



University of Pittsburgh

Radiation Safety Office

99 SEP 23 AM 1:36

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Pittsburgh, Pennsylvania 15261
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Page 1 of 4

September 20, 1999

DOCKET NUMBER
PROPOSED RULE **PA** 30, 31, 32 170-171
(64FR40295)

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

Attention: Rulemakings and Adjudications Staff

Re: Comments on Proposed Rule, 10CFR 31, Federal Register of 7/26/99

Gentlemen:

The following comments regarding proposed rule changes for generally licensed sources are offered for your consideration.

1. The registration of particular general licenses is mentioned in 30.31(b); however, the registration requirements are buried in 31.5(c)(13). These are not easily located, especially by general licensees who do not regularly read the regulations. Make "Registration" a separate paragraph with bold type heading.
2. 31.5(c)(8)(i)
In the summary and discussion, on page 40299 item (3) first paragraph, a general licensee can transfer a device directly to a waste collector for disposal and also to other specific licensees with NRC approval. In the second paragraph, the recipient can be "a part 32 licensee, a part 30 waste collection licensee, or ...". However, the actual text in proposed 31.5(c)(8)(i) is unclear. Should this read "...to a person authorized to receive the device by a specific license issued under parts 30 and 32 of this chapter that authorizes waste collection..." or should it read "...issued under parts 30 and 32 of this chapter, [or] part 30 of this chapter that authorizes waste collection, ..."? If this second wording is correct, then (8)(iii) would only apply to specific licensees other than part 30 or 32 and therefore could more clearly read "...Shall obtain written NRC approval before transferring the device to any specific licensee not covered in (8)(i)."

Template = Secy067

Secy02

3. 31.5(c)(8)(i)
Review of specific part 30 licenses for vendors which we return sources to shows an authorized use "For storage as radioactive wastes." Though the intent may be the same, is this the same as authorizing waste collection? A general licensee verifying a recipient's license prior to transfer may have a problem with interpreting this properly.

4. 31.5(c)(12), 31.5(c)(14), and 31.5(c)(15)

Since the intent of these proposed regulations is to increase the oversight of 5100 licensees with 20,000 sources deemed higher risk, these paragraphs should only be applicable to general licensees who must register under paragraph 31.5(c)(13), and not to all general licensees. Otherwise, the burden of these regulations is imposed upon the other 40,000 general licensees with 580,000 devices. Group these paragraphs with the registration requirements (see comment 1 above) or reference the applicability to 31.5(c)(13), such as "(12) General licensees who are required to register under paragraph (c)(13)(i) shall appoint..."

5. 31.5(c)(15)

Move the sentences regarding testing during storage to 31.5(c)(2) as subparagraph (iii), which covers testing requirements.

6. 31.5(c)(15)

The proposed regulation states that [the licensee] "May not hold devices that are not in use for longer than 2 years." What must be done with a device after two years of storage? A general licensee who receives a copy of these regulations after the final rule will not have the comments as outlined on page 40299 paragraph (2) to guide him. Therefore, for clarity, the regulation should state possible actions such as

- a. Disposal of device via an authorized licensee
- b. Send the device back to the supplier (or authorized licensee) for interim storage (The supplier may not want to provide this service and/or almost

certainly will impose a storage charge)

- c. Request an exemption from this paragraph from the NRC (will a "timely request" prevent enforcement action until the request is acted upon?)

In our case, the University possesses several gas chromatographs with generally licensed Ni-63 electron capture sources which have not been used for more than two years. However, research interests change and the units may well be utilized again. As a policy, we continue to perform leak tests at six month intervals to assure no source degradation and to confirm the device and/or researcher is still present. Once the device is no longer useful, we remove the source and either dispose of it or return it to the device manufacturer.

7. 32.52(a)(1)(i)

Part 31.5(a) states general licenses are issued to commercial and industrial firms research, education, and medical institutions, individuals in the conduct of their business. As a large research, education, and medical institution, the University of Pittsburgh currently has 80 liquid scintillation counters containing generally licensed Ra-226, Ba-133, Cs-137 or Eu-152 sources with activity less than 30 uCi. In addition, we possess 11 gas chromatographs containing generally licensed Ni-63 sources with activity less than 15 mCi. These devices were manufactured by six different vendors.

The vendors need to be educated that it is the institution, not the individual or department, which holds the general license. In order to make your database as accurate as possible, Form 653 should make this clear.

