

DAD (SP04)

Georgia Department of Natural Resources

4244 International Parkway, Suite 114, Atlanta, Georgia 30354

Lonice C. Barrett, Commissioner
Environmental Protection Division
Harold F. Reheis, Director
(404) 362-2675

September 3, 1999

Paul H. Lohaus, Deputy Director
Office of State Programs (03H20)
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Mr. Lohaus:

In All Agreement States letter SP-99-052 NRC requested all the Agreement States for comments on Seaman Nuclear Corporation's application to distribute generally licensed portable moisture density gauges. Georgia foresees problems with the general licensing of portable gauges and offers the following comments.

- (1) **Accountability:** I commend Seaman Nuclear for their proposal to maintain contact annually with all recipients of their gauges. It is a program that will fall by the wayside without constant vigilance by the NRC. As soon as NRC's registration program is operational Seaman Nuclear will initiate actions to remove any regulatory requirements NRC may have placed on their initially voluntary program. And if NRC does not require the program, funding will be redirected into other areas by Seaman Nuclear until the program is no longer viable. Stolen portable gauges have been reported regularly to the NRC Operations Center and posted on NRC's Daily Events Report website. With the minimal regulation of generally licensed devices these reports will cease to be made. Did NRC's risk analysis include the increased number of devices being lost or stolen or was it just based on the current lost/stolen rate?
- (2) **Reciprocity:** Georgia's licensing rules, which are modeled after SSRRC Part C Section 90 provide for granting a general license to companies holding NRC or Agreement State specific licenses to perform work using radioactive material as stipulated in their specific license. We do not have a provision for granting a general license to a general licensee. We have denied reciprocity to companies desiring to perform work in Georgia using generally licensed devices. Can we anticipate NRC receiving from Seaman Nuclear a petition for rule making to modify 10 CFR 150.20(a)(1) to provide for reciprocal recognition of general licensees using portable gauges containing radioactive material?
- (3) We also are concerned about the proliferation of Am 241 sources if the projected sales goals are achieved or exceeded. The cost of return or disposal of Am 241 sources is not communicated to prospective buyers. Once the buyer learns of the cost of disposal, discarding the device will become a very attractive option since the DOE does not have a program in place to receive these sources. Georgia does not and I am certain other Agreement States do not have the resources to recover and dispose of abandoned sources/devices. If Seaman Nuclear's request is approved the mandatory return of unwanted sources to Seaman Nuclear should be a stipulated requirement. Such a stipulated requirement would minimize any adverse impact on the States resulting from NRC's approval of this application.

In conclusion, we do not believe it appropriate to generally license portable devices and recommend the application be denied. If you should have any questions regarding this matter, please do not hesitate to contact me at (404) 362-2675.

Sincerely,



Thomas E. Hill, Manager
Radioactive Materials Program

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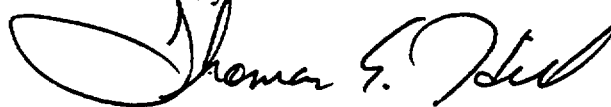
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