UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

August 6, 1996

MEMORANDUM TO: Lloyd Bolling
Martha Dibblee
Robert Free
Robin Haden
Joel Lubenau
John Telford
James Yusko
Richard L. Bangart

FROM: John W. Lubinski, co-Chair
NRC-Agreement State Working Group to
Evaluate Control and Accountability
of Licensed Devices, NRC

SUBJECT: RITA ALDRICH'S JULY 29, 1996, LETTER

Please find attached a copy Rita Aldrich's July 29, 1996, letter to Dr. Carl Paperiello. I am providing a copy of this letter to you for informational purposes only.

As an update, please note that the status of the Working Group report has not changed. I will inform you when the report is forwarded to the Commission. If you have any questions, please call me at (301) 415-7868.

Attachment: As stated

cc (w/o attachment):
Rita Aldrich
Carl Paperiello

STATE OF NEW YORK
DEPARTMENT OF LABOR
DIVISION OF SAFETY AND HEALTH
Radiological Health Unit
Building #12, Room 457
State Office Building Campus
Albany, NY 12240

July 29, 1996

Mr. Carl J. Paperiello, Director
Office of Nuclear Material Safety
and Safeguards
USNRC
Washington, D.C. 20555

Dear Mr. Paperiello

On July 5, 1996, I received a copy of the "Final Working Group Recommendations & Report" on the regulation of general- and specific-licensed devices (GL's and SL's).

Since I am listed as a member (alternate) of the working group, and since I did not receive a draft of the report for comment before it was finalized, I am sending my comments directly to you and to the Commission.

Also, since the report does not mention the approach that New York is taking to the problem of improving control over GL's and SL's, while conserving precious resources, I am including a discussion of our initiative also.

I agree with some of the intermediate conclusions of the working group, but disagree strongly with the regulatory construct that the group derived from them.

Background

To begin with, the Agreement States have been objecting to the existing GL system for as long as I have been a supervisor of a radioactive materials program (since 1985), and probably long before that. It should be noted here that the SL/GL devices at issue were, and are, fixed radioactive gauges. One early request from the Agreement States to the NRC on this subject was mentioned by Joel Lubenau at a working group meeting, and a copy of a 1981 NRC memo concerning it is enclosed. It does not complain about control over SL's, only GL's, and there are good reasons for this.

If a regulatory agency has a problem with a class of specific licensees, it can address the problem with a license amendment. The license is a vehicle for control: it must be issued before sources can be acquired; it must be amended if the person responsible for

Telephone: 518-457-1202 FAX: 518-457-5545

radiation safety (radiation safety officer or RSO) changes; it must be periodically renewed; proper control over and disposal of sources are the subject of periodic inspection, and proper disposal of all sources must be proved before the license can eventually be terminated.

The philosophy behind regulation of GL's is entirely different: sources can be acquired with no prior approval by a regulatory agency, by any person or company that can afford them. Therefore, there is no prior designation of a radiation safety officer, no licensing document that can be used to enhance control, no periodic license renewal process to refresh consciousness of regulatory control, no periodic inspections and almost complete reliance on source vendors for records of receipt and disposal.

One could argue that a regulatory agency could inspect GL's if it chose. However, since this system was set up as completely separate from the SL system, when NRC and the Agreement States set up their fee programs they applied only to SL's. As a result, since no fees were paid, no inspections could be supported.

There are many basic inequities in the GL vs. SL systems. For example, SL's are subject to all code requirements (whether they make sense for a simple gauge licensee or not), while GL's are exempt from everything except the few requirements in their segregated part of the regulations, plus disposal requirements. SL's have to submit license applications (with fees) describing a radiation protection program, and they have to renew their licenses at specified intervals. Finally, SL's are supposed to be inspected on a regular basis. In New York, they are inspected every three years. However, NRC representatives stated at working group meetings that their SL's, which are nominally due for inspection every five years, are in fact never inspected. These inequities persist even though the sources distributed as GL's are often identical, except for a label designation, to SL's.

To many observers the GL system was an accident waiting to happen -- and happen they did. Therefore, over the years the Agreement States regularly expressed their dissatisfaction with the system and requested that it be changed at the federal level, since these were the regulations the states had used as a pattern for their own. Also, over time, several states made regulatory and administrative changes in the regulation of these sources on their own. NRC, however, proposed no changes until recent protests by the steel mill industry about uncontrolled sources being found in scrap or being melted in mills.

