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Secretary, US Nuclear Regulatory Commission
Washington, DC 20555-0001
Attn: Rulemakings and Adjudications Staff

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

To Whom It May Concern:

The Radiation Protection Program within the New Jersey Department of Environmental Protection (the Department) commends the Nuclear Regulatory Commission for revising its regulations in regards to the transfer of unimportant quantities of source material, but would like clarification on an apparent inconsistency.

In 40.13(a) the NRC exempts persons from obtaining a license if the source material in the chemical mixture, compound, solution, or alloy is by weight less than one-twentieth of 1 percent (0.05 percent) of the mixture, compound, solution, or alloy. Yet in the supplementary information to the proposed changes, the NRC points out that for quantities of source material that fall under the exemption in Sec. 40.13(a), transfers could potentially result in scenarios where exposure limits in 10 CFR Part 20 could be exceeded. It goes on to state that there are certain situations where an individual dose could exceed 100 millirem per year (mrem/y). This could mean that persons that possess source material exempt from licensing may be exposing workers and/or the general public to more than 100 mrem/y under no regulatory obligation. Since this quantity (0.05% by weight) was developed without regard to dose, the Department believes that it should revisit this condition so that it is consistent with at least one of its other dose criteria (decommissioning, release of solids, dose to members of the public).

The Department also believes that the NRC policy prohibiting intentional dilution without prior authorization should be promulgated.

If you need further information or clarification, please call me at (609) 984-5520.

Sincerely,

Jill Lipoti, Ph.D., Assistant Director
Radiation Protection Programs

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