should be provided for both the 25 mCi of tritium paint and tritium in the form of GTLS. This should include the basis for stating that GTLS have a lower tritium leak rate and that the skin doses from equal or comparable amounts of tritium contained in GTLS are significantly lower than those from paint.

In the Draft Regulatory Analysis, on page 1, line 4, insert '(GTLS)' after 'sources.'

On page 6, replace 'gaseous tritium light sources' with 'GTLS.' On page 7, in the 'Regulatory Citation' column, change '10 CFR 171.16(d)(3)(H)' to '10 CFR 171.16(d)(3)(I).'

On page 8, paragraph 2, line 4, replace 'any' with 'for' and in line 7, insert 'one time' before 'cost.' Also, at the end of line 8, insert 'for a total cost of \$15,600 (\$1,200/licensee x 13 licensees)' at the end of the sentence.

On page 8, last paragraph, line 4, insert 'significantly' after 'are.'

On page 9, paragraph 2, line 2, replace 'gaseous tritium light sources' with 'GTLS.'

On page 9, paragraph 3, line 2, replace 'or' with 'and' and replace 'to' with 'of.' In line 3, delete 'distribute' and replace 'gaseous tritium light sources' with 'GTLS.' In lines 4 and 5, delete everything after 'savings' and place a period after 'savings.' Add the following sentence at the end: Also, it has been determined that the radiological risk from distribution of such devices is negligible and the radiation skin dose from timepieces containing GTLS is significantly less, per millicurie of tritium used, than that from timepieces containing tritium paint.

3. In the Congressional letters, last paragraph, line 4,

replace 'and' with a comma. At the end of line 5, add 'and result in significant savings to licensees and the NRC.'

4. The draft press release should be modified as indicated below to emphasize the relatively low risk of these devices and the cost savings realized by the proposed amendment. To the degree that it enhances the public's understanding of this amendment, additional health effects or dose-related information should be added to the public announcement.

On page 2, paragraph 2, line 2, insert at the end of the sentence 'for all timepieces containing tritium.'

Insert a new paragraph after paragraph 2 and before the final paragraph which reads: The NRC has concluded that the manufacture and initial distribution of products containing gaseous tritium light sources and the release of gaseous tritium in the event of breakage of the glass vial do not result in significant radiation exposures. In fact, these exposures are a small fraction of the average exposure from natural background radiation in the United States. Therefore, by adopting the proposed rule, the cost savings would be maximized without any measurable adverse effect on public health and safety.

cc: Chairman Jackson
Commissioner Dicus
Commissioner Diaz
Commissioner McGaffigan
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