Since a New York mill has experienced two such accidents (in 1983 and 1993), resulting in very expensive remediation efforts, I was very interested in being on the working group which NRC set up to address this longstanding problem.

Discussion

I sent Joel Lubenau my summary view of the problem, and a preferred solution, early

in the process and a copy is attached. Basically, it said that the current GL system included sources of vastly dissimilar hazard under one set of regulations, which underregulated some and overregulated others. The proposed solution was to move the hazardous sources needing better regulation to SL status, and to exempt the others since we were not really regulating them now anyway, nor did we need to.

When I attended a working group meeting, however, I found that the problem under discussion was not the problem which I thought the working group had been assigned, and/or that certain constraints had already been imposed on the group's considerations.

The problem had apparently been redefined as improving control over all sources, whether GL's or SL's . When I questioned this, I was told that apart from the longstanding GL controversy, NRC had no confidence that SL sources (not just gauges but all sealed sources) were adequately controlled. This was reportedly based on two observations:

1) since NRC did not inspect its' SL gauge licensees, they had no knowledge of, or confidence in, their performance; and

2) that since some identifiable SL sources had turned up in scrap, this meant that they were no better controlled than GL's.

I would submit that these observations do not even remotely support the contention that our current control over all SL sealed sources is inadequate. Also, although NRC has no experience base for its SL fixed-gauge licensee, we do. Our experience shows that these licensees perform as well as any other SL (sealed source or loose material), as long as the same degree of regulatory oversight is exercised. Also, even though some SL sources may have been found in scrap (portable moisture-density gauges for example), the reasons for this type of loss of control are entirely different from those for fixed gauges, and so would the solutions be. Our SL portable gauge licensees lose gauges because they are stolen, not because they are inadvertently (or otherwise) discarded with scrap by the licensee. Therefore, combining these licensees with fixed gauge licensees in seeking "control" improvements is not logical. It also ignores the additional regulatory controls that portable gauge and other SL's are already subject to, such as maintenance of daily use logs, six month inventories, more frequent inspections, etc. The recent Texas incident involving loss of control over radiography sources, for example, would not have been prevented by the actions being recommended by the working group. The incident does, however, raise complicated questions about a company's continued possession of sources which they are not authorized to use.

The working group was also advised of certain constraints on its deliberations. These were that any proposed solution could not be a drain on NRC resources, and, by extension, that there would not be any serious consideration of "specifically" licensing current GL devices. No explanation was given for this limitation, despite the fact that it foreclosed the

most common recommendation that has been made on this subject.

Given all of the above and the compressed time schedule for developing recommendations, the conclusions reached by the working group were almost foreordained, and permitted no revisiting of basic assumptions. For example, after having decided to divide GL's into two hazard categories and to impose additional requirements only on the more hazardous devices, there was no reconsideration of the resources needed to specifically license only that sub-group. Section 5.9 of the final report simply states that specific-licensing would not "prevent" loss of sources (no solution would absolutely prevent all losses); and that since the problem is caused by a small subset of GL's, it would "impose unnecessary burdens" to specifically license all GL's.

Also, it is highly unlikely that the recommendations in the final report will achieve effective control of the problem, since they continue the current GL regulatory approach, with some enhancements. In fact, since all SL sources are illogically folded into the proposed solution, one startling possibility is that NRC may even propose adopting a GL regulatory approach for sources which are currently specifically-licensed!

I would suggest an opposite approach, and would view this as an opportunity to re-baseline our regulatory programs for the general-and specific-licensed gauges of interest. First of all, no portable gauges (gauges used at field sites) can be obtained under general license in New York State, and we would strongly recommend NRC adoption of the same policy. The problems we have experienced with gauges used at stationary sites are bad enough. However, permitting individuals and companies that have no approved plans for use, control, transport and incident response for radioactive sources which can be used anywhere, even in residences, does not adequately protect health and safety.

