

October 11, 1996

MEMORANDUM FOR: James M. Taylor
Executive Director for Operations

John F. Cordes, Acting Director
Office of Commission Appellate Adjudication

FROM: John C. Hoyle, Secretary /s/

SUBJECT: STAFF REQUIREMENTS - AFFIRMATION SESSION, 11:00
A.M., WEDNESDAY, OCTOBER 2, 1996, COMMISSIONERS'
CONFERENCE ROOM, ONE WHITE FLINT NORTH,
ROCKVILLE, MARYLAND (OPEN TO PUBLIC ATTENDANCE)

I. SECY-96-100 - FINAL AMENDMENTS TO 10 CFR PARTS 20 AND 35 ON CRITERIA
FOR THE RELEASE OF INDIVIDUALS ADMINISTERED RADIOACTIVE MATERIAL

The Commission approved a final rule which clarifies the applicability of 10 CFR Part 20 and 10 CFR Part 35 concerning patient release criteria. These amendments: (1) provide a significant expansion of the discussion on breast-feeding, (2) clarify that 10 CFR 35.75 governs patient release, and (3) revise the criteria for release of patients administered radioactive material for medical use under 10 CFR 35.75 to permit a maximum likely total effective dose equivalent of 5 millisieverts (0.5 rem).

The staff should revise the Statements of Consideration and other supporting documents, where appropriate, to be consistent with the dose limit as specified in the final rule. Also, the guidance should be published at the same time as the rule.

In a related matter, the staff should address the Petition for Rulemaking filed by the University of Cincinnati (PRM-020-024) on an expedited basis.

(EDO)

(SECY Suspense: 11/22/96)

II. SECY-96-118 - AMENDMENTS TO 10 CFR PARTS 50, 52, AND 100, AND ISSUANCE
OF A NEW APPENDIX S TO PART 50

The Commission approved a revision to the basic reactor siting criteria to reflect advances in the earth sciences and earthquake engineering. The change revises 10 CFR Part 100 to contain a new section on nonseismic siting criteria as well as the geologic and seismic siting criteria. A new Appendix S to Part 50 provides earthquake engineering criteria.

The Commission has approved the use of the "worst" (or "any") two hours for the period used to evaluate dose to the public at the exclusion area boundary.

The staff should publish the final rule in the Federal Register with the modifications contained in the EDO's memorandum to the Commission dated July 10, 1996 and incorporating the comments and editorial changes provided in Attachment 1.

(EDO) (SECY Suspense: 11/22/96)

III. SECY-96-136 - AMENDMENTS TO 10 CFR PART 60 ON DISPOSAL OF HIGH-LEVEL RADIOACTIVE WASTES IN GEOLOGIC REPOSITORIES -- DESIGN BASIS EVENTS FOR THE GEOLOGIC REPOSITORY OPERATIONS AREA -- FINAL RULEMAKING

The Commission approved amendments to 10 CFR Part 60 to address measures necessary to protect public health and safety for a broad range of normal and accident conditions during the operational period of a geologic repository. The final rule addresses measures that are required to provide defense in depth against the consequences of "design basis events."

The staff should publish the final rule in the Federal Register and include the Senate Energy Committee (Murkowski, Johnston) and the Nevada delegation in the Congressional notifications.

(EDO) (SECY Suspense: 11/22/96)

Commissioner Diaz, although approving this item, would have preferred to wait until after the receipt of public comments on the HLW strategic assessment paper.

IV. SECY-96-152 - FINAL RULEMAKING - REVISION TO 10 CFR PART 34, LICENSES FOR INDUSTRIAL RADIOGRAPHY AND RADIATION SAFETY REQUIREMENTS FOR INDUSTRIAL RADIOGRAPHIC OPERATIONS AND REVISION TO THE NRC ENFORCEMENT POLICY

The Commission approved amendments to 10 CFR Part 34 to make NRC regulations more compatible with the Agreement States that have already upgraded radiography requirements. The primary changes involve requirements for: 1) use of two qualified individuals whenever radiographic operations occur outside a permanent facility; 2) mandatory certification of radiographers; 3) a radiation safety officer; and 4) additional training for radiographer's assistants.

The staff should publish the final rule in the Federal Register with the changes provided in Attachment 2.

(EDO) (SECY Suspense: 11/22/96)

Additionally, the staff should explore a mechanism for improving its capability to conduct cost-benefit analyses as required in NUREG/BR-0058 for regulations like Part 34.

V. SECY-96-185 - LOUISIANA ENERGY SERVICES (CLAIBORNE ENRICHMENT CENTER); ATOMIC SAFETY AND LICENSING BOARD PARTIAL INITIAL DECISION (RESOLVING CONTENTIONS H, L, AND M), LBP-96-7

The Commission approved an order responding to the Citizens Against Nuclear Trash's petition for Commission review of an April 26, 1996, Atomic Safety and Licensing Board Partial Initial Decision (LBP-96-7). The order denies in part and grants in part the petition for review, and directs that the emergency plan, the Safety Analysis Report (SAR), and the Safety Evaluation Report be amended to reflect the clarified role for the on-site fire brigade.

(Subsequently, on October 2, 1996, the Secretary signed the Order.)

