



Conference of Radiation Control Program Directors, Inc.

Office of Executive Director ❖ 1030 Burlington Lane, Suite 4B ❖ Frankfort, KY 40601

Phone: 502/227-4543 ❖ Fax: 502/227-7862 ❖ Web Site: www.crcpd.org

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jared.thompson@arkansas.gov
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rmcburney@crcpd.org

March 10, 2017

Cindy Bladey
Office of Administration
Mail Stop: 3WFN-06-A44M
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

RE: Docket ID NRC-2016-0276
Category 3 Source Security and Accountability

Dear Ms. Bladey:

The Executive Board of the Conference of Radiation Control Program Directors (CRCPD) submits the following comments and information regarding the above referenced document. The Board agrees with NRC Chairman Kristine Svinicki that the current regulatory requirements for transfers of radioactive sources are adequate for safety and security, and there is no need to include Category 3 sources in the same requirements as required for Category 1 and 2 sources.

Therefore, the CRCPD Board does not support the expansion of the National Source Tracking System (NSTS) with Category 3 quantities of radioactive materials.

CRCPD appreciates this opportunity to provide comments and looks forward to working in collaboration with the NRC to ensure health, safety and security of radioactive materials.

Sincerely,

Jared W. Thompson, Chairperson
CRCPD

cc: Duncan White, NRC NMSS
Matt McKinley, Chair, Organization of Agreement States

CRCPD COMMENTS

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General Questions Related to License Verification

1. Should the current methods for verification of licenses prior to transferring Category 3 quantities of radioactive material listed in 10 CFR 30.41(d)(1)–(5), 10 CFR 40.51(d)(1)–(5), and 10 CFR 70.42(d) (1)–(5) be changed such that only the methods prescribed in 10 CFR 37.71 are allowed?

CRCPD considers the current verification of licenses prior to transfer for Category 3 sources to be adequate for safety and security. These transfers are between licensees, the manufacturers or internally within the same company. States have successfully handled license verification as required under health and safety for many years. The current regulations are adequate to assure these transfers are properly handled. No changes should be made.

2. Would there be an increase in safety and/or security if the regulations were changed to only allow license verification through the NRC's License Verification System (LVS) or the transferee's license issuing authority for transfers of Category 3 quantities of radioactive material? If so, how much of an increase would there be?

CRCPD does not see a benefit in safety and security if licensing verification is required through the NRC's License Verification Systems. As mentioned in Question 1 above, the States have handled license verification under health and safety for many years. There have been few, if any instances, of problems or events associated with license verification. Additional requirements may result in delaying or impeding the completion of a transfer.

3. If the NRC changed the regulations to limit license verification only through the LVS or the transferee's license issuing authority for transfers of Category 3 quantities of radioactive material, should licensees transferring Category 3 quantities to manufacturers and distributors be excepted from the limitation?

CRCPD believes that license verification is important for entities transferring radioactive sources. License verification ensures accountability of ALL licensed sources.

4. Is there anything else we should consider when evaluating different methods of license verification prior to transferring Category 3 quantities of radioactive material?

NRC should continue to evaluate the impact on Category 3 source licensees and the States. NRC and the States already have the ability to monitor the location and movement of Category 3 sources through rigorous licensing and inspection programs.

General Questions Related to the NSTS

1. Should Category 3 sources be included in the NSTS? Please provide a rationale for your answer.

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CRCPD does not support the inclusion of Category 3 sources in the NSTS.

It has been estimated that there are 30,000-40,000 Category 3 sources in use or storage. It would be most challenging to ensure and verify that all Category 3 sources have been correctly added to NSTS. Considering how the sources may be used or how many may be transferred, it is possible that the integrity of NSTS could be compromised.

Many State Programs license Category 3 sources with a maximum possession limit and do not have a readily available inventory of sources in use or storage. Collection and verification of inventory of Category 3 sources will impact licensee and State personnel resources.

