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RECORD #78

TITLE: Jurisdiction of Mobile Radwaste Units Operating At Power Reactors

FICHE: 15057-235

0900/79

*Used  
Enclosure*



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
REGION III  
799 ROOSEVELT ROAD  
GLEN ELLYN, ILLINOIS 60137

May 3, 1979

**FRPS**

MEMORANDUM FOR: [REDACTED] Inspection Staff  
FROM: A. B. Davis, Chief, Fuel Facility and Materials  
Safety Branch  
SUBJECT: RESPONSIBILITY FOR SAFETY AND COMPLIANCE  
IN HANDLING AND SHIPPING RADWASTE  
[REDACTED] MEMORANDUM NO. **F-17**

The attached correspondence clearly makes power reactor licensees responsible for safety and compliance in handling and shipping radwaste.

*AB Davis*  
A. B. Davis, Chief  
Fuel Facility and Materials  
Safety Branch

Attachment:  
Ltr dtd 2-28-79  
w/enclosure

*already on HPPOS  
# 178*



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

February 28, 1979

Docket No.: 50-346

Mr. James S. Grant  
Vice President - Energy Supply  
Toledo Edison Company  
Edison Plaza  
300 Madison Avenue  
Toledo, Ohio 43652

Dear Mr. Grant:

In your letter dated November 21, 1978, you raised four questions concerning possession of radioactive waste material at your site and during shipment to Chem-Nuclear's waste burial grounds.

The functions performed by mobile radwaste units at nuclear power reactor sites fall within the scope of activities which may be carried out as part of reactor operation under a facility operating license issued pursuant to 10 CFR Part 50. The control of radioactive waste generated at a reactor site is the responsibility of the reactor facility licensee under his license. By letter dated September 14, 1978, to Chem-Nuclear Systems, Inc., (Enclosure 1) we have provided some information about the regulatory requirements on use of contractor mobile radwaste systems. In any case, regardless of the method of processing radwaste, the reactor facility licensee is responsible for assuring that all activities on his site are carried out in a manner consistent with the facility operating license, and the Commission's regulations and are conducted in a manner which would provide adequate protection from the standpoint of radiological health and safety.

In answer to specific questions raised by your letter:

1. & 2. The responsibility for control of reactor radwaste on the reactor site is governed by the reactor operating license. It is the reactor licensee's responsibility to assure that these activities are carried out in accordance with

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the requirements of the reactor operating license and the regulations of the NRC. The reactor licensee may have the activities carried out by employees or contractors. However, the responsibilities for radiological safety and the common defense and security imposed on the licensee by the reactor license and by the Commission's regulations remain with the reactor licensee.

3. By 10 CFR §50.11(c) common or contract carriers are exempt from licensing requirements. Private carriers require an NRC or Agreement State license to possess the material in carriage. In any case, the carrier possesses the licensed radioactive material in transit.
4. The reactor licensee is responsible for assuring compliance with all NRC regulations applicable to radioactive material generated in the operation of the reactor. These include all applicable requirements relating to the transfer of radioactive materials contained in 10 CFR Parts 20, 30, 70, 71 and 73. The reactor licensee, depending on circumstances, may also have obligations under transportation regulations, such as 49 CFR Parts 170-189.

We hope this information provided to you is helpful.

Sincerely,

Victor Stello, Jr., Director  
Division of Operating Reactors  
Office of Nuclear Reactor Regulation

Enclosure:  
Letter to Chem-Nuclear  
Systems, Inc. from  
NRC dated 9/14/78

cc w/enclosure: See next page

Toledo Edison Company

cc: Mr. Donald H. Hauser, Esq.  
The Cleveland Electric  
Illuminating Company  
P. O. Box 5000  
Cleveland, Ohio 44101

Gerald Charnoff, Esq.  
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Mr. Robert B. Borsum  
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Nuclear Power Generation Division  
Suite 420, 7735 Old Georgetown Road  
Bethesda, Maryland 20014

Ida Rupp Public Library  
310 Madison Street  
Port Clinton, Ohio 43452

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Chem-Nuclear Systems, Inc.  
ATTN: Mr. J. Stewart Corbett  
Manager, Nuclear Safety  
P.O. Box 1256  
Bellevue, Washington 98009

Gentlemen:

This refers to your application dated November 10, 1977, requesting a license which would authorize you to use your Mobile Solidification Units and Portable Demineralizer Units to perform radwaste handling operations for nuclear power facilities at facility sites throughout the United States. As explained in your application, the radioactive wastes which would be treated in your mobile units would be those generated by nuclear power reactors. Despite certain technological differences, your mobile units are the functional equivalent of a facility radwaste system.

In our opinion, the operations for handling radioactive waste generated by a reactor which you wish to perform at reactor sites fall within the scope of activities which constitute reactor operation and for which a facility operating license issued pursuant to 10 CFR Part 50 is required. Under this license, the reactor licensee assumes full responsibility for assuring that his activities, including activities relating to operation of radioactive waste treatment systems, are carried out in a manner which will provide adequate protection from the standpoint of radiological health and safety to facility employees and members of the public. The reactor licensee cannot disclaim responsibility for the manner in which radioactive waste is handled on site by pointing to the fact that arrangements have been made for the performance of certain waste handling services by another person.

In light of the above, we do not consider it necessary or appropriate to issue a materials license to Chem-Nuclear Systems, Inc. to perform waste handling operations at nuclear power facilities. The appropriate procedure would be for you to discuss this matter with the reactor licensee desiring to use your systems for a determination whether an amendment to his license for authorization to use them is required.

*Enclosure*

In accordance with 10 CFR § 2.103, you may request a hearing with respect to this denial within thirty (30) days from the date of this notice.

Sincerely,

Original Signed by  
Richard E. Cunningham

Richard E. Cunningham  
Acting Director  
Division of Fuel Cycle and  
Material Safety