

10/21/81

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SS 396

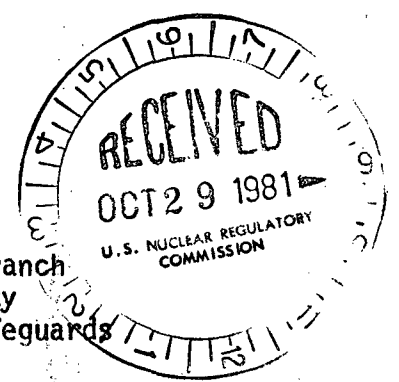
Docket No. 70-687

Docket 70-687
PDR *atwood*
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MEMORANDUM FOR: Guy H. Cunningham
Regulations Division Director
and Chief Counsel
Office of the Executive Legal Director

FROM: Leland C. Rouse, Chief
Advanced Fuel and Spent Fuel Licensing Branch
Division of Fuel Cycle and Material Safety
Office of Nuclear Material Safety and Safeguards

SUBJECT: UNION CARBIDE (TUXEDO, NY) - RELATIONSHIP
OF LICENSING AUTHORITIES



The Union Carbide activities at Tuxedo, New York present the classic "mixed-bucket" case where jurisdictions of the NRC and an agreement state overlap. The overlap occurs following the irradiation of special nuclear material and its subsequent processing at the site including handling of waste materials. The irradiated material contains special nuclear material licensed by the NRC and byproduct material licensed by New York State.

The subject licensee has stressed the need for a clarified view of their relationship with NRC and the State of New York. We have agreed to prepare a regulatory basis of our responsibilities to hopefully clarify the licensee-authority relationships.

I would appreciate your legal views on this matter, particularly the applicability of paragraph 20.1(b) of 10 CFR Part 20 as it pertains to NRC licensing responsibility in this case. Some further background on this matter is given in the enclosed trip report of Dr. A. T. Clark.

Original signed by
Leland C. Rouse

Leland C. Rouse, Chief
Advanced Fuel and Spent Fuel
Licensing Branch
Division of Fuel Cycle and
Material Safety

Enclosure: Trip Report

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