



# Georgia-Pacific

**Environmental Affairs**  
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October 19, 2009

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

DOCKETED  
USNRC

October 19, 2009 (11:15am)

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

**Attention: Docket No. NRC-2008-0272**

Re: Proposed Rule, "Limiting the Quantity of Byproduct Material in a  
Generally Licensed Device"  
74 Fed. Reg. 38372 (August 3, 2009)

Dear Sir/Madam:

Enclosed are the comments of Georgia-Pacific, LLC ("GP") on the U.S. Nuclear Regulatory Commission's (NRC) proposed rule entitled "Limiting the Quantity of Byproduct Material in a Generally Licensed Device" published in the Federal Register at 74 Fed. Reg. 38372 (August 3, 2009). GP appreciates the opportunity to comment on this important rulemaking.

As one of the world's leading manufacturers and marketers of building products, tissue, packaging, paper, cellulose, and related chemicals with about 170 manufacturing facilities across the United States, GP (through its operating/manufacturing subsidiaries) facilities has more than 700 sealed source nuclear devices monitoring its diverse manufacturing operations. These devices are located at 30 U.S. facilities, several of which operate under a General License. GP urges NRC to consider and incorporate the enclosed comments in the final rulemaking.

If you have any questions or need additional information about these comments, please feel free to contact Alan Stinchfield (404-652-6265) or me.

Sincerely,

Traylor Champion  
Vice President, Environmental Affairs

**COMMENTS FROM GEORGIA PACIFIC, LLC ON NRC's PROPOSED  
RULE:**

**“LIMITING THE QUANTITY OF BYPRODUCT MATERIAL IN  
GENERALLY LICENSED DEVICES”**

**74 Fed. Reg. 38372 (AUGUST 3, 2009)**

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- 1. GP agrees with NRC requiring that sources greater than 1/100 of the thresholds listed in Appendix E of 10 CFR Part 20 for Category 2 be specific licensed.**  
[FR 38381]

In the preamble to the proposed rule, NRC has articulated rational reasons for requiring that relatively large industrial sources be licensed under a specific rather than general license.

- The threshold for registration of generally licensed devices is now very low (for example 10 mCi of cesium-137) and well below the level of concern for theft potential. By selecting a higher, more appropriate level of concern (greater than 1/100 of the thresholds listed in Appendix E of 10 CFR Part 20 for Category 2), NRC seems to be addressing a level at which there is more credible security risk.
- The Commission properly chose to require these larger sources be placed under a specific license. GP has historically required its general license holders to go beyond the requirements of the general license provisions (e.g. each facility must have a written sealed source device management program) and requiring those facilities to obtain a specific license for large devices will not be a burden.

- 2. GP does not agree that all sources at the facility should be aggregated to determine the threshold for requiring a specific license.**  
[FR 38376 (Preamble)]

To be consistent with the stated rationale, it is not appropriate to aggregate all sources at a facility to determine the threshold for requiring a specific license. In this rulemaking, NRC should be concerned only with those large sources that could be a security threat, not a collection of smaller sources.

On the other hand, GP recognizes that it would be confusing to have only some sources under a specific license and other smaller sources using the same isotope under a general license. GP suggests that the regulation be crafted to require that if a facility has even one source that is higher than the threshold that would require a specific license, then all sources using the same isotope be placed in the specific license. This would provide uniformity for both the facility and the agreement state that would be issuing the specific license.

- 3. GP supports NRC's clarification that 40 CFR 31.5 does not apply to specifically licensed sources**  
[FR 38381]

GP enthusiastically supports the addition of 10 CFR 31.5(b)(3) clarifying that the provisions of 10 CFR 31.5 do not apply to specifically licensed sources (which are addressed in other sections of 10 CFR). There has been confusion among GP's specific licensees whether the provisions of §31.5 apply because some of these provisions conflict with many specific license conditions, especially with respect to frequency of wipe tests. This proposed paragraph makes it very clear that specific licensees must follow the provisions of the written specific license conditions and other sections of 10 CFR rather than the procedures in §31.5.

