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Attention: Docketing and Service Branch
Secretary, Nuclear Regulatory Commission
Washington, DC 20555-0001

(61FR58346)

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

Subject: Comment on advanced notice of proposed rulemaking for 10 CFR Part 33

Following are some comments in response to your advanced notice of proposed rulemaking published in the November 14, 1996, Federal Register regarding "Specific Domestic Licenses of Broad Scope for Byproduct Material."

General Comment

We want you to continue to maintain the Type B specific license category. We began operating under a Type A specific license of broad scope in 1964. We had the license changed to a Type B in 1974 and have operated successfully under this Type B since then.

We prefer to continue management of our activities by a Radiation Safety Officer (as under our Type B license). This is preferable over management by a Radiation Safety Committee (as under a Type A license). When we operated under a Type A, we found it difficult to create and maintain a group of people who were willing to dedicate time to sit on a Radiation Safety Committee. None of our authorized users nor management spends a majority of work time involved with uses of radioactive materials. In our facilities the amounts and types of radioactive materials, and the types of uses and users fit well under the Type B license format. We want you to continue to maintain the Type B specific license category.

Responses to Specific Questions

1. Should the responsibilities of licensee management for the radiation safety program be specified in Part 33?

The responsibilities of licensee management should be specified in Part 33. By specifying the responsibilities, it will be clearer what the NRC expects and it will be easier for us to communicate this to management. The responsibilities should be stated in terms of performance-based requirements as much as possible rather than prescription based.

2. Should the NRC incorporate requirements for the duties and responsibilities of the RSO and the RSC?

The requirements for the duties and responsibilities of the Radiation Safety Officer and Radiation Safety Committee should be stated in Part 33. The responsibilities should be stated in terms of performance-based requirements as much as possible rather than prescription based.

3. Should specific minimum training and experience criteria for authorized users be incorporated into Part 33?

The training and experience criteria need to be flexible. Some authorized users require minimal training and experience. For instance, in our Type B license program an authorized user who only possesses exempt quantity unsealed material only needs one or two hours of radiation safety training. An authorized user who has a few Ni-63 electron capture detectors mounted on gas chromatographs only needs one or two hours of training. In contrast, an authorized user who handles millicurie amounts of unsealed material does need a BS degree in a technical area (or the equivalent training) and 40 hours of training and experience with similar materials. Thus the minimum training and experience criteria need to be flexible in order to match the criteria with the intended use and hazard of the material. The minimum training and experience criteria for authorized users should be stated in a Regulatory Guide and not be incorporated into Part 33.

4. Should the NRC incorporate specific requirements for inventory and accountability of byproduct material in use, or modify its existing guidance?

Establishment of regulations for the control of material should be based on the hazard of the material. For instance, the cost and effort to lock up or secure less than some fraction of an ALI may exceed the benefit. Specifying a quantity (some fraction of an ALI) as requiring a lesser degree of control would help the licensee concentrate efforts on controlling quantities of materials that matter, rather than locking up and worrying about every nanocurie of material.

5. Should the NRC consider the risks associated with internal exposure pathways (e.g., ingestion, inhalation, absorption) separate from those associated with external radiation?

External and internal radiation risks should not be separated. The Total Effective Dose Equivalent system of dosimetry should continue to be used.

6. Are there other specific aspects of the draft Regulatory Guide DG-0005 that should be codified in Part 33?

The material in draft Regulatory Guide DG-0005 should remain in the Regulatory Guide. The Regulatory Guide material is too prescriptive to be codified.

7. Should broad scope licensees be allowed to make changes in their radiation safety program similar to those authorized for production and utilization facilities in Sec. 50.59?

A licensee should be allowed to make changes in the radiation safety program that will not reduce the safety of the program. This ability to make minor changes allows the licensee to make timely changes without the delay of processing a license amendment.

8. Should the different types of broad scope licenses currently in Part 33 (Types A, B, and C) be deleted and replaced with a single type?

We operate very successfully under a Type B broad scope license. We feel the Type B is appropriate for our radiation safety program. We want you to continue to maintain the Type B license category.

9. Should a category for "Master Materials Licenses" be incorporated into Part 33 with the respective necessary requirements?

No comment.

10. Should requirements for "multi-site facilities" be codified in Part 33 or should this be defined only in 10 CFR Part 30?

The multi-site facilities requirements should be codified in Part 30.

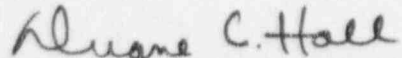
11. What balance should be maintained between a performance-based and a prescriptive approach to regulating broad scope licensees?

We encourage that the regulations be performance based. There are typically several good methods of complying with performance based regulations, and different methods will be more successful with different programs.

Comment on Draft Text

We found the draft text to be good, with the exception that we want you to continue to maintain the Type B specific license category.

Sincerely,



Duane C. Hall

Manager, Health Physics Services