Primarily, however, we need to reexamine how our resources, and our licensees' resources are being spent to regulate section 31.5 GL devices, versus similar (or identical) devices that are specific-licensed. Our conclusion in New York is that we are underregulating the GL's and overregulating the SL's. Our experience demonstrates that this has resulted in very good control of SL's, but that this control results from a few basic concepts:

1) requiring a licensee commitment to oversight of sources and proper eventual disposal, before sources are allowed to be acquired;

2) requiring licensees to maintain good records of receipt and disposal of sources, and of current source inventory;

3) requiring prompt notification to this Department of loss of control of a source;

4) regularly scheduled inspections to reinforce these requirements; and

5) regular license renewals to reinforce licensee commitments.

Therefore, we have begun a regulatory initiative to create equity between the regulation of GL's and SL's. This will improve control over GL's, while conserving both our resources and our licensees'. It will also assist licensees that have acquired sources under both SL and GL, in establishing one integrated program for equal oversight of all of their sources.

Recommendations

This involves creating a subset of GL's that will require a specific license to possess in the future. We would differ from the working group in recommending that one simple activity limit be used to define this subset (1 millicurie). It also involves relieving SL gauge licensees from the same code sections that GL's are currently exempt from.

As a part of this initiative we have:

1) Created a seven page combination licensing guide and application form, which explains the applicants' responsibilities (including the conditions that will be on the pre-formatted license we will issue), and only requires six items of information to be submitted. In signing the form the applicant commits to implementation of the contents. We guarantee license issuance within 10 days after receipt of the application, so there will be no adverse impact on companies that would formerly have obtained GL's with no license document.

2) Created a "blended" pre-formatted license which authorizes acquisition of any GL or SL gauge authorized for distribution in a license issued by an Agreement State or NRC. Whether the device is GL or SL the licensee will only be responsible for the requirements contained in the license. One of these requirements is performance of six month inventories and submission of annual inventories. You will note that the license has no "tie-down" condition because we feel that none is needed, and this minimizes the need for future amendments.

3) Created a form transmittal letter for these licenses, which informs the licensee of both the flexibility built into the license, and their responsibilities for control and accountability of sources.

4) Created a brief form for the inspection of these and gas chromatograph licensees.

5) Created a day-glow-red self-stick label to distribute to licensees for use on devices put into storage, or left unused on a process line, pending disposal. The label is adapted from one developed by a licensee for this purpose, which we thought was an excellent idea, and which should help prevent inadvertent disposal.

We have begun this initiative with renewal and issuance of SL gauge licenses, and are using it to combine a company's SL gauges and GL gauges in one regulatory document. Prior to this, separate registration files were kept for the GL's.

A tickler system is also being set up to ensure that we receive annual inventories from each of these licensees.

We strongly recommend that NRC consider this "resource shift" approach to the control problem. If, as one NRC staff person has told me, it would be impossible for NRC to give ten day turnaround on our mini-application, a contractor could be retained to do it.

I have enclosed copies of all documents referred to in this letter, along with staff memos on their use and implementation. I would be happy to discuss any and all of these with NRC staff.

If the working group's report is to be published as a NUREG, I would like to have my comments included as a separate statement, as was done in the IOM report.

Sincerely,

Rita Aldrich

Rita Aldrich
Principal Radiophysicist

RA:jmp
enclosures
cc: Shirley Ann Jackson, Ph.D., Chairman

STATE OF NEW YORK DEPARTMENT OF LABOR

INTER-OFFICE MEMORANDUM

July 29, 1996

TO: **Brooklyn Associate Radiophysicists**

FROM: **Rita Aldrich** RA

SUBJECT: **Fixed Gauge & GC Licensees**

Attached is a description of our new approach to regulating companies that have these types of licenses. Also attached is the new boiler plate for fixed gauge licenses, and a form letter we use for transmittal. The letter explains our new emphasis on control and accountability of sources, and the licensees' responsibility for this.

These changes will mean that your inspections will be briefer and simpler. For companies whose licenses have been issued or renewed using the new format, there will either be no "tie-down" condition or a minimal one. This means pre-inspection file review will be unnecessary in most cases, and minimal in the remainder. The licensee is only to be inspected against the conditions of the license, so in most cases inspections will consist of spot-checking inventories against the gauges on site.

Any gauges or GC's that are out of service or in storage must be included in your spot-check. The new license format requires licensees to promptly dispose of unneeded sources, since experience shows that these are most likely to be "lost" and show up in scrap. However, all licensees should be advised that unneeded sources must be disposed of. One approach to discussing this was suggested to me by a gauge manufacturer -- he tells customers that a source is either making them money or costing them money. While a source is in use, it's making money; once it's put into dead storage (or just left in place but unused) it starts to cost money because disposal costs have been rising sharply over time. The longer they delay disposal, the more it will cost.

