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NSF

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September 27, 1985

Mr. J. O. Bunting, Jr., Chief
Policy and Program Control Branch
Division of Waste Management
Office of Nuclear Material Safety
and Safeguards
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Re: Advance Notice of Proposed Rulemaking (ANPRM) Financial Responsibility Requirements Applicable to NRC Licensees (Friday, June 7, 1985 Federal Register, Vol. 50, No. 110, Pg. 23960).

Dear Mr. Bunting:

The Nuclear Regulatory Commission (NRC) requested comments from NRC licensees on its proposed rule as published in the Federal Register on June 7, 1985. The rule would require licensees to possess financial resources sufficient to pay for the clean-up of accidental release of nuclear materials. The National Sanitation Foundation (NSF) has a license for using gas chromatography detectors and radioactive tracer elements required in various test procedures. NSF has the following comments on the proposed rule.

The NRC is interested in identifying the scope and magnitude of the problem of accidental releases of nuclear materials, as well as criteria for determining the cost and extent of liability coverage. The regulations need to address the amount and radiation levels of nuclear materials in specifying exemptions or certain licensees and/or minimum financial assurances. The cost of clean-up of released nuclear materials depend upon the level of radiation in excess of background levels, the area or extent of contamination, the route of exposure, and the likelihood for affecting human health. Both the amount of material and the radiation levels determine the area and extent of contamination, which are essential in determining the cost of clean-up.

The gas chromatograph (GC) detectors used by NSF (and by many other analytical laboratories) contain nickel as a radioactive source at an activity of 15 millicurries. This activity source is enclosed in a protected metal housing which is installed within a stationary analytical instrument. The likelihood of these source's being removed from the instrument and its protective housing, and then released into the environment is extremely improbable. A GC detector used in laboratory operations presents a significantly lower level of risk than sources which are not well protected and have greater activity levels.

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Acknowledged by card OCT 08 1985

The NRC also requested comment on the cost and availability of financial assurance mechanisms. NSF contacted its general liability insurance carrier and found that all general liability policies will contain exclusions for the accidental, gradual, or sudden release of "pollutants" by next year. The carrier indicated that a separate pollution liability policy would be subject to "high minimum premiums." This would pose unnecessary and unacceptable financial burdens to NSF and other organizations using similar low risk radioactive materials.

I trust that the NRC will carefully consider these factors in promulgating its regulation.

Cordially,

Nina I. McClelland, PhD
President and Chief Executive Officer

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