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

April 7, 1989

MEMORANDUM FOR: Victor Stello, Jr.
Executive Director for operations

William C. Parler
General Counsel

FROM: Samuel J. Chilk, Secretary

SUBJECT: STAFF REQUIREMENTS - BRIEFING ON ACCEPTANCE BY DOE
ON GREATER THAN CLASS C WASTE, 10:00 A.M.,
WEDNESDAY, 15, 1989, COMMISSIONERS'
CONFERENCE ROOM, ONE WHITE FLINT NORTH, ROCKVILLE,
MARYLAND (OPEN TO PUBLIC ATTENDANCE)

The Commission was briefed by the staff On the need to establish a procedure whereby surplus sealed radioactive sources which exceed Part 61 Class C concentrations can be transferee to DOE for interim storage.

In the absence of a more thorough data base and analysis of available options, the Commission did not endorse the staff 's proposal to request DOE acceptance of these sources.

During and subsequent to the Commission meeting, the Commission requested the staff to submit a paper which better defines the scope of the problem of "surplus sources. In preparing the paper the staff should: 1. undertake a comprehensive examination of the nature and extent of the problem; 2. Identify options for addressing the current problem; 3. Identify options for assuring that similar problems do not occur in the future for newly purchased sources (e.g., establishment of controls at the time of manufacture and licensing of future disposition of surplus sources); and 4. Address the questions attached to this memorandum.

(EDO)

(SECY-Suspense: 12/29/89)

It is the Commission's understanding that the staff will conduct a survey of NRC licensees to establish a broader data for defining the scope of the problem of "surplus" sources. The Commission would like to review the survey prior to its release.

(EDO)

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(SECY 5/26/89)

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The Commission requested a legal analysis of NRC's jurisdiction and regulatory responsibilities for license material which is temporarily stored by DOE but for which NRC must ultimately license disposal (see attached questions, especially #7 and #8).

(OGC)

(SECY Suspense: 6/30/89)

The staff should continue its active interaction with the Department of Energy on this matter. The Commission should be advised if DOE is not ready to accept storage of materials in 1989 as DOE indicated in its 1987 report to Congress. Staff should work with DOE to ensure that the framework to address disposal of GTCC wastes provides limited-access storage under terms that will not preclude capture of sources from financially unstable organizations.

(EDO)

(SECY : 6/30/89)

The Commission supported the issuance of the information notice recommended by Region IV to inform well logging licensees and current applicants for well logging licenses of the potential costs that may be incurred in disposing of no longer needed americium sources. As part of the program to improve the accountability of sealed sources, the staff should escalate its attention to sources in the field to assure that licensees are maintaining proper control in accordance with NRC regulations. The staff should emphasize that licensees are responsible for ensuring the safe disposition of sources.

(EDO)

(SECY Suspense: 5-31-89)

The Commission recommended Region IV and the Office of Nuclear Material Safety and safeguards for bringing this issue before the Commission in a timely fashion.

Attachment
As stated

cc: Chairman Zech
Commissioner Roberts
Commissioner Carr
Commissioner Rogers
Commissioner Curtiss
GPA

PDR - Advance
DCS - Pl-24

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ATTACHMENT TO MEETING SRM (M890315A)

1. What arrangements or contracts have been made between the Department of Energy and NRC licensees for DOE to accept GTCC waste from licensed generators?
2. What volume and types of GTCC waste has DOE accepted and from which licensed generators? Is DOE still receiving any GICC waste under the provisions of these arrangements/contracts?
3. Have any of these arrangement/contracts been motivated by health and safety considerations?
4. How and where is the GTCC waste in DOE's possession being stored? Has any of the GTCC waste been disposed of? If so, how and where?
5. What, if any, arrangements to accept additional GTCC waste are currently being negotiated between DOE and NRC licensees?
6. Does DOE currently have acceptance criteria in place for the receipt of GTCC from NRC licensees?
7. If DOE accepts GTCC waste from NRC licensees, to what extent does NRC have any regulatory jurisdiction control over such wastes, once transferred to DOE? Does it make any difference whether this waste is accepted for storage or disposal? If DOE accepts the waste as an integral part of a program, what is the extent of NRC's regulatory jurisdiction over such waste?
8. If DOE accepts GTCC from NRC licensees, how does the staff propose to keep track of the waste so that when it comes time to dispose of this waste in an NRC-licensed facility we will have a high degree of confidence that all waste can be accounted for and that it will be in a form suitable for disposal in a license facility (i.e., not commingled with defense TRU)?
9. Can States be to assume responsibility for GTCC sources in the event of a clearly defined health/safety threat? Does the Commission have any authority under the recently-established LLW emergency access provisions to address this problem?

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10. Could Operating LLW disposal sites accept these sources for storage only? Would a license amendment be required to permit this?

11. Are there other options for storing surplus sources which would retain NRC regulatory jurisdiction until such time as DOE is Prepared to accept such sources as a part of an NRC-licensed disposal program?