

PR 31  
(74FR38372)

# CSHEMA

Campus Safety Health and Environmental Management Association

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USNRC

October 19, 2009 (2:50pm)

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October 16, 2009

Attn: Rulemakings and Adjudications Staff, Docket ID NRC-2008-0272  
Limiting the Quantity of Byproduct Material in a Generally Licensed Device

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

Dear U.S. Nuclear Regulatory Commission Secretary,

The Campus Safety, Health, and Environmental Management Association (CSHEMA) submits the following comments on the U.S. Nuclear Regulatory Commission's (NRC) Proposed Rule: Limiting the Quantity of Byproduct Material in a Generally Licensed Device (74 Federal Register 38372). CSHEMA is dedicated to promoting environmental health and safety excellence at the nation's 3,900 institutions of higher education. CSHEMA strives to achieve this goal, in part, by actively working for the most appropriate regulation of environmental health and safety at colleges and universities. This letter's content is similar to comments that have been prepared by other colleges and universities, and CSHEMA supports those comments.

We understand NRC's purpose in this rulemaking is to limit the quantity of byproduct material in generally licensed devices. The proposed new language for Section 31.5(b)(3)—as written—does not appear to be problematic for most colleges and universities. However, we are opposed to the additional change under consideration to prohibit specific licensees (SL) from possessing a device under a general license. Specifically, we are opposed to the additional change described in Section C of the Proposed Rule's preamble (pages 38377-8 of the Federal Register): "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."

Colleges and universities possess a variety of devices under a general license, which are used for many purposes. At most colleges and universities, the vast majority of these generally licensed sources contain less than 1/100th of IAEA Category 2 activity limits. Because the requirements for these generally licensed devices are reduced, complying with two sets of requirements is not exceptionally problematic or confusing—contrary to the comments in the Federal Register. These smaller sources are managed safely and effectively outside of the requirements of the institution's NRC Broadscope license.

The Association of campus safety, health, and environmental management professionals

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With respect to these small sources, a transfer to a specific license would not reduce hazards. For example, a liquid scintillation counter (common instruments in chemistry and biology laboratories) contains a very small activity, internally installed generally licensed source that is not "handled" by the users. We agree with the Proposed Rule that these devices present a "relatively low security risk."

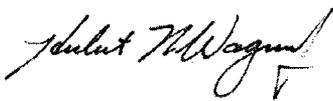
Placing generally licensed devices and sources under the control of a Broadscope academic license would be a significant administrative burden to colleges and universities. For some institutions, acquisition and disposal of sources may require a license amendment. Depending on the device, acquisition may impact license limits and associated financial assurance requirements.

Because of NRC vendor requirements, colleges and universities have controls to manage the procurement of specifically licensed radioactive materials. However, there are no special requirements for vendors of generally licensed devices, and these devices are readily available to any university department. As a result, institutions cannot similarly control their purchase or receipt. Managing generally licensed devices and sources under a Broadscope license would require significant business process changes on the part of both the vendors of generally licensed items (if they cooperate) and the receivers. While colleges and universities make sure that these devices are used safely on campus, generally licensed devices cannot be managed in the same manner as specifically licensed material that is managed under a Broadscope license.

In conclusion, please carefully consider our comments. The priority for college and university funding should be to support their teaching, research, and service missions while being judicious in allocating resources for effective safety and security programs. As written, this rule would create a significant burden for colleges and universities diverting scarce resources from actual safety needs.

If you have any questions about our comments or seek additional information, please contact the CSHEMA Government Relations Committee Co-Chairs Patrick Goff (University of California—Berkeley) at [ptgoff@berkeley.edu](mailto:ptgoff@berkeley.edu) and William Diesslin (Iowa State University) at [wmdiess@iastate.edu](mailto:wmdiess@iastate.edu).

Sincerely,

A handwritten signature in black ink, appearing to read "Herbert Wagner". The signature is written in a cursive style with a small checkmark or flourish at the end.

Herbert Wagner, President  
Campus Safety, Health, and Environmental Management Association

## Rulemaking Comments

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**From:** Gallagher, Carol  
**Sent:** Monday, October 19, 2009 1:54 PM  
**To:** Rulemaking Comments  
**Subject:** Comment on Limiting the Quantity of Radioactive Material in a Generally Licensed Device  
**Attachments:** NRC-2008-0272-DRAFT-0029[1].1.pdf

Van,

Attached for docketing is a comment letter on the above noted proposed rule (74 FR 38372) from Herbert Wagner that I received via the regulations.gov website on 10/16/09.

Thanks,  
Carol

Received: from HQCLSTR01.nrc.gov ([148.184.44.79]) by OWMS01.nrc.gov  
([148.184.100.43]) with mapi; Mon, 19 Oct 2009 13:55:20 -0400  
Content-Type: application/ms-tnef; name="winmail.dat"  
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From: "Gallagher, Carol" <Carol.Gallagher@nrc.gov>  
To: Rulemaking Comments <Rulemaking.Comments@nrc.gov>  
Date: Mon, 19 Oct 2009 13:54:15 -0400  
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Generally Licensed Device  
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