

DCP (3A08)

**From:** Aubrey Godwin <agodwin@arra.state.az.us>  
**To:** "Myers" <jhm@nrc.gov>  
**Date:** Tue, Jun 29, 1999 11:02 AM  
**Subject:** FW: Portable/mobile GL Devices

-----Original Message-----

**From:** Aubrey Godwin [SMTP:agodwin@arra.state.az.us]  
**Sent:** Tuesday, June 29, 1999 7:57 AM  
**To:** 'Lohaus'  
**Cc:** 'Kirk'; 'Ratliff'; 'Bailey'; 'Flater'; 'Fletcher, Roland'; 'Hill'; 'collins@adns.state.il.us'  
**Subject:** Portable/mobile GL Devices

Paul:

The attachment was not sent with my last message. Please send it to the GL Committee.

Thanks

Aubrey

PDR STPRG.

SP-A-4

NRC FILE CENTER COPY SP-A6-2 81



Jane Dee Hull

Governor

Aubrey V. Godwin

Director

Governor

Jane Dee Hull

4814 South 40th Street

Phoenix, Arizona 85040-2940

(602) 255-4845  
Fax (602) 437-0705

June 28, 1999

TO: Files

FROM: Aubrey V. Godwin

Subject: Reciprocity for 10CFR31.5 (R12-1-307(B))

These devices distributed are to persons Generally Licensed to possess them pursuant to R12-1-307(B)(1). The distribution is controlled by a specific license issued to the manufacturer/distributor. The specific license is issued pursuant to the provisions of 10CFR32.51 (R12-1-312(D)).

1. The provisions of 10CFR150.20 (R12-1-321) do not apply to possession by persons who are Generally Licensed pursuant to section 10CFR31.5 (R12-1-307(B)). The general licenses contained in these sections of the regulation are only available to persons specifically licensed.
2. The transporting a device from one Agency jurisdiction to another Agency jurisdiction would involve a general licensee transfer to another general licensee which is not permitted pursuant to 10CFR31.5(c)(9) (R12-1-307(B)(3)(h)). Transfers in an unopened transportation container is permitted, the ultimate general licensee would not have the device in use until removed from the container.

3. The only transfer which appears to permit a transfer to a different location is 10CFR31.5(c)(8) (R12-1-307(B)(3)(g)). The general license provided for in 31.5 (R12-1-307(B)) does not authorize any transfers to different locations.
4. 10CFR32.52 required the manufacturer/distributor to report all transfers of all devices transferred to persons generally licensed by name and address. Further, the (c) paragraph requires the manufacturer/distributor to keep records of the name and address for at least 5 years. This implies that the regulation did not contemplate the movement of general licensees.
1. The regulations creating the general license 10CFR31.5 and the distribution of these devices 10CFR32.51 did not assess the effect and safety of the general licensee movement of these devices. In particular, the assessment of these regulations did not consider the potential for misdirecting the devices into scrape. The size of these devices, up to 4 curies of cesium 137, creates a significant potential meltdown situation. The weak accountability and the minimal inspection program for the fixed locations would contribute greatly to the risk of melting a large device.
1. Several agreement States require the registration of general licensed devices including the address of use. If the devices are portable or mobile, the address of use is pointless. No arrangements have been made to track the movement of these devices. For proper Agency responsibility to assure the protection of the health and safety, the Agency must have some reasonable way of locating the place of usage of these devices.

In short, the current regulations do not appear to authorize the licensing of a manufacturer/distributor for devices that are portable or mobile. Certainly, the regulations did not consider these devices when they were being adopted.

*DAD (SPOS)*

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**NRC FILE CENTER COPY**

*SP-A-4*

*Case by Log of SP-AG-28*



Jane Dee Hull  
*Governor*

Aubrey V. Godwin  
*Director*

*Governor*

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