We are also having bright-red self-sticking labels made that we will be providing to gauge and GC licensees for use on stored/unused devices. Holding time prior to disposal should be minimized, but use of these labels during that period should help to avoid improper disposal. The label is based on one developed by a licensee (G.E. Silicones), for its own use, that we thought was a great idea (G.E. does not object to our adopting their idea). You'll each get a supply of them to provide during inspections, and you should strongly encourage their use by any licensee with an unused or stored source prior to disposal.

Please report to me on any discrepancies found between licensee inventories and sources on site, and any cases of prolonged storage with no concrete disposal plans.

RA:jmp
attachments

NEW LICENSING PRACTICES

1. We have developed a "blended" fixed gauge license which covers general and specific-licensed fixed gauges. "Fixed" means used at a single site, and not at field sites. Any gauges to be used at multiple sites/field sites are considered portable gauges and we will continue to license them as we currently do.

   The blended license is intended to accomplish the following:

   a. Reduce the paperwork burden on our licensees, and on us, and thereby conserve resources.

   b. Increase flexibility for licensees, who will now be able to acquire any gauge without the need for license amendments.

   c. Eliminate the inequities which currently exist between users of "general" vs. "specific" licensed fixed gauges, which are often identical products that present identical hazards. Users of "general" licensed products are currently regulated in a way that does not ensure adequate control, while specific licensees are currently subject to many code requirements that are unnecessarily burdensome.

      Companies which have both types of fixed gauges will now have a cohesive, single set of requirements that covers all their gauges adequately while reducing the overall regulatory burden.

   d. Improve control and accountability for both "general" and "specific" fixed gauges by requiring submission of an annual inventory. We will compare each year's submission to the last, and make sure differences are accounted for. Inspectors will spot check inventories against the gauges on site during each inspection and report any discrepancies to us.

   e. These licensees will only be inspected against the requirements of the license (which are based on current general license (GL) requirements, plus inventory submission), and we will not inspect against the code requirements that GL's are currently exempt from.

   f. Because we are limiting licensee requirements to the conditions of the license, we will no longer need a tie-down condition, except where the licensee has an "unusual" gauge (for which operating procedures are necessary), or wants authorization to move gauges around. For the latter, we would add documents to the license that related to training, procedures, or survey meters.

2. Gas Chromatograph (GC) licenses will be treated in a similar manner since the same logic applies, and our principal concern is control and accountability.

   Use the GC boiler plate and fill in the blanks after checking that there are no changes. No tie-down is necessary for this type of license.

NEW YORK STATE DEPARTMENT OF LABOR
RADIOLOGICAL HEALTH UNIT

Radiation Guide 1.3(a)

GUIDE AND APPLICATION FOR THE USE OF SEALED SOURCES IN MEASURING, GAUGING OR CONTROLLING DEVICES AT FIXED LOCATIONS

A. Purpose of Guide/Application

This guide provides a simplified procedure for applying for a license to obtain radioactive industrial gauges. Your license will permit possession and use of any of these devices which are authorized by an Agreement State or the U.S. Nuclear Regulatory Commission for distribution under general or specific license. However, you must first assure that all radioactive sources will be well controlled and accounted for at all times, and promptly given proper disposal when no longer needed.

This guide describes a control program which an applicant may adopt by signing the application page of the guide (page 7). The signed guide then becomes your application and should be mailed to the address indicated, along with a check in the amount of $1,695, made out to the Commissioner of Labor. This fee will be payable every three years upon license renewal.

You must keep a copy of the signed guide/application, and provide a copy to your radiation safety officer. You and your radiation safety officer will be responsible for ensuring that the radiation control program described in the guide/application is implemented.

Your premises will also be inspected periodically by a representative of this office to assess compliance with requirements. Failure to comply may result in action against the license.

B. Radiation Control Program

1. Radiation Safety Officer. You must designate someone in your company to oversee your radiation control program, and be responsible to you for its implementation. This person's name and work telephone number must be entered on line 5 of the application page.

2. Appendix I to this guide/application contains the requirements, or license conditions, that will be a part of your license when it is issued.

