



NRC NEWS

U.S. NUCLEAR REGULATORY COMMISSION

Office of Public Affairs Telephone: 301/415-8200

Washington, D.C. 20555-0001

E-mail: opa.resource@nrc.gov

Site: <http://www.nrc.gov>

No. 09-131

August 5, 2009

NRC PROPOSES STRONGER OVERSIGHT OF RADIOACTIVE MATERIALS

The Nuclear Regulatory Commission is proposing to strengthen oversight of radioactive materials by limiting the amount of radioactive material allowed in generally licensed devices.

“I believe this proposed rule is a positive step forward in increasing the accountability of these materials,” NRC Chairman Gregory B. Jaczko said. “I look forward to receiving input from the public on the agency’s proposal.”

The proposed rule would require owners of approximately 1,800 devices, an estimated 1,400 general licensees nationwide, to apply for specific licenses for the devices. This change applies primarily to fixed industrial gauges.

Requiring specific licenses for such devices would improve the safety, security and control over the gauges by bringing them under increased regulation, making it harder to accumulate a risk-significant amount of radioactive material or to procure a device through subterfuge.

The proposed rule was published Aug. 3 in the *Federal Register* for public comment, and is available online here: <http://edocket.access.gpo.gov/2009/pdf/E9-18438.pdf>.

Generally licensed devices typically contain radioactive material in a shielded, sealed housing. Their design includes inherent radiation safety features so the device may be safely used by someone with no radiation training or experience. Examples include gas chromatographs used in chemical analysis, static eliminators, ice detection devices and certain *in vitro* kits used in clinical or laboratory testing. Owners of such devices must fulfill certain recordkeeping requirements, but because of the built-in safety features, they do not have to apply to the NRC or a state regulatory agency for a specific license to possess or use the radioactive material.

The devices that would be affected by the proposed rule fall into Category 3 or the upper limits of Category 4 of the International Atomic Energy Agency’s (IAEA’s) categorization of radioactive sources. The U.S. government considers Category 1 and Category 2 sources to be the

most sensitive from a security standpoint. While sources in lower categories are considered less sensitive, the NRC is concerned that a small number of Category 3 or certain Category 4 sources together could be equivalent to a Category 2 amount of radioactive material.

The proposed rule would require specific licenses for devices containing radioactive material equal to or greater than $1/10^{\text{th}}$ of the IAEA's Category 3 level. This requirement would improve NRC monitoring of the location and use of radioactive materials of higher activity and enhance the accountability and control of such devices. The more stringent requirements of the specific licensing process would minimize the potential for aggregation of radioactive materials to quantities of concern, thereby enhancing the NRC's ability to protect public health and safety. The proposed rule would also clarify the applicable requirements when a device authorized under a general license is instead held under a specific license.

For more information on the proposed rule, contact NRC staff member Solomon Sahle by phone at 301-415-3781 or via e-mail at solomon.sahle@nrc.gov.

Comments on the changes will be accepted through Oct. 19. Comments may be mailed to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, ATTN: Rulemakings and Adjudications Staff. They may be e-mailed to: rulemaking.comments@nrc.gov or submitted via the Federal e-Rulemaking Portal at <http://www.regulations.gov> under Docket ID NRC-2008-0272. Comments may also be faxed to the Secretary at 301-415-1101, or hand-delivered to 11555 Rockville Pike, Rockville, Md., between 7:30 a.m. and 4:15 p.m. on federal workdays.

###

News releases are available through a free *listserv* subscription at the following Web address: <http://www.nrc.gov/public-involve/listserver.html>. The NRC homepage at www.nrc.gov also offers a SUBSCRIBE link. E-mail notifications are sent to subscribers when news releases are posted to NRC's Web site.