

DOCKET NUMBER  
PROPOSED RULES **PR 30,31,32+150**  
(71FR 00275)

②

DOCKETED  
USNRC

January 13, 2006 (2:00pm)

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

January 12, ~~2005~~<sup>2006</sup>

Secretary, U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Attention: Rulemakings and Adjudications Staff

Re: Comments on Proposed Rule

Dear Sirs:

I have reviewed the proposed rule changes in Parts 30, 31, 32, and 150 - "Exemptions from Licensing, General Licenses, and Distribution of Byproduct Material: Licensing and Reporting Requirements," which were published in the *Federal Register* (71 FR 275). I would like to offer the following comment.

When the NRC started charging fees for general licensees, those that had a specific license often chose to amend their license to add the general licensed devices to their specific license to avoid additional fees. Rule 31.5(c)(1) requires that the original label on the device be maintained, so the GL label on the devices moved under the specific license was not changed. The NRC now states that these labels must be changed to those used on specific license devices. This is mostly because some of the general license labels have stipulations on them that restrict actions by the end user. An example of this would be that the general license label instructions might indicate that the general licensee may not conduct its own leak tests, but must have an appropriate specifically licensed service company perform the test.

In the past, the NRC, and at least some states, have allowed general license devices to be moved to the specific license without relabeling the device. This saved the licensee the cost of having the various manufacturers come to the facility and replace the labels. Such services could be quite expensive. All they had to do was notify the distributor that the device had been added to their specific license and send a copy of the license to the distributor.

Template = SECY-067

SECY-02

I would recommend that the NRC consider that when a GL device is added to a specific license, the conditions of the specific license would supersede the GL requirements. So, for instance, the specific license leak test condition would supersede the GL label limitations.

This would save the licensees money, and not, in my judgement, result in any detriment to health and safety.

Thank you for the opportunity to comment on this subject.

Sincerely

David Walter, Director  
Radioactive Materials Licensing  
Alabama Office of Radiation Control

**From:** Carol Gallagher  
**To:** Evangeline Ngbea  
**Date:** Fri, Jan 13, 2006 10:47 AM  
**Subject:** Comment letter on Proposed Rule - Exemptions from Licensing, General Licenses, and Distribution ...

Van,

Attached for docketing is a comment letter on the above noted proposed rule from David Walter, Alabama Office of Radiation Control, that I received via the rulemaking website on 1/13/06. His address is:

David Walter  
201 Monroe Street, Suite 700  
Montgomery AL 36104  
[dwalter@adph.state.al.us](mailto:dwalter@adph.state.al.us)

Carol

**Mail Envelope Properties** (43C7CB7A.4EB : 3 : 886)

**Subject:** Comment letter on Proposed Rule - Exemptions from Licensing, General Licenses, and Distribution ...  
**Creation Date:** 1/13/06 10:47AM  
**From:** Carol Gallagher  
**Created By:** CAG@nrc.gov

**Recipients**

nrc.gov  
owf5\_po.OWFN\_DO  
ESN (Evangeline Ngbea)

**Post Office**  
owf5\_po.OWFN\_DO

**Route**  
nrc.gov

<b>Files</b>	<b>Size</b>	<b>Date &amp; Time</b>
MESSAGE	1140	01/13/06 10:47AM
1671-0001.wpd	10349	01/13/06 10:43AM

**Options**

**Expiration Date:** None  
**Priority:** Standard  
**Reply Requested:** No  
**Return Notification:** None  
  
**Concealed Subject:** No  
**Security:** Standard