

**Remarks of Chairman Stephen G. Burns to the
47th National Conference on Radiation Control
May 18, 2015**

General Remarks

Good morning. I am honored to be here today to provide the keynote address at the 47th National Conference on Radiation Control. It is a great pleasure to be amongst so many radiation professionals in State and local government who are committed to addressing and resolving radiation protection issues. I want to commend the Conference of Radiation Control Program Directors (CRCPD), as an organization, for its nearly five-decade-long dedication to radiation protection.

Partnership

I note that the theme you have chosen for this year's conference is *Building on Momentum: Success of Partnerships in Radiation Protection*. The key word that stands out for me in this theme is *partnerships*, as I believe it is only through our commitment to developing and maintaining strong partnerships at the Federal, State, and local levels that we can ensure radiation safety.

We can see examples of these partnerships with the support that the U.S. Nuclear Regulatory Commission (NRC) provides to the Agreement States in terms of funding and training. We also see this partnership with the invaluable input that the NRC receives from the States, local stakeholders, and CRCPD in the form of comments on a variety of different activities, such as rulemakings, guidance development, and licensing actions, and with the technical support that Agreement State staff provide in numerous working groups and steering committees. The joint effort between the NRC and Agreement State staff to implement the Integrated Materials Performance Evaluation Program, or IMPEP, is another example of this partnership. Other examples include the States' efforts to provide emergency planning and response support and the CRCPD's efforts to promote consistent radiation protection practices by developing guidance in a wide array of subject areas.

These partnerships, in their various forms, are what have allowed the U.S. to build the robust regulatory program that ensures the safety and security of nuclear materials despite the large variety of users and the large variety and complexity of uses. As technological advances and changing capabilities continue to require us to evolve, and as the availability of funding shifts and cycles, it will be incumbent upon all of us to maintain our dedication to the quality and effectiveness of these partnerships so that we can remain confident that the U.S. regulatory program will continue to be successful.

Background

As many of you know, I retired from the NRC in 2012 after a nearly thirty-four year career that culminated in my service as the agency's General Counsel. I spent my three years of "retirement" working in France at the Organisation for Economic Co-operation and Development's Nuclear Energy Agency as the head of Legal Affairs. I was then nominated and confirmed as a Commissioner of the NRC in November of 2014, and then designated by the President as Chairman, effective January 1, 2015.

10 CFR Part 20

During my previous career at the NRC, I was engaged in many diverse issues in the regulation of nuclear materials, beginning in 1978 as an attorney assigned to assist the staff in legal issues stemming from our inspection and enforcement program. I was at the NRC in 1991 when we

last revised 10 CFR Part 20 to adopt the International Commission on Radiological Protection, or ICRP, system of radiation protection. This risk-based system provided for the summation of internal and external exposures and eliminated the concept of a threshold effect or tolerance dose. Now, just this past July, as many of you know, the NRC issued an advance notice of proposed rulemaking for further proposed revisions to Part 20. The goal of this new proposed rulemaking is again to align NRC regulations more closely with more recent ICRP publications; in this case, in the area of terminology and dose assessment methodologies. We are still in the very early stages of the rulemaking process and the NRC staff is actively working to seek input from stakeholders and to determine what level of alignment is appropriate.

I am aware that the NRC staff has engaged CRCPD in discussions regarding updates to dose methodology and terminology; regarding the reduction of the annual dose limits for the lens of the eye, and embryo/fetus; regarding occupational dose limits; and also regarding occupational dose reporting requirements. These discussions will help guide the development of a regulatory basis for the proposed rulemaking.

The period to provide comments has been extended through next month and I strongly encourage you to share your input if you haven't already done so. As I mentioned before, in addition to the input that CRCPD has already provided to the NRC staff, the continued efforts of States, licensees, and other stakeholders to submit thoughtful comments regarding our rulemaking activities is one of the most valuable facets of our partnership.

10 CFR Part 37

After the terrorist attacks on September 11, concern about the security of radioactive material was elevated and the NRC issued enhanced security provisions through a series of orders. More recently, in March 2013, the NRC adopted a new final rule, 10 CFR Part 37, to address the physical protection of certain quantities of radioactive material.

The level of involvement from the States for this rulemaking, through representation on working groups and the steering committee, was significant and no doubt helped to ensure that the final rule took into account a wide variety of perspectives and concerns. The feedback I have received regarding the progress of the Agreement States to meet the March 2016 deadline to issue compatible requirements has been positive and I hope that the States will continue to support each other and to engage with the NRC staff to complete the implementation.

Congress has directed the NRC to provide a report to the Committees on Appropriations of the House of Representatives and the Senate, by the end of 2016, that evaluates the effectiveness of the requirements of 10 CFR Part 37 and determines whether the requirements are adequate to protect high-risk radiological material. The NRC's evaluation will consider inspection results and event reports from the first two years of implementation of the requirements in 10 CFR Part 37 for NRC licensees.

