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DOCKETED
PR-Misc Notice
(Reg. Guide)

Industrial & Medical Applications
of
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DOCKETED
USNRC

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Secretary of the Commission
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555
OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

ATT: Docketing and Service Branch

Dear Sirs:

Herein are comments on the draft of the Regulatory Guide For The Preparation of Applications For The Use Of Radioactive Materials In Leak-Testing Services.

It is based on a pre-supposition that one who performs leak-testing of radioactive sealed sources has a very high probability of receiving and possessing a wipe sample that will contain an amount of radioactivity in excess of existing NRC license-exempt quantities. There is no evidence presented by NRC or in the literature to justify this supposition. On the contrary NRC present rules (Reg. Guide 10.7 Item 15c) requires wipe tests once every six months for beta and gamma emitters. Implicit in this requirement is the acknowledgement that the probability of a leak in a sealed source is very low. That only quarterly wipes are required for alpha emitters is consistent with NRC's position that a much greater hazard exists with alphas and that wipes should be done more frequently. The relationship between hazard and probability of detecting leakage source of a hazard is confirmed by NRC regulations.

Finally, no licensing requirement of any sort is included in the mechanisms (persons or organizations) for conveying wipe samples from sealed source licensee to leak-test analyzer. Thus the question of whether the mails may properly used to transport samples that may be contaminated with greater than license-exempt quantities of radioactivity is not addressed. If the leak-test analyzer requires a license then so should the U.S. Postal Service.

Thus it seems clear that the proposed Draft Regulatory Guide is totally unreasonable and an unwarranted intrusion in the affairs of organizations such as the above. Where there is no reasonable probability of a radiation hazard, NRC should not intrude itself. If NRC can justify its position then at the least it should require more frequent leak-testing, certainly once every month if not once every week.

From a legal point of view, advice has been reived by this writer that the document is legally defective and probably will not withstand judicial review.

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PDR REGGD
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Very truly yours,

Paul J. Rosenbaum

Paul J. Rosenbaum

Acknowledged by card. AUG 20 1985

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