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NRC PROPOSES ADDITIONAL REQUIREMENTS FOR CERTAIN DEVICES CONTAINING RADIOACTIVE MATERIAL

The Nuclear Regulatory Commission is proposing to amend its regulations to establish additional requirements for users and distributors of radioactive material in certain measuring, gauging and controlling devices.

The revisions are aimed at providing greater assurance that users of the devices will properly handle and dispose of them, thus reducing the potential for unnecessary radiation exposure to the public or contamination of property.

The proposed revisions would provide the details of an annual registration program that the NRC plans to initiate. The changes would also require that distributors provide additional information to users to provide further assurance that they understand the requirements for possession of the devices.

Companies and individuals are permitted to use the devices under an NRC "general license," which means that they need not have a specific license issued to a named individual or organization with specific license conditions and requirements. A generally licensed device usually consists of radioactive material contained in a sealed source within a shielded container. A common example is a fixed gauge used in a factory to monitor a production process and ensure quality control.

Such a device is designed with inherent radiation safety features so that it can be used by persons with no radiation training or experience. The general license is meant to simplify the licensing process so that a case-by-case determination of the adequacy of radiation training or experience of each user is not necessary.

In the past, NRC has not regularly contacted general licensees because of the relatively small radiation risk posed by the devices. However, there have been a number of instances in which generally licensed devices have not been properly handled or properly disposed of and, in some cases, have ended up in the public domain, causing radiation exposures or radioactive contamination.

The proposed registration requirement would apply to generally licensed measuring, gauging and controlling devices with quantities of certain radioactive materials posing a higher risk to public safety or of property damage if the device were lost than would other generally licensed devices.

The majority of the devices meeting these criteria are used in commercial and industrial applications measuring thickness, density or chemical composition in industries such as

petrochemical and steel manufacturing. About 5,100 general licensees possessing about 20,000 devices would come under the registration requirement.

General licensees affected by the registration requirement would have to pay the NRC an annual registration fee of \$420.

Specific licensees who distribute the measuring, gauging and controlling devices would be required to provide—before transferring a device to a general licensee—copies of additional applicable sections of the NRC regulations, a listing of the types of service to the device that can only be performed by a specific licensee, and information regarding disposal options, including the cost for disposal. The amendments would also modify the reporting, recordkeeping and labeling requirements for distributors.

On March 9, the Commission established an interim enforcement policy for violations of NRC regulations that general licensees discover and report during the initial cycle of the registration program. The interim policy, published in the March 9 edition of the Federal Register on pages 11508-11509, provides that enforcement action normally will not be taken for violations so identified and reported, provided appropriate corrective action has been taken. This amnesty period, which will remain in effect through one complete cycle of the registration program, should encourage general licensees to search their facilities to ensure that sources are located, to determine if applicable requirements have been met, and to develop appropriate corrective actions when deficiencies are found.

The Commission also plans to increase the civil penalty amounts that would be imposed for violations involving lost or improperly disposed-of devices or radioactive material from them. This increase will better relate the civil penalty amount to the costs avoided by the failure to properly dispose of the source or device.

Additional details of the proposed revisions to the regulations are contained in a Federal Register notice to be published shortly. Interested persons are invited to submit written comments within 75 days of the Federal Register notice to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff. Comments may also be submitted via the NRC's interactive rulemaking web site through the NRC home page at <http://ruleforum.llnl.gov>. Information on this site is available from Carol Gallagher, 301/415-5905; e-mail CAG@nrc.gov.

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