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Subject: **Transmittal of Comments on Category 3 Security and Accountability [Docket ID NRC-2016-0276]**

Westinghouse Electric Company LLC (Westinghouse) appreciates the opportunity to provide responses to the NRC's questions on the necessity of changes to regulations or processes for source protection and accountability. In response to staff requirements memorandum, SRM-COMJMB-16-0001, the staff is collecting input on Category 3 protection and accountability. Westinghouse has several licenses that are maintained under Agreement State arrangements and the licensees would be impacted by the proposed changes. Westinghouse disagrees that further protection and accounting for Category 3 sources is needed and provides responses to the questions below (not all Federal Register Notice questions are addressed).

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?**

No, Westinghouse believes that the transfer of material regulations in Part 30, Part 40, and Part 70 are adequate as currently written.

- 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?**

Currently, Westinghouse uses a state regulator approved method to verify licenses prior to transfer. Generally, transfers performed by Westinghouse are with entities with whom Westinghouse has a long working relationship. Westinghouse believes that the current license verification process is acceptable and does not pose an undue safety or security risk.

General Questions Related to the NSTS

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

Inclusion of Category 3 materials in the NSTS could pose a significant complication to our work. Westinghouse receives shipments of Category 3 materials which are subsequently divided into smaller samples for testing and archiving. An example of this would be surveillance capsules which arrive from operating plants and are opened in our hot cells (resulting in a single source becoming more than 100 sources). These are subsequently destructively tested, which again multiplies the number of sources. Since this is all irradiated metal, these individually tested pieces may still constitute Category 3 materials. Some of this material will be archived indefinitely, while others are scrap material for disposal.

Using the surveillance capsule example, this Category 3 material is divided into many individual samples making it very difficult to track the samples. All work with the surveillance capsules is performed in the hot cell. Therefore, for tracking purposes, the samples would need to be remotely identified (in the hot cell) with a bar-code or other tracking number which could be read remotely (through the hot cell windows).

Westinghouse currently tracks the total inventory (isotopically) on a receipt/shipment basis, but any finer tracking would require significant changes including large capital investments and time. The material in question is currently controlled as radioactive materials quantities of concern (RMQC) from the time it enters inventory as an aggregate source, so there is no added benefit to the security of the material with Category 3 level tracking.

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))?

Westinghouse disagrees that Category 3 materials should be included in NSTS and therefore disagrees that the Category 1 and 2 source requirements be imposed. However, if NRC so deems the inclusion into NSTS necessary, a graded approach should be applied due to the low (comparative) risk to Category 1 and 2 sources.

Specific Questions for Licensees Related to License Verification

2. Approximately how many transfers involving Category 3 quantities of radioactive material do you do monthly? What percentage involves transfers directly to/from a manufacturer?

At one Westinghouse location, they perform approximately two to three shipments per month of Category 3 materials, of which, transfers directly to/from a manufacturer are very infrequent.

Specific Questions for Licensee Related to NSTS

- 2. Do you have online access to the NSTS? If so, have you experienced any issues with the NSTS? Do you have any recommendations on how to improve the NSTS?**

NSTS, or the alternative process to email the information, works reasonably well for the sources that are currently tracked in it. Materials reported in NSTS are easily reconciled and tracked. However, using the system for tracking Category 3 materials would add significant administrative burden prior to every shipment.

Other Questions

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

No, Westinghouse believes that the physical security requirements for Category 3 materials are acceptable.

If you need additional information, please contact Camille Zozula at 412-374-2577 or zozulact@westinghouse.com.



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