

From: "Kate Roughan" <Kate.Roughan@qsa-global.com>
To: <nrcprep@nrc.gov>
Date: Fri, Feb 10, 2006 4:24 PM
Subject: comments

1/11/06
71 FR 1776

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Nuclear Sector Coordinating Council- Radioisotopes (NSCC-R)

February 10, 2006

Chief, Rules and Directive Branch
Division of Administrative Services
Office of Administration
Mail Stop T6-D59
DHM-23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

**Subject: (RSPS-TF)
Radiation Source Protection and Security Task Force; Request for Public
Comment. FR Vol. 71, No 17, January 11, 2006.**

As these issues significantly affect our group of manufacturers and users, NRCC-R appreciates the opportunity to provide comments on the issues to be addressed by the interagency task force.

The Nuclear Sector Coordinating Council – Radioisotopes (NSCC-R) consists of members representing the radioisotope industry and covers the broad interests of radioisotope sector security. The scope of the NSCC-R includes all companies in the United States that are licensed to operate radioisotope manufacturing, handling or processing facilities; to distribute radioisotope products; and other organizations, individuals, and users involved in the nuclear industry, including nuclear materials licensees. The mission of the (NSCC-R) is to develop and recommend strategies that will enhance the physical security and emergency preparedness of the radioisotope sector under the auspices of the National Infrastructure Protection Plan (NIPP).

To fulfill the mission, the NSCC-R has been voluntarily collaborating with the Nuclear Sector Government Coordinating Council (GCC) to identify and recommend measures to prevent radioisotopes of concern from being stolen, diverted and used in Radiological Dispersion Devices (RDD's) or Radiological Emitting Devices (RED's). This has encompassed identification of applications, facilities, materials and other assets and determination of vulnerability on a risk/priority basis to enable the GCC and Department of Homeland Security (DHS) to allocate appropriate resources to fulfill the mission. The outcome will be to ensure that the radioisotope sector continues to provide benefits for medical, industrial and research applications in a safe and secure manner.

A general comment regarding NRC's request for public comment is that many of the activities mandated by the Energy Policy Act of 2005 have either already been initiated or are planned by agencies who are parties to both the GCC and the interagency task force. As repeatedly expressed by the NSCC-R to DHS and the GCC, there is an essential need to optimize the allocation of limited resources by both the government as well as the private sector by avoiding duplicative or conflicting measures mandated by orders, regulations and recommendations of

standards-setting organizations. NRC, GCC and the task force must work together to ensure rulemaking is coordinated and that any regulations concerning radioisotope security are consistent and harmonious.

NRC and the task force must also engage representatives of industry such as the NSCC-R to take advantage of the breadth of knowledge of the applications, operations and materials utilized in the sub-sector. We also strongly encourage NRC and the task force to involve industry stakeholders in the rulemaking process before rather than after rule promulgation to streamline the process of ensuring that new requirements are both effective and reasonable in terms of protection of the infrastructure and resources expended to achieve this.

NSCC-R comments on specific topics presented in the Request for Information are provided as follows.

Topic No. 1 – The list of radiation sources requiring security based on potential attractiveness of the source to terrorists and the extent of the threat to public health and safety.

- NSCC-R supports the IAEA Code of Conduct and its categorization as the basis for establishing thresholds for applicability of enhanced security measures to specific radionuclides and activities. Technical assessment as the basis of IAEA standards and regulations, including those of the NRC, has already concluded that the so-called quantities of concern should reside within Category 1 and 2. NSCC-R has performed an inventory of all identified radioactive material applications within the sub-sector and concluded that priority of enhanced security measures should be given to Category 1 and 2 sources, consistent with the approach that NRC has taken to date. Other materials such as non-source material and those in Category 3 should be considered within the scope of infrastructure protection, if warranted, by voluntary measures that may already be in effect or by site-specific license conditions supplemented by existing regulations.

- NSCC-R urges caution in any consideration of including Category 3 in the scope of quantities of concern to ensure that time-sensitive supply chain of medical radionuclides is not adversely affected. The negative impact on the quality and timeliness of patient care would likely outweigh the benefit of enhanced security measures.

