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6

MEMORANDUM

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USNRC

March 20, 2006 (2:33pm)

To: Joe Klinger

From: Mike Ewan

Date: March 16, 2006

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Subject: Exemptions from Licensing, General Licenses, and Distribution of Byproduct Material: Licensing and Reporting Requirements (RIN 3150-AH41)

One of the revisions describes how a specific licensee would move a generally licensed (GL) device from GL to specifically licensed (SL) status. The Illinois Emergency Management Agency, Division of Nuclear Safety (the Agency) commented on an earlier draft.

For a device bearing a GL label, the Agency allows the specific licensee to possess it under either a GL registration or the specific license as follows:

- GL > SL movement: We make sure the device is listed on the license, and we do not ask that the GL label be removed.
- SL > GL movement: We ask the licensee to verify in writing that the GL label is intact and legible.

The latest NRC revision would allow the specific licensee to move a device from GL > SL status without prior approval. The Agency opposes this in the belief that prior authorization should be required to ensure adequate tracking and licensure for the device.

The rule would require the specific licensee to remove the GL label. NRC wants the 10 CFR 20.1904 container labeling displayed on all devices under the SL. The rule requires no written verification of re-labeling from the licensee.

This requirement may look better on paper than in practice. It's unclear whether 10 CFR 20.1904 labeling would provide an additional measure of protection over the GL label, or how much confusion an intact GL label would really cause. We are unaware of any problems in Illinois caused by GL labeled devices on the inventories of specific licensees.

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SECY-02

Hopefully, a GL label can be removed without damaging the GL device. The wording of the rule apparently would prohibit affixing a 20.1904 label over the GL label.

When a GL label is removed, identification of a device's provenance goes with it. The rule doesn't address labeling when a device "moves" from SL back to GL. It may be a one-way street – GL to SL only. NRC appears to expect the specific licensee to either pay for a service call or ship the device back to the manufacturer for re-labeling as a GL device. Otherwise, there would be no assurance of accurate identification of a device or of proper positioning and application of a re-applied GL label. Provisions for manufacturer's that are out of business need to be included.

Label changes would introduce more moving parts into Illinois' licensing programs. I think the GL label is the default for many manufacturers. There would be many shipments into Illinois each year that would require the Agency to work with the licensee to achieve acceptable labeling.

From: Carol Gallagher
To: Evangeline Ngbea
Date: Mon, Mar 20, 2006 11:05 AM
Subject: Comment letter on Proposed Rule - Exemptions from Licensing, General Licenses, and Distribution

Attached for docketing is a comment letter on the above noted proposed rule from Mike Ewan, Illinois Emergency Management Agency, Division of Nuclear Safety, that I received via the rulemaking website on 3/17/06.

Carol

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Subject: Comment letter on Proposed Rule - Exemptions from Licensing, General
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