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# NRC NEWS

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## **NRC CHANGES REQUIREMENTS FOR CERTAIN DEVICES CONTAINING RADIOACTIVE MATERIAL**

The Nuclear Regulatory Commission is amending its regulations to add requirements for users and distributors of radioactive material in certain measuring, gauging and controlling devices.

The revisions are aimed at providing greater assurance that users of the devices will properly handle and dispose of them, thus reducing the potential for unnecessary radiation exposure to the public or contamination of property.

The revisions provide the details of an annual registration program that the NRC is initiating under a new rule that became effective October 4, 1999. The changes also require that distributors provide additional information to users to provide further assurance that they understand the requirements for possession of the devices.

The NRC permits companies and individuals to use the devices under an NRC general license, which means that they need not have a specific license issued to a named individual or organization with specific license conditions and requirements. A generally licensed device usually consists of radioactive material contained in a sealed source within a shielded container. A common example is a fixed gauge used in a factory to monitor a production process and ensure quality control.

Such a device is designed with inherent radiation safety features so that it can be used by persons with no radiation training or experience. The general license is meant to simplify the licensing process so that a case-by-case determination of the adequacy of radiation training or experience of each user is not necessary.

In the past, NRC has not regularly contacted general licensees because of the relatively small radiation risk posed by the devices. However, there have been a number of instances in which generally licensed devices have not been properly handled or properly disposed of and, in some cases, have ended up in such places as scrap metal yards, causing radiation exposures or radioactive contamination.

The registration requirement applies to generally licensed measuring, gauging and controlling devices with quantities of certain radioactive materials that would pose a higher risk to public safety, or of property damage, if the device were lost than would other generally licensed devices.

The majority of the devices meeting these criteria are used in commercial and industrial applications measuring thickness, density, or chemical composition in industries such as petrochemical and steel manufacturing. About 4,300 general licensees possessing about 18,000 devices come under the registration requirement.

General licensees affected by the registration requirement will have to pay the NRC an annual registration fee currently estimated to be \$440 to \$450, per address of use or primary place of storage, starting in 2002. This fee amount will be established in the fiscal year 2001 fee rulemaking.

Specific licensees who distribute the measuring, gauging, and controlling devices would be required to provide—before transferring a device to a general licensee—copies of additional applicable sections of the NRC regulations, a listing of the types of service to the device that can only be performed by a specific licensee, information regarding disposal options, including the cost for disposal, and a statement concerning NRC's policy of imposing high civil penalties for improper disposal. The amendments also modify the reporting, recordkeeping, and labeling requirements for distributors.

On March 9, 1999, the Commission established an interim enforcement policy for the first year of the registration program. Under this policy, enforcement action normally will not be taken for violations identified and reported by general licensees, provided appropriate corrective action has been taken.

The Commission is also raising civil penalty amounts for violations involving lost, abandoned or improperly disposed-of devices or radioactive material from them. This increase will mean that the amount of the civil penalty will be greater than the costs of proper disposal of the source or device.

The NRC published a proposed rule on this subject last July. As a result of public comments received, the NRC made some changes in the proposed rule, primarily to simplify certain provisions for the licensees, to make the general license program more efficient, and to make some clarifications.

Additional details of the revisions to the regulations and the change in enforcement policy concerning civil penalties for loss, abandonment, and improper transfer and disposal of sources and devices are contained in two Federal Register notices to be published on the same day in the near future.

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