

National Aeronautics and
Space Administration
John H. Glenn Research Center
Lewis Field
Cleveland, OH 44135-3191

PR 31
(74FR38372)



October 19, 2009

DOCKETED
USNRC

Reply to Attn of: QS

October 19, 2009 (2:50pm)

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

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Subject: Docket ID NRC-2008-0272

The National Aeronautics and Space Administration's (NASA) Glenn Research Center (GRC) hereby submit comments on the proposed revisions to 10 CFR 31 published August 3, 2009, in Volume 74, No. 147 of the Federal Register. The GRC has no comment on the proposed changes regarding the lower threshold for generally licensed devices, but, does have concerns about the proposed prohibition of any specific licensee possessing devices under a general license.

Under section "C. Specific Licensees and Generally Licensed Devices" of the federal register entry, the Commission has solicited comments from reviewers on a set of specific questions. The GRC offers the following feedback:

- **Question concerning section C. Should the details of the voluntary transfer process in 10 CFR 31.5(c)(8)(iii) become mandatory and be maintained in the regulation to assist the process?**

The Commission's consideration of prohibiting an entity from being both a general licensee and a specific licensee would create separate levels of regulatory compliance for licensees, depending on whether or not those entities possessing generally licensed devices do or do not hold have a specific license. In the private sector, such a regulatory disparity creates a competitive advantage for companies not possessing a specific license. In the government sector, this additional level of compliance creates an unnecessary burden for taxpayers.

The line of reasoning outlined in the federal register of "...reduce confusion and improve compliance with the regulations because a licensee would have to follow only one set of requirements at each site..." does not support this. If an entity is already a specific licensee, one would assume that they have a baseline understanding of radioactive material regulations, including those pertaining to their generally licensed devices and any exempt devices they might possess.

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Confusion for these entities should not be a concern of the Commission. Also, a general licensee possessing only generally licensed devices, who does not have a specific material license would **not** be expected to satisfy these same requirements. The fact that they do not have a specific license and do not possess such radioactive materials or the requisite knowledge of radioactive materials regulations may be more of a concern.

If the Commission is to proceed with this line of rule-making, another consideration would be the logistical hurdles for licensees possessing high-volume generally licensed devices such as self-luminous, tritium-containing, exit signs. Of concern is the requirement to perform a semi-annual inventory of sources (or devices) covered by a specific license. Large facilities can possess hundreds or even thousands of tritium exit signs and inventorying such items semiannual would be unnecessarily time-consuming and costly. The Commission should waive specific license requirements for certain generally licensed devices, or, considered reclassifying such devices if they intend to force licensees to place all such items on their license.

- **Question concerning E. Would it be preferable to maintain the applicability of 10 CFR 31.5, but to apply some or all of the terms and conditions of the SLs, e.g., by removing the exemptions in 10 CFR 31.5(c)(10) for those holding an SL?**

There should be no disparity in rules on generally licensed devices based upon whether or not a licensee holds a specific license. If the goal of the Commission is to enhance source security, then the necessary changes in rules should impact all generally licensed device holders in the same manner, else the objective cannot be met. Making the general licensing rules themselves more robust would allow the regulations to be more equitably applied to licensees both holding and not holding a specific materials license. However, in laying out such regulations, the Commission should be cognizant of the high-volume devices that do not pose a potential security threat or an appreciable health risk.

Thank you for the opportunity to provide comments on this proposed rule. Should you have any questions, please contact me at (216) 433-6520 or christopher.j.blasio@nasa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "CTB", followed by a horizontal line.

Christopher J. Blasio
Radiation Safety Officer

Rulemaking Comments

From: Gallagher, Carol
Sent: Monday, October 19, 2009 1:59 PM
To: Rulemaking Comments
Subject: Comment of Limiting the Quantity of Radioactive Material in a Generally Licensed Device
Attachments: NRC-2008-0272-DRAFT-0030[1].1.pdf

Van,

Attached for docketing is a comment letter on the above noted proposed rule (74 FR 38372) from Christopher Blasio that I received via the [regulations.gov](http://www.regulations.gov) website on 10/19/09.

Thanks,
Carol

Received: from HQCLSTR01.nrc.gov ([148.184.44.79]) by TWMS01.nrc.gov
([148.184.200.145]) with mapi; Mon, 19 Oct 2009 13:59:36 -0400
Content-Type: application/ms-tnef; name="winmail.dat"
Content-Transfer-Encoding: binary
From: "Gallagher, Carol" <Carol.Gallagher@nrc.gov>
To: Rulemaking Comments <Rulemaking.Comments@nrc.gov>
Date: Mon, 19 Oct 2009 13:58:56 -0400
Subject: Comment of Limiting the Quantity of Radioactive Material in a
Generally Licensed Device
Thread-Topic: Comment of Limiting the Quantity of Radioactive Material in a
Generally Licensed Device
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