**4. GP does not agree that sites should be prohibited from possessing both generally and specifically licensed devices.**

[FR 38377 – 38378 (Preamble)]

The NRC is proposing to prohibit specifically licensees from possessing generally licensed devices at the same site. GP does not support this prohibition:

GP has several sites that operate paper and paperboard machines. These machines have systems to control the weight of the paper being produced and its moisture content. These systems typically come from a vendor who supplies, as a package, the sealed source nuclear device that measures weight and moisture and also the computer and other control system components. The isotopes primarily used in these systems are Krypton-85 (a gas which is not listed in Appendix E to 10 CFR Part 20 as an isotope of concern) and Promethium-147 (a solid isotope but, as used in paper machine gauges, is far below the activity of concern in Appendix E). All the maintenance of the system, transfer of sources, recordkeeping, etc. is performed by the vendor company which is specifically licensed to perform all these functions. The GP facility holds a general license to have these devices on its site, but allows the system vendor to perform all the regulated functions.

At these pulp and paper facilities, there are other, much larger sealed sources many of which are now specifically licensed or would be specifically licensed if NRC were to promulgate the proposed changes to §31.5(a). For these sources, GP takes full responsibility for all testing, inspection, recordkeeping, etc. for these sources.

To require that the small paper machine sources be specifically licensed merely because the facility possesses specifically licensed sources in other parts of the facility would not lower any security risk since the small sources on paper machines do not pose a significant risk anyway. This would also place more of a burden on the GP facility since the GP personnel would then be required to do everything that the paper machine system vendors are now doing.

**5. GP agrees that changes to the specific license requirements should be limited to individual sites, not to all facilities owned by large corporations.**

[FR 38378 (Preamble)]

Any changes that NRC ultimately decides to make to the general license rule in 10 CFR 31.5 must be limited to sealed source devices at the affected facility and should not be implemented across all facilities owned by a large corporation. Georgia-Pacific has approximately 30 U.S. facilities using these devices. For example, it would be a significant burden to require all of these facilities to obtain specific licenses if required by changes to §31.5 at only a few sites.

**6. GP suggests a phased approach for implementing any required changes.**

[FR 38378 (Preamble)]

NRC has asked for comment on timing for implementation of any required changes. GP suggests a phased approach as follows:

- If a facility has both specifically licensed and generally licensed sources and, to implement this proposed rule, must move all or some of its generally licensed source to its specific license, this should be done during the next renewal period after the effective date of the rule.
- If a facility has only generally licensed sources and must obtain a specific license for one or more of them, an application should be submitted within one year of the effective date of the rule. This would allow sufficient time for the facility to interpret the rule, contact the agreement state regulator, and prepare the application.

## Rulemaking Comments

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**From:** Stinchfield, Alan E. [AESTinch@GAPAC.com]  
**Sent:** Friday, October 16, 2009 5:00 PM  
**To:** Rulemaking Comments  
**Subject:** Docket ID NRC-2008-0272 - Limiting Quantity of Byproduct Material under General License  
**Attachments:** GP Comments - NRC Byproduct Under General License.pdf

Attached are comments from Georgia-Pacific, LLC on the U.S. Nuclear Regulatory Commission's (NRC) proposed rule entitled "Limiting the Quantity of Byproduct Material in a Generally Licensed Device" published in the Federal Register at 74 Fed. Reg. 38372 (August 3, 2009).

*Alan*

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(404) 652-6265

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(148.184.100.43) with Microsoft SMTP Server id 8.1.393.1; Fri, 16 Oct 2009  
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From: "Stinchfield, Alan E." <AESTinch@GAPAC.com>

To: "'Rulemaking.Comments@nrc.gov'" <Rulemaking.Comments@nrc.gov>

Date: Fri, 16 Oct 2009 17:00:23 -0400

Subject: Docket ID NRC-2008-0272 - Limiting Quantity of Byproduct Material  
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Thread-Topic: Docket ID NRC-2008-0272 - Limiting Quantity of Byproduct  
Material under General License

Thread-Index: AcpOo63Fi2iLTj4NTqGrFSz5R+Dv0A==

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