The companies selling devices containing these sources sell to the individual researcher or department within the institution. The information required to be provided under 32.51a is included with the documentation accompanying the device and often the "responsible individual" representing the institution normally does not receive it. In practice, the researcher/department does not read the information since it is not applicable to the operation of the instrument, and the institution is oftentimes unaware that the device is in its possession. Only one of the six vendors noted above routinely notifies us when a new source comes onto campus. Copies of recent notification letters are attached and demonstrate that it really doesn't know who to notify, though it made a good guess is addressing it to the radiation safety office. Your own mailing of this proposed rule was sent to a formerly independent institution which is now under our umbrella, and also to a

researcher who retired several years ago. In both cases, the mailing was forwarded to our office by mail room staff who recognized that mail from the NRC usually comes to us.

If you would like any clarification of these suggestion, please contact me at the above address, or email to irwin@radsafe.pitt.edu.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Howard R. Irwin". The signature is fluid and cursive, with the first name "Howard" being more prominent.

Howard R. Irwin
Health Physicist

Attachments



AN  EG&G COMPANY

17 # 421

April 10, 1996

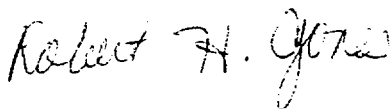
Radiation Safety Officer
Univ. of Pittsburgh
929 Scaife Hall
Terrace & Desoto Sts.
Pittsburgh, PA 15261

Dear Radiation Safety Officer:

In accordance with the State of Maryland's regulations governing radioactive material, Wallac Inc., 9238 Gaither Road, Gaithersburg, MD 20877 is giving notification to the Radiation Safety Officer that the instrument listed below each contain 12 microcuries of a sealed source of Europium-152 and has been shipped to your establishment under a General License:

Establishment: SAME AS ABOVE
Address: SAME AS ABOVE
P.O. Number: V05277
Date of Shipment: 3-28-96
User/Position/Dept.: Dr. Mark Zeidel
Model: 1409-012
Serial Number: 4090841
Type of device: Liquid Scintillation Counter
Type of radioactivity: sealed source Europium-152
Quantity of radioactivity: 12 microcuries.

Sincerely,



Robert H. Jones
Radiation Safety Officer

RHJ/vmj



October 22, 1992

Radiation Safety Officer
Magee-Womens Hospital
Forbes Ave. & Halket St.
Pittsburgh, PA 15213

Dear Radiation Safety Officer:

In accordance with the State of Maryland's regulations governing radioactive material, Wallac Inc., 9238 Gaither Road, Gaithersburg, MD 20877 is giving notification to the Radiation Safety Officer that the instrument listed below each contain 20 microcuries of a sealed source of Europium-152 and has been shipped to your establishment under a General License:

Establishment:	SAME AS ABOVE
Address:	SAME AS ABOVE
P.O. Number:	53600
Date of Shipment:	10-21-92
User/Position/Dept.:	Tammy Daniels
Model:	1409-012
Serial Number:	213
Type of device:	Liquid Scintillation Counter
Type of radioactivity:	sealed source Europium-152
Quantity of radioactivity:	20 microcuries.

Sincerely,

A handwritten signature in dark ink, appearing to read "Robert H. Jones". The signature is written in a cursive, slightly slanted style.

Robert H. Jones
Radiation Safety Officer

RHJ/vmj

Wallac Inc.
9238 Gaither Road
Gaithersburg, MD 20877

Telephone 301-963-3200
800-638-6692
Telecopier 301-963-7780



April 9, 1992

Radiation Safety Officer
U.P.M.C.
2403 Sidney Street
Pittsburgh, PA 15203

Dear Radiation Safety Officer:

In accordance with the State of Maryland's regulations governing radioactive material, Wallac Inc., 9238 Gaither Road, Gaithersburg, MD 20877 is giving notification to the Radiation Safety Officer that the instrument listed below each contain 20 microcuries of a sealed source of Europium-152 and has been shipped to your establishment under a General License:

Establishment: SAME AS ABOVE
Address: SAME AS ABOVE
P.O. Number: 167355PCI
Date of Shipment: 4-9-92
User/Position/Dept.: Dr. Chambers
Model: 1409-ACS
Serial Number: 100 498100
Type of device:
Type of radioactivity:
Quantity of radioactivity:

Liquid Scintillation Counter
sealed source Europium-152
20 microcuries.

10/15/91

Sincerely,

A handwritten signature in cursive script that reads "Robert H. Jones".

Robert H. Jones
Radiation Safety Officer

RHJ/vmj

Wallac Inc.
9238 Gaither Road
Gaithersburg, MD 20877

Telephone 301-963-3200
800-638-6692
Telecopier 301-963-7780

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, DC 20555-0001

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