VI. SECY-96-209 - YANKEE ATOMIC ELECTRIC COMPANY (YANKEE NUCLEAR POWER STATION), DOCKET NO. 50-029-DCOM, MEMORANDUM AND ORDER (Granting Motion for Summary Disposition), LBP-96-18

The Commission approved an order to (1) establish a filing schedule for any petition for review and responses thereto regarding the Licensing Board's order granting Yankee Atomic Electric Company's motion for summary disposition; and (2) extend the Board's 12-day "housekeeping stay" of the effectiveness of LBP-96-18, pending further order of the Commission.

The Commission approved the proposed order with the changes in John Cordes memorandum to the Commission dated October 1, 1996.

(Subsequently, on October 2, 1996, the Secretary signed the Order.)

Attachments:

As stated

cc: Chairman Jackson
Commissioner Rogers
Commissioner Dicus
Commissioner Diaz
Commissioner McGaffigan
OGC
OCAA
OCA
OIG
Office Directors, Regions, ACRS, ACNW, ASLBP (via E-Mail)
PDR - Advance
DCS - P1-24

Comments and editorial changes to the Federal Register Notice (SECY-96-118 - Amendments to 10 CFR Parts 50, 52, and 100, and Issuance of a New Appendix S to Part 50):

1. The last two sentences on the bottom of page 20 regarding plant shutdown in the event of an operating basis earthquake (OBE) need to be revised in that they are worded in a manner that implies that structures, systems and components that are designed to withstand a safe shutdown earthquake (SSE) may not be able to withstand an OBE. This appears contrary to the stated purpose of SSE design requirements.
2. On page 30, line 6, delete the word "the" just prior to the word "public."
3. On page 37, line 4, delete the redundant "the."
4. On page 38, item (3), delete the "(ii)" at the end of the sentence.
5. On page 39, at the end of item (3), add "and the licensing basis is maintained." See also 50.54(ff).
6. On page 43, in item 16, move the word "follows" up on to the preceding line.

The staff should ensure that conforming changes are made to the regulations, where necessary, e.g., 10 CFR 21.3, to refer to either Part 100 for current reactors or Part 50 for future reactors.

The staff should review the proposed rule changes and the Statement of Consideration and make any modifications that are necessary to make it clear that existing requirements apply to all facilities that were licensed prior to the effective date of these new rules, including those previously-licensed facilities that seek renewed licenses under 10 CFR Part 54.

The staff should continue to study the use of organ dose weighting factors, as used in Part 20, and evaluate, in future rule changes, whether their use may be warranted for greater consistency.

Dose criteria have been placed in Part 50 for future applicants, but the staff has not addressed this for operating plants. The staff has been using the Part 100 dose criteria as a surrogate for estimating the consequences of design basis accidents. Although not incorporated in this rulemaking, the staff should continue to work on appropriate guidance to accommodate applications for operating reactors, where appropriate.

Attachment 1

Attachment 2

Changes to the Federal Register Notice (SECY-96-152 - Final Rulemaking - Revision to 10 CFR Part 34, Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiographic Operations and Revision to the NRC Enforcement Policy)

1. Example C.4 is being amended to add a reference to uncertified persons. Conduct of licensed activities by an uncertified person is significant because the certification demonstrates that the person has received training in accordance with 10 CFR Part 34 or equivalent Agreement State regulation, has satisfactorily completed a minimum period of an on-the-job training, and has received verification by an Agreement State or an NRC licensee that the person has demonstrated the capability of independently working as a radiographer.

2. Example C.8 is being amended to add a reference to have present **at least two qualified individuals** ~~emergency notices~~. A failure, during radiographic operation, to have present **at least two qualified individuals** ~~emergency notices~~ as required by 10 CFR Part 34 ~~when only one radiographer is present~~ is significant because **the requirement provides assurance that operational safety measures and emergency procedures will be effectively implemented** ~~there needs to be notice to the public if a radiographer is disabled~~.

3. Example C.12 is being added to address a failure, during radiographic operation, to stop work after a pocket dosimeter is found to be off-scale, or after an electronic dosimeter reads greater than 200 mrem, and before a determination of the individual's actual radiation exposure has been made. This example is significant because of the need to evaluate the

potential to exceed regulatory limits and the need to take corrective action.

Conforming changes have been made to the sections affected by these revisions.

The existing examples for Severity Level III violations presently address other significant violations of the amendments to 10 CFR Part 34 such as a failure to perform surveys to determine that the sealed source has been returned to its shielded position, to properly monitoring site boundaries for access control, and to utilize qualified RSOs.

Therefore, the following revision is made to Supplement VI and will be reflected in the next publication of NUREG 1600:

SUPPLEMENT VI-- FUEL CYCLE AND MATERIALS OPERATIONS

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C. *Severity Level III* - Violations involving for example:

* * * * *

4. Conduct of licensed activities by a technically unqualified or uncertified person or;

* * * * *

8. A failure, during radiographic operations, to have present at least two qualified individuals or to use radiographic equipment, radiation survey instruments, and/or personnel monitoring devices as required by 10 CFR Part 34;

* * * * *

10. [insert text] ;

11. A significant failure to meet decommissioning requirements including a failure to notify the NRC as required by regulation or license condition, substantial failure to meet decommissioning standards, failure to conduct and/or complete

decommissioning activities in accordance with regulation or license condition, or failure to meet required schedules without adequate justification, or