

February 16, 1999

MEMORANDUM William D. Travers
TO: Executive Director for Operations
FROM: Annette L. Vietti-Cook, Secretary /s/
SUBJECT: STAFF REQUIREMENTS - SECY-98-261 - POLICY CONCERNING BUNDLING OF EXEMPT QUANTITIES

The Commission has approved the staff's proposed generic letter describing a revised NMSS decision regarding the bundling of exempt quantity byproduct material subject to the following changes. The last paragraph on page 2 should be revised because it focuses solely on radiation safety and does not address protection of property. In addition, the joint Agreement State-NRC working group went to great lengths to raise this issue for licensed devices and orphaned sources to a level of Commission concern comparable to radiation safety. For these reasons, the paragraph should be reworded as follows (changes are in bold).

At this time, devices, already in use, having multiple exempt quantities of byproduct material may continue to be used. NRC does not plan to take any action at this time regarding these devices or users unless a radiological safety hazard is identified. However, because, as explained below, NRC is reviewing this matter, persons possessing such devices should maintain control of and account for these devices. To this end, it is good practice to clearly label the devices with radioactive materials warning labels bearing the standard radiation warning symbol and standard magenta (or purple) and yellow colors. Additionally, it is preferable to not dispose of devices containing multiple exempt sources through ordinary commercial waste disposal or metal recycling channels because of the presence of radioactive material. If devices containing sources are no longer needed, the supplier should be consulted for advice regarding proper disposal options.

NRC plans to further evaluate the risks associated with these devices. Following this evaluation, NRC will consider appropriate steps, including rulemaking, to clarify the regulatory status of these devices consistent with the protection of the public health and safety and with due consideration of property protection. It is anticipated that the evaluation and rulemaking process will take 2 to 3 years.

The staff should request distributors of these devices to provide copies of the generic letter to past customers. Copies of the generic letter should also be provided to the appropriate scrap metal industry and commercial waste trade organizations.

cc: Chairman Jackson
Commissioner Dicus
Commissioner Diaz
Commissioner McGaffigan
Commissioner Merrifield
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