

August 31, 2000

Mr. Larry Boschult
Radiological Staff Specialist
Radiological Health Section
Deputy Food and Drug Commissioner
Bureau of Health Protection Services
Nevada State Health Division
1179 Fairview Drive, Suite 102
Carson City, NV 89701-5405

Dear Mr. Boschult:

I am responding to your March 1, 2000 letter to Mark R. Shaffer regarding a Nevada licensee's request for clarification of a waste disposal issue. In that letter, the licensee states that the State Health Laboratory (SHL) has become part of the University of Nevada at Reno (UNR) School of Medicine; thus their use of radioactive materials is now governed by the provisions of UNR's Type A license. SHL has been using the BACTEC tuberculosis testing kits, manufactured by Becton Dickinson Microbiology (BDM), 7 Loveton Circle, Sparks, Maryland 21152. Each kit contains an exempt quantity of C-14 at the average amount of four microcuries.

Two disposal methods suggested by the BDM are sanitary discharge or to treat it as laboratory waste after autoclave sterilization. You have requested our response on this disposal issue which was addressed in four questions by the State licensee. Following are responses to the questions:

1. Can used BACTEC TB testing kits be disposed of as laboratory trash?

Response: The BDM has an exempt distribution license (license number: 19-14977-01E), issued under 10 CFR 32.18, from the Nuclear Regulatory Commission (NRC). Please note that the BDM license is not an NRC general license as indicated in the letter submitted by UNR dated February 7, 2000. Pursuant to paragraph 32.18(d), the BDM has submitted copies of prototype labels and brochures to NRC for review and approval. The disposal method suggested by the BDM has been approved by the NRC. Therefore, any persons exempt pursuant to 10 CFR 30.18 can dispose of used BACTEC TB testing kits as laboratory trash following BDM's suggestion.

2. If the vials cannot be disposed of as laboratory trash, how should they be processed for disposal?

Response: Not applicable.

3. Is BDM providing correct disposal methods to their kit users?

Response: Yes. The disposal methods have been approved by the NRC pursuant to 10 CFR 32.18(d) requirement.

4. Is BDM authorized to suggest such disposal methods?

Response: Yes. Pursuant to 10 CFR subparagraph 32.19(d)(3), the BDM is required to set forth appropriate instructions relating to disposal of the radioactive material.

If you have any questions concerning our responses, please contact me or Kevin Hsueh at (301) 415-2598.

Sincerely,

/RA/

Paul H. Lohaus, Director
Office of State and Tribal Programs

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