Topic No. 2 – The national system for recovery of lost or stolen radiation sources.

- The NSCC-R recommends that the most demanding requirements for tracking of sources should be limited to Category 1 and 2 sources. If NRC or the task force considers the need to expand the scope, this should be done with the input of NSCC-R.

- The task force must recognize contributions made the NRC, DOE and Conference of Radiation Control Program Directors to establish a technically competent and responsible recovery system for sources performed by the Off-Site Source Recovery Project (OSRP). This program can be considered a key component of any plan to secure the nuclear sector and should be provided with the necessary funding and staff to ensure effective operation.

Topic No. 3 – Storage of radiation sources that are not used in a safe and secure manner.

- NSCC-R believes that this is an area where the knowledge of the wide variety of users of radioactive material in the numerous applications should be utilized by NRC and the task force.

Topic No. 4 – The national source tracking system for radiation sources.

- NSCC-R has the view that promulgation of the NRC proposed rule for tracking Category 1 and 2 sources must take place only after sufficient time has been allowed to validate the system and to ensure that it is effective and that the demand on resources to employ the system are warranted by the level of risk posed by the sources to which the regulations apply. The framework used should be consistent with the Code of Conduct and other relevant regulations.

Topic No. 5 – A national system to provide for the proper disposal of radiation sources.

- Again, NSCC-R the urges the NRC and the task force to consider the need enhance the capabilities of the OSRP to enable it to provide the source recovery and disposal services that are essential to reducing vulnerability in this segment of the nuclear sector.

- NSCC-R believes that if resources are provided to securing its sector of the nuclear infrastructure, these should include support a national program to provide for the timely, cost effective and responsible disposal of radiation sources and GTCC waste and, as previously stated, support the ongoing operation of the OSRP. Providing a disposal option for relative high-risk sources and waste would significantly reduce the vulnerability of this material.

Topic No. 6 – Import and export controls on radiation sources to ensure that recipients of radiation sources are able and willing to adequately control radiation sources.

- NSCC-R believes that import and export controls must be effective and that the demand on resources to employ them is warranted by the level of risk posed by the sources to which the regulations apply. The framework used should be consistent with the Code of Conduct and other relevant regulations.

- The task force needs to examine and resolve the differences between NRC orders to licensees for safeguards and enhanced security measures and the amendments to 10CFR110 for Export and Import of Nuclear Equipment and Radioactive Materials.

- The task force also needs to review the regulatory landscape that applies to the return of unused sources to manufacturers to identify and address the obstacles that currently make this responsible option of responsible source disposition unavailable.

Topic No. 7 – Procedures for improving the security and control for use and storage of radiation sources.

- The NSCC-R believes this is a topic where NRC and the task force need to collaborate with the NSCC and the GCC. Duplication of effort between the agencies on the task force and those in the GCC needs to be avoided.

Topic No. 8 – Procedures for improving the security of transportation of radiation sources.

- NSCC-R recommends that procedures to enhance transport security of sources must be effective and that the demand on resources to employ them is warranted by the level of risk posed by the sources to which the regulations apply. The framework used should be consistent with the Code of Conduct and other relevant regulations and conflicting regulation must be avoided.

Topic No. 9 – Background checks for individuals with access to radiation sources.

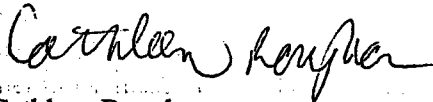
- Since most of the personnel threat assessment requirements in existing regulations are limited to those who have access to Category 1 and 2 sources, any additional measures should be applicable to these materials. If there are any conflicts or gaps between existing and additional measures, these need to be resolved.

Topic No. 10 – Alternative technologies.

- NSCC-R understands the intent to have the National Academy of Sciences conduct an analysis of alternative technologies and the NSCC-R believes that its participants are in a position to add value to this process. There are numerous applications within this sub-sector of the nuclear sector infrastructure that have no suitable alternatives and the task force needs to consider how these will need to be protected in the context of the NIPP.

Please contact me if you would like any additional information or clarification, 781-505-8210.

Sincerely,



Cathleen Roughan
Co-Chairman, NSCC-R

Sincerely,