   Your signature on the application page constitutes a commitment to comply with those requirements. You and your radiation safety officer should review these requirements to be sure that you understand them, and plan for their implementation.

3. You must submit a report of the receipt of each device to this office within 30 days (see license condition 14 for details).

4. You must submit an accurate annual inventory of all devices possessed under the license to this office (see license condition 19 for details).

5. You must perform, or have performed, certain tests and checks on devices (see license conditions 17 and 18 for details). The required leak test sample must be analyzed by a person or company licensed by the USNRC or an Agreement State to perform this analysis. Often this will be the device manufacturer.

6. Note that license condition 25 states that you are not authorized to remove or reinstall devices.

   If you want authorization to rem or reinstall devices, you must have access to a properly calibrated survey met nd make surveys of devices to ensure that the shutter is closed before handling the device. The shutter must be locked in the closed position before surveying or handling the device.

   You should contact this office to have your license modified to allow these activities.

7. Emergency Procedures. Employees must be instructed in the actions to take if they observe a problem with a device. Any apparent malfunctions or radiation exposure to individuals must be reported to this office (see also license condition 21) by telephone, at the following numbers:

   Daytime: (518) 457-1202
   After-hours: (518) 457-2200 (State Warning Point)

C. Submitting Your Application

After reading this guide and reviewing all requirements, you should sign the Application Page (last page), and make copies of the entire guide and application for your records.

The signed original should be mailed to the address below, along with a check for $1,695 made out to the Commissioner of Labor. You will receive your license within ten (10) days of our receipt of your application.

MAILING ADDRESS:
NYS Department of Labor
Division of Safety & Health
Radiological Health Unit
State Campus, Building 12, Room 457
Albany, New York 12240

D. Changes in Your Program

If the person acting as your Radiation Safety Officer discontinues those duties, or if there is a change in any other information which you submitted with this application, you must notify us of the change.

Simply send a letter to the mailing address given above, stating what the changes are.

APPENDIX I
CONDITIONS OF THE LICENSE

9. Authorized use:

   A. The licensee is authorized to use any sealed source in a measuring, gauging or controlling device (gauge), which is authorized for distribution to specific or general licensees in a license issued by an Agreement State, a licensing State or the U.S. Nuclear Regulatory Commission. Combinations of sources and devices shall be compatible for use as stated in a Sealed Source and Device Registration Certificate.

   B. No source may exceed the maximum activity specified for that nuclide in the Sealed Source and Device Registration Certificate for any device in which the source is to be used.

10. Licensed material shall only be used at licensee Installation specified in Condition 2. of this License.

11. Licensed material shall be used by, or under the supervision of, _____ (Radiation Safety Officer).

12. Each device must be labeled in accordance with the provisions of a U.S. NRC or Agreement State license which authorizes the distribution of the devices. These labels must be maintained in legible condition and replaced as necessary.

13. Each device must be installed on the premises of the licensee by a person authorized to install such devices under a license or permit issued to the installer by the U.S. NRC, or any Agreement State, if a label affixed to the device at the time of receipt states that such installation is required, or if this is recommended in the Sealed Source and Device Registration Certificate. This requirement does not apply while devices are held in storage in the original shipping containers pending installation.

14. A. The licensee shall report to the Department, within 30 days after receipt of a device, by submitting the make, model and serial numbers of the source and the device; along with the identity and activity of the radioisotope. This may be in the form of an updated inventory showing the additional sources and devices.

    B. The licensee shall also submit the vendor's commitment to accept devices back as stipulated in Condition 23.

15. The licensee shall not dispose of any such device except by transfer to a person who holds a license or permit issued by the U.S. NRC or an Agreement State to receive it. In case the device is to remain in use at a particular location under new ownership, the licensee shall first contact the Department.

16. The licensee shall assure that all labels affixed to the devices bearing the statement "Removal of This Label is Prohibited" are maintained on the devices, and shall comply with all instructions contained in such labels and with all other instructions supplied by the manufacturer or distributor.

17. The licensee shall cause the device to be tested for leakage of radioactive material at the time of installation of the device or replacement of the radioactive material, and thereafter at intervals that do not exceed six months, or at such longer intervals, not to exceed three years, as specified by the appropriate licensing agency and indicated in the required label; except that any such device containing only Krypton 85 need not be tested for leakage, and devices containing only Hydrogen 3 need not be so tested for any purpose.

