

Georgia Department of Natural Resources

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(94)

SET NUMBER
PROPOSED RULE PR 20
(61FR3334)

September 20, 1996

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OFFICE OF THE SECRETARY
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Joseph DelMedico
Office of Nuclear Regulatory Research
U. S. Nuclear Regulatory Commission
Washington, D.C. 20555

Re: Reporting Requirements for Unauthorized Use of Licensed Radioactive Material - Draft Final Rule

The following are Georgia's comments on NRC's Draft Final Rule regarding the reporting requirements for unauthorized use of licensed radioactive material, as provided in All Agreement States Letter SP-96-093 dated August 22, 1996. In addition to general comments on the rule, NRC requested comments on the regulatory analysis which addressed the cost to the Agreement States to adopt a compatible rule and to perform reactive inspections.

GENERAL COMMENTS

Reading the analysis of the comments has not convinced me of the need for the rule. Further enhancement of the protection of public health and safety has not been demonstrated. In Section 7. of the analysis entitled "Agreement State Compatibility", the statement is made that "The primary benefit of reporting events such as these is to prevent further events from occurring regardless of the exposure or contamination level." The analysis fails to explain how reporting will prevent further events from occurring. I fail to see how "reporting" prevents anything.

In several instances in the Summary of Requirements of the Final Rule, the statement is made "The NRC needs to have prompt assurance that the licensee is taking the appropriate actions to assess the consequences of the situation and to take the necessary steps to reduce any likelihood that further exposures would occur." The paragraph continues to outline the actions NRC would expect the licensee to take. In getting this prompt assurance, the NRC is, in effect, micro-managing the licensee's response to the event.

Also included in the Summary of Requirements of the Final Rule are four examples of events that have occurred in the past where notification would be required under this rule. These events involved small quantities of radioactive material/radiation. A sealed survey instrument check source, low-levels of radioactive contamination on some dollar bills, some iodine-125 contamination on a laboratory assistant's lab coat and in her urine from deliberate ingestion and contamination on a food item partially consumed by a researcher. Not one of these examples describe an event of public health and safety consequence. Yes, they are of concern to radiation workers, but not to members of the public. No eminent threat to public health and safety is demonstrated in the analysis. Prompt notification is justified only when there is an eminent threat to public health and safety. Therefore, the need for prompt notification has not been demonstrated, and this rule making should be withdrawn.

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In the examples listed in the analysis, if the events had been reported under the requirements of the proposed rule, what actions would NRC have taken differently to protect public health and safety? If the actions would not have been different, then the rule is not needed and should be withdrawn.

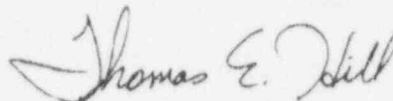
REGULATORY ANALYSIS

NRC requested comments on the regulatory analysis which addressed the cost to the Agreement States to adopt a compatible rule and to perform reactive inspections. The analysis of the cost to adopt a compatible rule was estimated to be .1 FTE per Agreement State. Our experience indicates that to complete a rule revision requires .25 FTE. In addition to FTE cost, we have already had expenses of approximately \$2,900.00 in printing, postage and legal advertisement fees. These types of expenses do not appear to have been taken into consideration in the analysis of the cost to Agreement States for rule promulgation. Regarding the FTE cost for performing reactive inspections, our experience indicates about .04 FTE. This is in agreement with your estimate of 1.2 FTE for all the Agreement States.

If the rule is implemented by the NRC as currently written, it should be assigned a division 3 level of compatibility.

I appreciate this opportunity to provide additional comments on the rule making.

Sincerely,



Thomas E. Hill, Manager
Radioactive Materials Program

TEH:klc