In addition to supporting the development and implementation of Part 37, CRCPD plays another important role in ensuring the security of radiological material, by managing the NRC-funded program for disposing of found orphan sources and the U.S. Department of Energy's National-Nuclear-Security-Agency-funded program for collecting sources that are no longer in use. Both of these programs help to reduce the potential that these sources could be used for malicious intent, and thereby also help to reduce the associated threat to public health and safety.

10 CFR Part 35

Another important subject in the area of nuclear materials' regulation is the medical use of byproduct material. The regulations related to this subject, in 10 CFR Part 35, were last amended in 2002, and over the past several years, stakeholders and members of the medical community have identified certain issues in implementing these regulations. As a result, the NRC has proposed changes to update its regulations to address technological advances and changes in medical procedures.

The proposed rule was published in the *Federal Register* last July and the public comment period ended in November. I know that the CRCPD and several State radiation protection agencies submitted comments and I want to commend you for your commitment to be involved in the rulemaking process. I know that the NRC staff is diligently working to address these comments along with those provided by other stakeholders and I expect the staff to provide the final rule to the Commission for review in December of this year.

The NRC plans to continue research on the basis for dose calculations related to the release of patients who have received radiation treatment from medical facilities. While there is analytical information that our current requirements are protective of public health and safety, there is little empirical data on the doses actually received by members of the public exposed to treated patients. These gaps relate to internal doses to members of the public from close physical contact with patients or radioactive contamination from bodily fluids, and internal and external doses to members of the public from patients released to locations other than their primary residences.

In response to Commission direction, the staff is collecting limited empirical data to fill in the regulatory gaps. Also, the staff is working on activities related to potential enhancements to the guidance and regulations governing patient release. Specifically, the NRC staff is evaluating whether regulatory changes to the patient release program are warranted. The staff anticipates holding multiple public meetings around the country to obtain input from the public and other stakeholders and I encourage you to engage with the staff on these important efforts.

Dynamic Times

As we can see just by considering the number and significance of rulemaking activities affecting users of radioactive material, the National Materials Program continues to be dynamic. As another example, over the years, I have seen the number of Agreement States increase dramatically, from 24, when I began my career at the NRC, to 37 today. The trend continues with the State of Wyoming recently submitting a letter of intent to become an Agreement State in order to regulate source and byproduct material and uranium tailings within the State.

Presently, the NRC is keenly aware of the impacts of change. The lingering impact of the 2008 economic crisis and its impact on the energy markets have caused the NRC to re-evaluate its anticipated work load, primarily in the realm of new reactor licensing. At the same time, the NRC is being scrutinized by its stakeholders for its responsible use of resources, and the agency must take a hard look at whether it is effectively using these resources.

In June 2014, the NRC staff embarked on an effort called Project Aim 2020. The Project Aim 2020 team gathered perspectives from internal and external stakeholders to forecast the workload and operating environment in 2020. Based on analyses of these perspectives, and an evaluation of the NRC's current state compared with the anticipated future state, the staff developed a report that identified key strategies and recommendations to transform the agency over the next five years to improve our effectiveness, efficiency, and agility.

The staff's recommendations and proposed strategies focused on enhancing our ability to plan and execute the agency's mission more efficiently while adapting in a timely and effective manner to a dynamic environment. The recommendations focus on four primary areas: (1) "right-sizing" the agency while retaining appropriate skill sets needed to accomplish our mission; (2) streamlining agency processes to use resources more wisely; (3) improving timeliness in regulatory decision making and responding quickly to changing conditions; and (4) promoting unity of purpose with clearer agency-wide priorities. These recommendations were presented to the Commission in late January 2015, and the Commission is in the final stages of finalizing its direction to the staff.

The Commission considers this report to be an important step in the dialogue about the future of the NRC. My fellow Commissioners and I are taking a hard look at how to ensure the agency maintains the ability to perform our safety and security mission while also being more efficient. We know that we need to retain the appropriate skill sets to accomplish our mission, but we recognize that we can improve on how we reprioritize activities based on emergent needs and can respond more quickly to changing conditions.

I also anticipate that this changing environment will impact the National Materials Program, in ways that remain to be seen. One impact we are already seeing is on reactor decommissioning, which has prompted a need to evaluate and make more efficient our regulations in this area. I am aware that this is one area that is of significant importance to the States and I know that you will continue to engage with the NRC to discuss and address these concerns.

Closing

Last month, my fellow Commissioners and I held our annual meeting with CRCPD and the Organization of Agreement States (OAS) at NRC headquarters in Rockville, Maryland. During that meeting CRCPD and OAS ranking members raised a number of important issues before the Commission and we engaged in a valuable dialogue. I want to reiterate my gratitude for the States' continued efforts to be involved and to make the NRC aware of the issues that are most important to them. Your commitment to continually engage with the NRC at all levels is what ensures that all of the important issues affecting the States' and NRC's radiation protection programs remain visible.

In closing, I want to thank you once again for the opportunity to share my thoughts with you today. I wish you a successful conference and I look forward to engaging with you in the future.