18. The licensee shall cause each device to be tested for proper operation of the on-off mechanism and indicator, if any, at the time of installation, after replacement of the radioactive material, and after any repair or servicing of the device.

19. A. The licensee shall conduct, or have conducted, a periodic inventory of all devices possessed under this license. Such inventory shall be conducted at intervals not to exceed six months and shall be documented in a record containing the identity of each device (make, model and serial number), its location, the leak test interval and date of last leak test of the device, and the identity of the person who performed the inventory.

B. On an annual basis, between January 1, and January 31 of each year, the licensee shall submit an accurate inventory of all devices to the Department. Any discrepancies between one year's inventory and the next, must be accounted for by supplying documentation of legal disposal of any deleted devices.

Optional: The current inventory is a part of this license as Attachment 1.

20. The licensee shall cause each required test and all other servicing involving such radioactive material, its shielding or containment, to be conducted as specified in the instructions provided by the labels (or provided by the supplier), or by a person who holds a license which authorizes him/her to manufacture, install or service the device.

21. Upon any indication of a possible failure of, or damage to the shielding or containment of the radioactive source, or an on-off mechanism or indicator, the licensee shall immediately notify the Department by telephone and shall suspend use of such device.

22. The licensee shall report immediately by telephone, the loss of control of any radioactive source or device. This includes inability to locate a source or device on your premises, or failure of a source or device to arrive at a destination to which you have shipped it, at the expected time.

23. The licensee shall obtain all devices from vendors who agree to receive them back when they are no longer needed by the licensee.

24. Sources in devices which are no longer useful to the licensee shall be promptly transferred to a licensed recipient for use, recycling or disposal.

25. This license does not authorize removal or reinstallation of devices.

APPLICATION PAGE

1. Name and address of company:

   _____

   _____

   _____

2. FEIN #: _____

3. Telephone number of company management: _____

4. Locations where radioactive devices will be used if different from address in item 1:

   _____

   _____

   _____

5. Name and telephone number of person to be contacted about application (Radiation Safety Officer):

   _____ _____

   NAME (Please print) TELEPHONE NUMBER

6. Certification (to be signed by the chief executive officer of the legal entity applying for the license):

   "I certify that all information contained in this application is true and correct to the best of my knowledge, and that all policies and procedures described herein will be implemented."

   _____

   Signature of Certifying Official
   (Plant Manager, Company President, Agency Head, etc.)

_____ _____ _____

NAME (Please print) TITLE DATE

DATE

NAME
COMPANY
COMPANY ADDRESS
CITY, STATE ZIP

License No.
Refrence No.
Amendment No.
DL No.

Dear

Enclosed please find a renewal and revision of the above-referenced license which is designed to give your company complete flexibility in acquiring radioactive gauges.

The license does not list individual sources or gauges that you are authorized to have. Instead, it allows you to acquire any gauge authorized for distribution to "specific" or "general" licensees. You need not request an amendment or authorization from this office before ordering, receiving or disposing any gauge. However, you must keep your inventory updated and notify us of the receipt of any gauge within thirty (30) days after the fact. The simplest way to do this would be to send in an updated inventory showing the additions, along with the vendor agreement to accept the source back when it is no longer needed. You no longer need to "register" generally licensed gauges, just provide the 30-day notice to this office.

A new requirement is that you submit a current, accurate inventory to this office every January. That inventory will then be added to the license.

As you can see, we are making control and accountability over radioactive sources the focus of the license. Please review the license conditions, which are all directed at this goal, and call us if you have any questions. These requirements should also be included in training given to persons who have responsibilities under the license.

Sincerely,

Rita Aldrich
Principal Radiophysicist

RA:jmp

C:\WPDOCS\BOILER\FIXED'EN.CVL

DL XX-XXX

LICENSEE NAME

FEIN:XX-XXXXXXX

PHONE:(XXX)XXX-XXXX

XXXX-XXXX

EXPIRATION DATE

INSTALLATION ADDRESS

REF.NO. AM.NO.

