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No. 98-214

FOR IMMEDIATE RELEASE
(Tuesday, December 1, 1998)

NRC PROPOSES CHANGES TO REGULATIONS FOR DEVICES CONTAINING RADIOACTIVE MATERIAL

The Nuclear Regulatory Commission is proposing to amend its regulations in Part 31 governing the use of radioactive material in certain measuring, gauging and controlling devices to explicitly require licensees who possess the devices to provide information to NRC upon request.

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. The 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.

There are about 45,000 general licensees under the Commission's general license program; they possess about 600,000 devices containing radioactive material. In the past, these general licensees have not been contacted by the NRC on a regular basis because of the relatively small radiation risk posed by the devices and the very large number of general licensees. However, there have been a number of instances in which generally licensed devices have not been properly handled or properly disposed of. In some cases, this has resulted in unnecessary radiation exposure to the public and contamination of property.

A three-year NRC sampling of general licensees showed that approximately 15 percent of those surveyed could not account for all of their devices. The NRC believes this situation could be addressed by more frequent and timely contact between the general licensees and the NRC.

While the Atomic Energy Act gives NRC the authority to request appropriate information from licensees, the Commission has not previously included in its regulations an explicit provision in this regard for generally licensed devices.

The NRC proposes to use the new requirements for certain general licensees to establish a registration system. This system would cover 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 6,000 general licensees possessing about 24,000 devices will come under the registration requirement.

The proposed revisions would require the affected licensees to respond to NRC requests for information within 30 days, in most cases.

Interested persons are invited submit comments on the proposed changes within 75 days after publication of a Federal Register notice on this subject, expected shortly. Written comments should be mailed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001, Attention: Rulemaking and Adjudications Staff. Comments may also be submitted via the NRC's interactive rulemaking web site at <http://www.nrc.gov/NRC/rule.html> .

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