

DOCKET NUMBER
PETITION RULE PRM 40-27
(64FR36615)

DOCKETED
USNRC

September 16, 1999

'99 SEP 20 A9:12

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

OFFICE OF SECRETARY
RULEMAKING AND
ADJUDICATIONS STAFF

Attention: Rulemakings and Adjudications Staff

RE: Petition for Rulemaking: PRM-40-27

I support the petition by the State of Colorado and the Officers of the Organization of Agreement States. The petition should be granted and the regulations should be changed as quickly as possible because it has been shown that following the existing regulation has resulted in excessive and unnecessary exposures to radiation workers and the public.

In addition to the sites identified in the petition, other source material general licensees have also conducted activities which would be violations for specific licensees.

Colorado has identified a second lens-coating facility that uses thorium. This facility used thorium in a similar manner to the one identified in the Petition for Rule Making.

A posting on the RadSafe listserver (<http://romulus.ehs.uiuc.edu/cgi-bin/lwgate/RADSAFE>) identified contamination, potentially exceeding Part 20 limits, that resulted from the use of zirconium sands used to patch kilns.

In the late 1980's, the NRC issued an order to a source material general licensee, Wrangell Laboratories, compel them to comply with safety standards. (This order was subsequently overturned. See below)

While the use of 15 pounds of source material at any one time, and 150 pounds in any one year can cause significant exposures and levels of contamination, the general license exemption in 40 CFR 22(b) is further exasperated by the panel of administrative law judges that over ruled the NRC order referenced above. [ASLBP No. 89-582-01-SC, cited as 30 NRC 746 (1989)] That panel ruled the general license limits related only to use, transfer and receipt, not to possession. Considering the external exposures resulting from thorium daughters, radiation areas and exposures over 5 rem per year are readily achievable from, and permissible for, general licensees who are exempt from Part 20 standards. This should not be allowed.

Again, the Commission should approve the petition, and modify 40 CFR 22(b) and quickly as possible.

W. Jake Jacobi
8100 Lowry Blvd.
Denver, CO 80230

[Faint, illegible administrative stamps and handwritten notes]

SEP 22 1999

Template = SECY-067

Acknowledged by card

SECY-02

September 17, 1999

NOTE TO: Emile Julian
Chief, Docketing and Services Branch

FROM: Carol Gallagher
ADM, DAS



SUBJECT: DOCKETING OF COMMENT ON PETITION FOR RULEMAKING (PRM-40-27) - STATE OF COLORADO AND ORGANIZATION OF AGREEMENT STATES

Attached for docketing is a comment letter related to the petition for rulemaking. This comment was received via the rulemaking website on September 16, 1999. The submitter's name is W. Jake Jacobi, 8100 Lowry Blvd, Denver, CO 80230. Please send a copy of the docketed comment to Catherine Mattsen (mail stop T-9F-31) for her records.

Attachment:
As stated

cc w/o attachment:
C. Mattsen