A. Any	A. Sealed Sources (See Condition 9.A.)	A. See Condition 9.B.

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9. Authorized use:

A. The licensee is authorized to use any sealed source in a measuring, gauging or controlling device (gauge), which is authorized for distribution to specific or general licensees in a license issued by an Agreement State, a licensing State or the U.S. Nuclear Regulatory Commission. Combinations of sources and devices shall be compatible for use as stated in a Sealed Source and Device Registration Certificate.

B. No source may exceed the maximum activity specified for that nuclide in the Sealed Source and Device Registration Certificate for any device in which the source is to be used.

10. Licensed material shall only be used at licensed Installation specified in Condition 2. of this License.

11. Licensed material shall be used by, or under the supervision of, _____ (Radiation Safety Officer).

12. Each device must be labeled in accordance with the provisions of a U.S. NRC or Agreement State license which authorizes the distribution of the devices. These labels must be maintained in legible condition and replaced as necessary.

3. License Number XXXX-XXXX 5a. Ref. No. X b. Amend. No. -X-

13. Each device must be installed on the premises of the licensee by a person authorized to install such devices under a license or permit issued to the installer by the U.S. NRC, or any Agreement State, if a label affixed to the device at the time of receipt states that such installation is required. This requirement does not apply while devices are held in storage in the original shipping containers pending installation.

14. A. The licensee shall report to the Department, within 30 days after receipt of a device, by submitting the make, model and serial numbers of the source and the device; along with the identity and activity of the radioisotope. This may be in the form of an updated inventory showing the additional sources and devices.

B. The licensee shall also submit the vendor's commitment to accept devices back as stipulated in Condition (23).

15. The licensee shall not dispose of any such device except by transfer to a person who holds a license or permit issued by the U.S. NRC or an Agreement State to receive it. In case the device is to remain in use at a particular location under new ownership, the licensee shall first contact the Department.

16. The licensee shall assure that all labels affixed to the devices bearing the statement "Removal of This Label is Prohibited" are maintained on the devices, and shall comply with all instructions contained in such labels and with all other instructions supplied by the manufacturer or distributor.

17. The licensee shall cause the device to be tested for leakage of radioactive material at the time of installation of the device or replacement of the radioactive material, and thereafter at intervals that do not exceed six months, or at such longer intervals, not to exceed three years, as specified by the appropriate licensing agency and indicated in the required label; except that any such device containing only Krypton 85 need not be tested for leakage, and devices containing only Hydrogen 3 need not be so tested for any purpose.

18. The licensee shall cause each device to be tested for proper operation of the on-off mechanism and indicator, if any, at the time of installation, after replacement of the radioactive material, and after any repair or servicing of the device.

19. A. The licensee shall conduct, or have conducted, a periodic inventory of all devices possessed under this license. Such inventory shall be conducted at intervals not to exceed six months and shall be documented in a record containing the identity of each device (make, model and serial number), its location, the leak test interval and date of last leak test of the device, and the identity of the person who performed the inventory.

3. License Number XXXX-XXXX 5a. Ref. No. X b. Amend. No. -X-

(Condition 19, continued)

B. On an annual basis, between January 1, and January 31 of each year, the licensee shall submit an accurate inventory of all devices to the Department. Any discrepancies between one year's inventory and the next, must be accounted for by supplying documentation of legal disposal of any deleted devices.

Optional: The current inventory is a part of this license as Attachment 1.

20. The licensee shall cause each required test and all other servicing involving such radioactive material, its shielding or containment, to be conducted as specified in the instructions provided by the labels (or provided by the supplier), or by a person who holds a license which authorizes him/her to manufacture, install or service the device.

21. Upon any indication of a possible failure of, or damage to the shielding or containment of the radioactive source, or an on-off mechanism or indicator, the licensee shall immediately notify the Department by telephone and shall suspend use of such device.

22. The licensee shall report immediately by telephone, the loss of control of any radioactive source or device. This includes inability to locate a source or device on your premises, or failure of a source or device to arrive at a destination to which you have shipped it, at the expected time.

23. The licensee shall obtain all devices from vendors who agree to receive them back when they are no longer needed by the licensee.

24. Sources in devices which are no longer useful to the licensee shall be promptly transferred to a licensed recipient for use, recycling or disposal.

25. This license does not authorize installation, removal or reinstallation of devices.

Or:

The licensee is authorized to install, remove and reinstall source housings, and to perform routine maintenance and operational checks on gauges.

