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August 14, 2009

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

DOCKETED  
USNRC

August 19, 2009 (2:00pm)

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

Subject: Docket ID NRC-2008-0272

Dear Sir/Madam:

Northwestern University hereby submits comments on the proposed revision to 10 CFR 31. published August 3, 2009 in Volume 74, No. 147 of the Federal Register. We agree with the rationale for raising the activity limit for generally licensed devices but are alarmed at the possible prohibition against any specific licensee possessing a device under the general license.

The new section 31.5(b)(3), as proposed, does not appear to present a burden for the University. We currently possess some devices under the general license granted by 32 Ill. Adm. Code 330.220(b)(1) and manage those sources effectively outside of the requirements for a Broad-Scope Academic license. They were initially transferred as generally licensed sources and were never held under the authority of the specific license, so the Illinois equivalent to the proposed rule would not prohibit their continued possession under the general license.

We are concerned, however, with the statement in Section C of the Federal Register notice that says:

“The Commission is also considering and may include in the final rule an additional change concerning generally licensed devices held by specific licensees. The proposal would prohibit specific licensees from possessing generally licensed devices under 10 CFR 31.5 at the same site. Any specific licensee possessing a device generally licensed under 10 CFR 31.5 at a site for which an SL is in place would be required to transfer the device to the authority of their SL.”

This prohibition would place a severe burden on academic licensees with no additional increase in security or accountability. Much of the research in the life sciences includes the use of liquid scintillation spectrometers. These generally licensed devices are located throughout the University and placing them under the control of our broad-scope academic license would require revision of most authorizations approved by the Radiation Safety Committee (RSC), with no reduction of the hazard to workers.

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Furthermore, the activities of the RSC are primarily focused on the safe use of unsealed liquids containing radioactive materials as tracers. Their expertise is not in the use of sealed sources that present little or no hazard, such as electron capture detectors containing Ni-63 or in-line de-ionizers containing Po-210. All sources possessed by the University under the GL contain less than 1/100 of IAEA Category 2 activity limits. According to your own rationale, this presents a "relatively low security risk [and] does not warrant additional regulatory resources."

Therefore, we strongly oppose any effort to require specific licensees to convert generally licensed devices containing less than 1/100 of the Category 2 activity limit to a specific license, regardless of where they may be located. Notwithstanding your belief that this proposal "would reduce confusion and improve compliance with the regulations because a licensee would have to follow only one set of requirements at each site," the underlying cause of this proposal seems to be the next statement: "This proposal would reduce the number of generally licensed devices that the NRC would need to track."

A blanket statement about licensees' confusion without any justification should not be a basis for rulemaking and neither should a reduction of workload by the Commission's staff. The sole purpose for this rulemaking should be an increase of safety and security. The prohibition of a GL at all specifically licensed sites does not improve safety or security.

Thank you for the opportunity to provide comments on this proposed rule. Should you have any questions, you may contact me by voice at 847-491-5581 or by email at [bsanza@northwestern.edu](mailto:bsanza@northwestern.edu).

Sincerely,



Bruce J. Sanza, CHP  
Assistant Director for Radiation Safety  
Radiation Safety Officer