It is recognized that this evaluation of Category 3 sources is a comment from the 2015 General Accounting Office (GAO) report. The identified event was the failure to follow written policy and procedures. There is no correlation between this failure and the suggested inclusion of Category 3 sources in NSTS.

The NRC has not provided supporting evidence or data that the existing regulatory approach to Category 3 source security through use of NSTS is inadequate or unsafe to protect public health and safety.

2. If Category 3 sources are included in the NSTS, should the NRC consider imposing the same reporting requirements currently required for Category 1 and 2 sources (10 CFR 20.2207(f))?

CRCPD supports the reporting requirements in 10CFR Part 37, including if Category 3 sources are included in NSTS.

3. Should the NRC consider alternatives to the current NSTS reporting requirements for Category 1 and 2 sources to increase the immediacy of information availability, such as requiring the source transfers to be reported prior to, or on the same day as, the source shipment date?

Alternatives to the current NSTS reporting requirements for Category 1 and 2 sources should not be changed. There appears to be no rationale for suggesting any changes.

4. Would there be an increase in safety and/or security if the regulations were changed to include Category 3 sources in the NSTS? If so, how much of an increase would there be?

CRCPD does not believe that there will be any increase in safety or security if Category 3 sources are included in NSTS. Mishandling or errors during shipments will continue to occur. NSTS does not limit or control these types of errors.

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5. Is there anything else we should consider as part of our evaluation of including Category 3 sources in the NSTS?

As mentioned in Question 1 of this section, resource impact for the licensees and States must be further evaluated.

Also, there is concern about the integrity of the information contained in the NSTS database with the inclusion of a large number of Category 3 sources.

Specific Question for Agreement States Related to the NSTS

1. The NRC currently administers the annual inventory reconciliation process on behalf of the Agreement States. This process involves providing hard copy inventories to every licensee that possesses nationally tracked sources at the end of the year, processing corrections to inventories, and processing confirmations of completion of the reconciliation into the NSTS. The process involves a significant amount of staff time and resources from November to February. If the Agreement States were to adopt administration of the annual inventory reconciliation process and if Category 3 sources were included in the NSTS, what would the additional regulatory burden be on the Agreement States to perform the annual inventory reconciliation for Category 1, 2, and 3 sources?

Currently only NRC personnel have access to the NSTS for any type of change and the annual reconciliation.

If the Agreement States were required to manage the annual inventory reconciliation process and if Category 3 sources were included in the NSTS, what would the additional regulatory burden be on the Agreement States to perform the annual inventory reconciliation for Category 1, 2, and 3 sources? Especially considering Agreement State staffs do not have access to the database.

With the significant activity increase to NSTS, it appears that NRC is passing off some of its duties to the Agreement States. The reconciliation process could involve an increase amount of staff time and resources from November to February.

This appears to be an unfunded mandate, at the time that NRC is experiencing some budget issues in the future.

Other Questions

1. Should physical security requirements for Category 1 and 2 quantities of radioactive material be expanded to include Category 3 quantities?

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NRC should not implement all of 10 CFR Part 37 requirements to further strengthen and secure Category 3 sealed sources. The Part 37 requirements would be an over burdensome regulatory requirement, given how these sources are used. Some licensees will have difficulty in meeting these requirements. There is no evidence or data that implies that the current requirements are not adequate to ensure public health, safety and security of these sources.

2. Some Category 3 sources are covered under a general license (10 CFR 31.5). Should the NRC consider establishing maximum quantities in general licensed devices, thereby reserving authorization to possess Category 1, 2, and 3 quantities of radioactive?

*If an expansion of source security is implemented by NRC for Category 3 sealed sources, Generally Licensed Devices containing a Category 3 activity **MUST** be specifically licensed.*

CRCPD supports the re-evaluation of the NRC's General License Program to ensure that all potentially high risk sources have appropriate and relevant security to avoid possible malicious uses.