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GENERAL ATOMIC

GENERAL ATOMIC COMPANY
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In Reply
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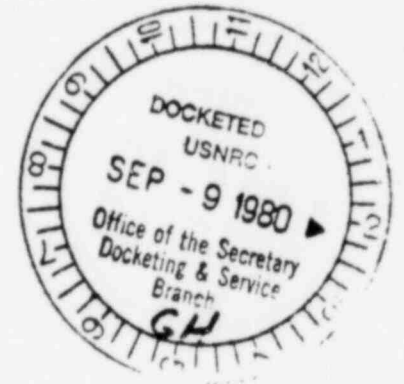
Mr. Guy Arlotto
Office of Standards Development
U.S. Nuclear Regulatory Commission
Mail Stop NL5650
Washington, D.C. 20555

Subject: Administrative Rule (10 CFR 30.15) Action.

Dear Mr. Arlotto:

On June 26, representatives of General Atomic Company met with members of the NRC staff to review what might be done in light of the position expressed in James Jones' letter of June 11 to General Atomic Company (Docket No. 030-17-442) in which it was indicated that the Commission could not license General Atomic to distribute instrument model numbers RD-57 through RD-61 to persons exempt from regulation because these instruments contain more than one source of byproduct material. In the view of the Commission staff, "the exemption specified in section 30.15(a)(9) of 10 CFR 30 only refers to ionizing radiation measuring instruments containing a source of byproduct material."

Following discussion of the matter it seemed evident that the particular language of the regulations, read to limit licenses of instruments containing byproduct material to persons exempt from regulation to a single source per instrument, was in effect the result of a situation not envisioned at the time of drafting and that the problem could be handled administratively by the acting Executive Director of Operations. In the case of General Atomic instruments, model numbers RD-57 through RD-61, the multiple sources of byproduct material contained in these instruments are each within "exempt quantity" limitations. These instruments are devices which perform several radiation monitoring functions. In order to comply with the reading of the regulations contained in Mr. Jones' letter of June 10, the instruments would have to be redesigned, each as a single function instrument with a single exempt quantity byproduct source. To do so would increase costs and delay delivery of instrumentation important to monitoring radiation and radioactive materials in and around major nuclear facilities. There is no compromise of public health and safety by permitting use of more than one source in a single multi-functional device.



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It is noted that since instruments containing more than one byproduct source would always be subject to review by the NRC staff in the process of granting a license for distribution to persons exempt from regulation, any concern that might arise on the part of the staff or the Commission with respect to the public health and safety of licensing multiple source instruments could be completely satisfied.

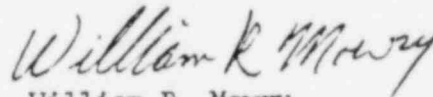
In view of the above, General Atomic Company requests an administrative clarification to 10 CFR 30.15(a)(9) along the following lines:

- (9) Ionizing radiation measuring instruments containing, for purposes of internal calibration or standardization, sources of byproduct material each not exceeding the applicable quantity set forth in 30.71, Schedule B.

We trust that the administrative clarification which we by this letter request can be handled on an expedited procedural basis and we are prepared to provide any further information that you desire. We will address separately the matter of a licensing exemption for Americium-241 contained in certain of our devices.

If you have any questions, please contact me at (714) 455-2823.

Very truly yours,



William R. Mowry
Licensing Administrator
Nuclear Materials Control Division

WRM:hcs

cc: Tom Dorian, Office of Executive Legal Dir., NRC.
Donald A. Nussbaumer, Office of Nuclear Material Safety
and Safeguards, NRC.
James B. Graham, General Atomic Company, Washington, D.C.