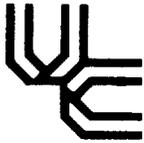


University of Cincinnati



October 11, 1999

Secretary,
U.S. Nuclear Regulatory Commission
11555 Rockville Pike
Rockville, MD

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SECRET NUMBER
PROPOSED RULE PR 30, 31, 32, 170 & 171
(64FR46295)

Dear Sir/Madam:

The University of Cincinnati appreciates this opportunity to comment on the proposed rule "Requirements for Certain Generally Licensed Industrial Devices Containing Byproduct Material", which was published in the Federal Register on July 26, 1999.

In the background information, the Federal Register notice stated that "the NRC concluded that - (1) Many general licensees are unaware of the regulations that apply to the possession of a generally licensed device and (2) Many general licensees are unable to account for the devices." The University of Cincinnati agrees with the NRC statement that "these problems could be resolved by more frequent and timely contact" with the general licensee. However, the University of Cincinnati believes the proposed rule is inadequate.

1. Making a requirement for the distributor of the generally licensed source to provide applicable regulations to the general licensee is insufficient. If the regulations are part of a large packet of information they are too easily overlooked. Also, if the individual is unfamiliar with regulations the significance of the information may not be understood.
2. The University of Cincinnati agrees with the requirement that general licensees designate a responsible individual. A second or backup responsible individual should not be required. Timely notification of the designated responsible individual by the specific licensed distributor or the NRC is a must. Notification prior to receipt of the generally licensed item is preferred; however, if notification occurs after receipt it should have to occur quickly (e.g., within 30 or 60 days of receipt). Notification must be ensured by returned receipt of acknowledgment and must include a copy of applicable regulations and general license requirements.

In the Federal Register notice, the NRC requested comment on whether the general license registration requirement should include a provision that would require the general licensee to complete registration within a specific time period. If general licensees are to become more responsible then the University of Cincinnati believes that a sufficient and specific time period for initiating the registration process should be set; however, the burden for the initial implementation should not be placed on the general licensee. The initial burden should be on the

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NRC, associated agreement state or the specific licensee distributor. At least one of these groups should be required to contact the general licensee and ensure a responsible individual is aware of the process and requirements. Many of the non-compliances with the general license regulations are believed to be due to ignorance (i.e., individual not aware the instrument contains a radiation source and/or not aware that the radiation source is "generally licensed" making the user/owner is subject to specific regulations). An individual or organization that does not know they have a general licensed source will not, because of new regulations, become knowledgeable. If the NRC insists that the only solution is to place the burden on the general licensee then ignorance should not result in enforcement action.

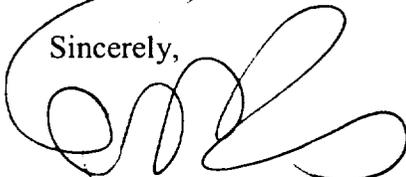
If improper disposal of a general licensed source could create a serious risk to the public then the University of Cincinnati believes the sources should be specifically licensed not generally licensed. However, if the NRC believes risks from use is the appropriate determining factor for the difference between a generally licensed and specifically licensed source, then the University of Cincinnati recommends there be different levels of general licenses, like the types for broad scope licenses. Applicable regulations should be very clear. Requirements that cover all general licensed sources should be covered in one paragraph of the regulations and requirements that are only applicable to the higher risk sources covered in a different paragraph.

The University of Cincinnati believes that a specific licensee should be allowed to incorporate generally licensed sources under their specific license, thereby eliminating the need for the general license. If the NRC accepts this suggestion, the University of Cincinnati believes that the transfer from a general license to a specific license could be done during the initial contact with the responsible individual.

Finally, the University of Cincinnati believes a centralized database covering both NRC and agreement states is a good idea. However, there must be a mechanism to ensure accuracy and completeness of the data in the database. Recently, the University of Cincinnati was supplied a list of generally licensed sources by the Ohio Department of Health which the Ohio Department of Health stated was supplied by the NRC and that was suppose to be a complete listing of generally licensed sources at the University of Cincinnati. It was impossible to determine if the list was complete. For many of the sources, the data was incomplete making it impossible to distinguish between sources and determine double entries. Also, some data was notably inaccurate, e.g., microcurie sources were listed as millicuries.

Although the University of Cincinnati now lies within an agreement state, it was felt that commenting on the regulations was important since many agreement states incorporate NRC regulations almost verbatim. If any of the points are unclear, do not hesitate to call.

Sincerely,

A handwritten signature in black ink, appearing to read 'Victoria Morris', written over the word 'Sincerely,'.

Victoria Morris, MS, CHP

C: Radiation Safety Committee