NOTATION VOTE

RESPONSE SHEET

TO: SAMUEL J. CHILK, SECRETARY OF THE COMMISSION

FROM: COMMISSIONER REMICK

SUBJECT: SECY-90-175 - STAFF REQUIREMENTS - OCTOBER 3, 1989, FOLLOWING A BRIEFING ON STUDY OF ADEQUACY OF REGULATORY OVERSIGHT OF MATERIALS UNDER A GENERAL LICENSE

APPROVED X w/comments DISAPPROVED ____ ABSTAIN ____

NOT PARTICIPATING ____ REQUEST DISCUSSION ____

COMMENTS:

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SIGNATURE

RELEASE VOTE [ ]

18 June 90
DATE

WITHHOLD VOTE [ ]

ENTERED ON "AS" YES ✓ NO ____

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Comments Accompanying Commissioner Remick's
Vote on SECY-90-175

The proposal to send periodic verification letters to general licensees is an excellent idea, and I look forward to receiving the proposed rule to permit implementation. Assuming that a copy of the regulations will accompany the letter from time to time, these mailings should promote not only better NRC tracking of general licensees, but better understanding of our requirements and compliance by the licensees.

The proposal to require specific licenses for certain applications of gamma scanners now under general license also seems reasonable. My only concern is that the paper does not provide similar rationales for the staff's implicit decisions not to recommend other generally-licensed applications or categories of devices for specific licensing.

I understand that these devices were designed to meet conservatively-estimated abnormal conditions, that some have survived very severe actual conditions, and that the absence of known injuries or health effects from misuse or unauthorized transfer of these devices indicates that additional regulation may well be unnecessary.

Given the staff's belief that losses of generally-licensed devices are underreported, however, it is likely that some kinds of accidents and misuses might also be underreported. The staff's recommendation for periodic verification letters itself indicates a concern that a significant minority of general licensees might not know what problems they are required to report, or even that they are required to report anything.

Thus, while we do not have sufficient evidence of health and safety risks to warrant further changes in our general licensing requirements beyond the changes the staff recommends, we also do not yet have sufficient basis to let the matter rest indefinitely. The 1987 contractor report on improper transfer/disposal scenarios for generally licensed devices even suggests a potential for significant doses from several types of devices.

Although the staff has informally determined that this document is based on unrealistic assumptions that produced far too conservative dose estimates, the staff currently has no documented analysis supporting this conclusion. It would be useful for the Commission to have a paper establishing the reasons for the view that the doses estimated in the contractor report are unlikely to be experienced in practice, or otherwise insufficient as a basis for rulemaking.

To the extent that the staff finds validity in the relative magnitude of dose estimates for some types of devices compared to others, the staff's analysis could also provide a basis for

establishing priorities for followup information gathering on categories of general licensees where survey responses are sparse. The analysis should be independent of the proposed rule on mail surveys, however, so that the rulemaking need not be delayed. I do not expect that this analysis will require a major effort, and should be scheduled accordingly after publication of the proposed rule.

After the staff has put the planned mail survey system into place and has had time to evaluate the information obtained from it, I trust that the staff will provide timely views to the Commission on whether further regulatory actions are in order. In addition to the need for requirements for specific licensing for additional types of devices or applications, the scope of the staff's analysis should include any need for guidance, changes in the information requested in the verification letters, or other changes to Part 31, such as a requirement for additional training.