

NOTATION VOTE 11/16/90

RELEASED TO THE PDR

date

initials

RESPONSE SHEET

TO: SAMUEL J. CHILK, SECRETARY OF THE COMMISSION

FROM: COMMISSIONER ROGERS

SUBJECT: SECY-90-322 - NRC COMMENTS ON DRAFT CIRRPC
POLICY REPORT ADDRESSING THE NEED FOR NARM
REGULATION

APPROVED ^{WITH} COMMENTS _{KEA} DISAPPROVED _____ ABSTAIN _____

NOT PARTICIPATING _____ REQUEST DISCUSSION _____

COMMENTS: SEE ATTACHMENTS. _{KEA}

Kenneth C. Rogers
SIGNATURE

RELEASE VOTE 1X1

October 1, 1990

DATE

WITHHOLD VOTE 1

ENTERED ON "AS" YES X No _____ 000001

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

Dr. Alvin L. Young, Chairman
Committee on Interagency Radiation
Research and Policy Coordination
U.S. Department of Agriculture
Administration Building, Room 321A
14th & Independence Ave., SW.
Washington, DC 20250

Dear Dr. Young:

I am enclosing comments on the CIRRPC draft report, "Naturally Occurring and Accelerator Produced Radioactive Materials (NARM)," as requested in your June 6, 1990 letter. These comments were developed based on a review by and with the approval of Offices of the Commissioners and the Executive Director for Operations of the Nuclear Regulatory Commission. They therefore represent the Agency position on the draft report.

We recognize the contribution by the CIRRPC working group to date in addressing issues related to regulation of NARM and fully understand that resolution of our comments will entail considerable additional effort. CIRRPC's involvement in addressing the NARM issue ~~is appreciated and we shall look forward to timely completion of this important document.~~

and
look
forward to your response.

Sincerely,

Bill M. Morris, Director
Division of Regulatory Applications
Office of Nuclear Regulatory Research

Enclosure:
CIRRPC Report Approval Form

cc: Dr. William A. Mills, CIRRPC/ORAU

KCA

However, we would find it
most useful to have this
important document completed
within the next four to six
months.

We appreciate

NRC COMMENTS ON DRAFT CIRRPC POLICY REPORT ON "NATURALLY OCCURRING
AND ACCELERATOR-PRODUCED RADIOACTIVE MATERIALS (NARM)"

*a basis
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that* KC

General Comment

It is requested that the Committee on Interagency Radiation Research and Policy Coordination's (CIRRPC's) draft Policy Report on Naturally Occurring and Accelerator-Produced Radioactive Material (NARM) be revised to more clearly address the issues that originally prompted the Commission to refer the NARM issue to CIRRPC. The report, when properly revised, would provide enhanced assurance that Federal radiation protection programs, in conjunction with State programs, adequately protect the public and the environment. It would also provide a firmer basis for resolution of NARM issues at the Federal level.

To achieve this, the report must respond in a more definitive manner to items 2 and 3 of the scope of referral regarding the characterization of public health and safety or environmental concerns associated with discrete sources of NARM. Compared to earlier Federal and State efforts to characterize these concerns, the Working Group report presents a more benign view of the radiation hazards associated with possession, use, and disposition of discrete NARM sources. CIRRPC should either refute the conclusions of these comprehensive studies on this subject or propose specific initiatives to improve public protection from the hazards associated with NARM. In addition, it would be helpful to the Commission if the report discussed the nature of the risks associated with discrete sources of NARM and to the extent feasible, provided estimates of their magnitudes. Comparison with other risks associated with NRC regulated byproduct, source, and special nuclear materials would be useful in this regard.

Specific Comments

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of these sources in*

1. Page 5, NARM Waste Disposal

The report states that EPA is developing regulations to require disposal of discrete radium sources at low-level waste sites authorized under the Atomic Energy Act or at special NARM-waste disposal sites. The Commission supports EPA's efforts to require that these sources be disposed of safely in appropriate disposal facilities, including the special NARM waste disposal facilities. As a practical matter, however, discrete NARM sources will probably be disposed of in waste facilities licensed by NRC under the Atomic Energy Act (or by Agreement States). If disposal in NRC licensed sites is necessary, there will also be a need to establish standards for packaging, waste form, long-term isolation, and other aspects of NARM waste disposal to assure that these wastes do not constitute a hazard to the health and safety of the public and to assure that there is no impact on the safe disposal of the AEA wastes at these sites. One approach would be for EPA to establish such standards. We would appreciate CIRRPC's view on whether this is recommended or whether other alternatives, short of broadening the Atomic Energy Act, can be identified.

KC

2. Page 7, Control of Accelerator-Produced Radionuclides

The report states that radionuclides produced by accelerators should be controlled to the same degree of protection as required for byproduct materials

Earlier assessments of NARM, which were prepared by NRC and the CRCPD, relied on anecdotal information to reach conclusions about the need for additional Federal regulatory control of discrete NARM sources. The Commission concluded in 1988 that such information was not sufficient to merit proposals to Congress for expanding NRC's authority under the Atomic Energy Act to regulate discrete sources of NARM. It was this type of anecdotal information about the risks posed by discrete NARM sources that motivated the Commission to refer the issue of NARM regulation to CIRRPC for characterization of the risks associated with NARM and appropriate designation of NARM responsibilities. *does not* *Ken*

Based on the same types of anecdotal and incomplete information, the Working Group report on NARM reaches conclusions about the absence of health and safety concerns. Further, the report does not characterize the public health significance of the mishandling of NARM materials, nor address environmental concerns associated with NARM. Therefore, the report as written ~~fails to~~ respond to the heart of NRC's referral: does the possession, use, or disposition of NARM pose risks to humans and the environment sufficient to warrant additional regulatory control at the Federal level. The report should be revised either to refute the conclusions of the earlier assessments of the risks associated with NARM materials or to propose specific initiatives to improve public protection from the hazards associated with NARM. In addition, it would be helpful to the Commission if the report also discussed the nature of the risks associated with NARM sources and to the extent feasible, provided estimates of the magnitude of these risks.

5. Page 9, Regulatory Infrastructure

The report notes the existence of a substantial regulatory infrastructure for protecting the public health and safety from radiation sources under the Atomic Energy Act and other authorities. The report also states that this infrastructure is necessary and sufficient to control NARM sources. These two observations would seem to suggest that public health and safety could be benefited by expanding the Atomic Energy Act to provide NRC with authority to control NARM under the same regulatory infrastructure that already exists for other radioactive materials. However, the report concludes that no such expansion is necessary. The report should be revised to provide a basis and rationale for this conclusion and specifically indicate how the existing infrastructure is achieving the necessary and sufficient level of control of NARM sources.

6. Page 10, Definition of Discrete Sources

The first task of the scope of referral to CIRRPC was to "...develop a definition of discrete sources of [NARM] that might be regulated by the Federal Government." In response, the Working Group developed a characterization of discrete sources of NARM which uses the terms "source," "radionuclide component," and "significantly above background levels." For example, using this definition, gypsum wall board and other high-volume, low-activity sources could be defined as a discrete source of NARM, yet most Federal agencies would not generally consider such items to be discrete sources. We believe that the report should be revised to provide a definition or characterization of discrete sources of NARM that can be the basis for attaining consistency in future actions and decisions related to NARM regulation.