



OFFICE OF THE SECRETARY

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

RELEASED TO THE PDR
2/11/91
date initials

January 24, 1991

MEMORANDUM FOR: James M. Taylor
Executive Director for Operations

Carlton Kammerer, Director
Office of State Programs
Office of Governmental and Public Affairs

David C. Williams, Inspector General

FROM: Samuel J. Chilk, Secretary

SUBJECT: SECY-90-382 - LONG-TERM USE OF WASTE
ENCAPSULATION AND STORAGE FACILITY (WESF)
SOURCES AT COMMERCIAL IRRADIATORS

This is to advise you that the Commission, based on its review of SECY-90-382, the additional information contained in the memorandum from the EDO to Chairman Carr on January 7, 1991, and the conclusions set forth in the Interim Report of the DOE Type B Investigation Group has no objection to your proposed actions in SECY-90-382 subject to the following additional items:

- 1) The staff should make appropriate modifications to the proposed letters to Applied Radiant Energy Corporation (ARECO) and the Colorado Department of Health that were enclosed in SECY-90-382 to reflect the staff's most recent information on the subject. In particular, the staff's letters to ARECO and the State of Colorado should recognize DOE's offer to take back, at DOE cost, the WESF sources. In addition, the proposed letters should take into account the staff's understanding as indicated in its January 7, 1991 memorandum to Chairman Carr that DOE's contractor responsible for shipment of WESF sources should have

SECY NOTE: THIS SRM AND THE SUBJECT SECY PAPER WILL BE MADE PUBLICLY AVAILABLE 10 WORKING DAYS FROM THE DATE OF THIS SRM.

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personnel and equipment available in the early part of 1991 to remove the WESF sources from Applied Radiant Energy Corporation and Iotech. Specifically, the letter to ARECO should state the staff's position that the WESF sources be returned to DOE as soon as practicable and not ask if ARECO agrees to return the sources.

- 2) Until the transfer back to DOE has been completed, the staff should ensure that these sources continue to be used (or stored awaiting transfer) in a manner that adequately protects workers and the public in the event that another source should leak. Therefore, in addition to the periodic testing program requested of ARECO in enclosure 1 of SECY-90-382, the staff should ensure that ARECO (1) continues to operate adequate radiation and contamination monitoring systems and (2) has in place adequate leaking capsule recovery equipment and procedures throughout this interim period. These provisions are consistent with specific recommendations of the DOE Type B Investigation Group [see pg. 105, "Interim Report of the DOE Type B Investigation Group -- Cesium-137: A Systems Evaluation, Encapsulation to Release at Radiation Sterilizers, Inc., Decatur, Georgia," July 1990, DOE/ORO-914].
- 3) The EDO should work with the Office of State Programs to recommend to the State of Colorado that similar actions be taken with respect to the Iotech facility.
- 4) In addition to these steps, the staff should advise the Commission of the following:
 - a) ARECO's response to the staff's letter, including the schedule for return of the ARECO WESF capsules and the testing program to be conducted in the interim;
 - b) Colorado's plans with respect to the IOTECH WESF capsules; and
 - c) The status of DOE's tritium light source program and any plans that DOE or its contractors may have to pursue commercial application of this technology.

(EDO/GPA/SK)

(SECY Suspense:
4/29/91)

Finally, Commissioner Curtiss has requested the audit branch of the Office of the Inspector General to review the file in this case to ensure that staff has identified and properly addressed

the "lessons learned" from the experience with licensing of WESF capsules, so as to avoid this or other similar situations in the future.

(OIG)

(SECY Suspense: TBA)

cc: Chairman Carr
Commissioner Rogers
Commissioner Curtiss
Commissioner Remick
OGC
GPA