3. License Number XXXX-XXXX 5a. Ref. No. X b. Amend. No. -X-

26. (optional)

A. Source housing shutters shall be locked in the "off" position before any functions authorized in Condition 25 of this license are performed.

B. Radiation surveys shall be performed to confirm that the source housing shutter is in the "off" position before any maintenance is performed, and before removal of a source housing from its installed position, immediately prior to placing a source housing in storage and prior to reinstallation of a source housing.

C. The licensee shall have available an appropriate, calibrated and operable survey meter to perform the surveys required by paragraph (B) of this condition. Such meter must be calibrated at least once every 12 months by a person or company licensed to perform this service.

Deputy Commissioner Denis Peterson
for: THE COMMISSIONER OF LABOR

DATE:
XXX:xxx

by: Rita Aldrich
Principal Radiophysicist

STATE OF NEW YORK DEPARTMENT OF LABOR

INTER-OFFICE MEMORANDUM

July 29, 1996

TO: **Associate Radiophysicists**

FROM: **Rita Aldrich** RA

SUBJECT: **Short Inspection Form**

Attached are copies of a new, abbreviated inspection form for fixed gauges (no use at field sites) and GC licensees.

As part of a new regulatory initiative we will be inspecting these licensees as if they possessed only GL devices, and were only subject to those regulations.

Use of this form will assist you in making these inspections brief and performance-oriented, and will reduce burdens on both us and our licensees.

RA:jmp
attachment
cc: R. Cucolo

NEW YORK STATE DEPARTMENT OF LABOR
RADIOLOGICAL HEALTH UNIT
INSPECTION OF FIXED GAUGES
AND GAS CHROMATOGRAPHS

SUMMARY

1. Name, Address of Licensee _____ _____ _____
2. License No. _____
3. Last Amendment No. _____
4. Expiration Date _____

5. Date of Inspection _____ 6. Date of Last Inspection _____ 7. Compliance: Y N

8. Type of Inspection: Initial Complete_____ Follow-up Partial_____

   Routine Complete_____ Close Out _____

9. Inspector(s): _____

10. Person(s) Contacted: (include name and title)

11. Radiation Safety Officer: _____

12. Telephone No. (____)_____

13. a. Incidents and Unusual Occurrences (accidents, losses, thefts, mechanical problems, etc.) since last inspection:

    b. Reports to RHU made as required?

14. Exit Interview with Management (name of person contacted and summary of discussion;indicate waste management covered, and discussion of control of sources and accurate inventories).

7/96

Reviewer _____

Date _____

15. Deviations from License Requirements:

16. Inspectors Evaluation and Summary:
A. Inventory spot check OK?

B. Any unused or stored sources? (Disposal plans?)

C. Control and Accountability of sources adequate?

D. Sources received from supplier who will take them back?

E. Disposal/Transfer records OK?

F. RSO is aware of, and fulfills, duties (leak tests, inventories, proper disposal)?

17. Previous Items of Non-Compliance:
(attach copy of cites from last inspection report)

18. Corrections & Present Non-Compliance and Safety Items:

A. Previous items corrected: Y____ N____ (Note on attached copy which items)

B. Current items:

OPERATIONS

	Yes	No	NA
A) Receipt Records Adequate:	___	___	___
B) Transfer Records Adequate (including disposal):	___	___	___
C) Inventory Control Adequate:	___	___	___

Frequency of inventories _____

D) Inventory: List RAM inventory or attach licensee's inventory

E) Leak Tests	Yes	No	NA
(1) Tests Made:	___	___	___
(2) By Whom:	___	___	___
(3) Tests Made at Required Frequency:	___	___	___
(4) Records Adequate:	___	___	___
(5) Comments: (kit used?)	___	___	___
F) Lockout/Tagout procedures in place for fixed gauges?	___	___	___
G) Labels - gauge/GC labels intact & legible	___	___	___
H) Storage area for unused sources secure	___	___	___
- Red labels on sources to be disposed	___	___	___
I) Any unused gauges left in place in plant?	___	___	___
J) License available	___	___	___

CONFIRMATORY MEASUREMENTS

		Yes	No	NA
(A)	Readings around gauges OK	___	___	___
(B)	Instrument(s) Used (make, model, serial number, calibration date)	___	___	___
(C)	Sketch(es) (if indicated due to unusual reading):			