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RECORD #78

TITLE: Jurisdiction of Mobile Radwaste Units Operating At Power Reactors

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Enclosure*



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION III
799 ROOSEVELT ROAD
GLZEN 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.

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

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

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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
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Cleveland, Ohio 44101

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Port Clinton, Ohio 43452

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Chem-Nuclear Systems, Inc.
ATTN: Mr. J. Stewart Corbett
Manager, Nuclear Safety
P.O. Box 1255
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 radioactive 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 and to use your systems for a determination whether an amendment to his license for authorization to use them is required.

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