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Date: 02/03/2006 2:08:37 PM
Subject: Kansas comments on source tracking rule

Kansas supports the comments made by Oklahoma on the source tracking rule. In particular, we strongly support this rule being handled as a Compatibility B under Health and Safety. The response and actions taken by the Agreement States to the increased controls on radioactive materials in quantities of concern, clearly shows the Agreement States are more than capable of working with NRC and handling these activities.

(See attached file: 3Feb06 Comments for NRC draft final rule for NSTS.doc)

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Mail Envelope Properties (43E3AA20.2CE : 14 : 41678)

Subject: Kansas comments on source tracking rule
Creation Date 02/03/2006 2:09:27 PM
From: <TConley@kdhe.state.ks.us>

Created By: TConley@kdhe.state.ks.us

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3Feb06 Comments for NRC draft final rule for NSTS.doc		31232
Mime.822	44942	

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Oklahoma Department of Environmental Quality's Comments for NRC Final Rule for National Source Tracking of Sealed Sources

10 CFR Parts 20, 32, & 150

RIN 3150-AH48

Inclusion of Category 3 Sources

The Oklahoma Department of Environmental Quality's (ODEQ) Radiation Management Section would very much like to see inclusion of an annual inventory of Category 3 sources. This would avoid burdening licensees and the system with daily tracking of large numbers of sources, but allow states that are responsible for Increased Controls to identify facilities that are potentially aggregating a "Quantity of Concern". If NRC is not currently planning another rulemaking to include Category 3 sources in the system, Oklahoma would like the option to track these sources ourselves. This would allow us to better control implementation of the Increased Controls that we have imposed on our licensees.

We appreciate the clarification made by NRC dealing with the systems response when Category 2 sources decay below the threshold. An automatic notification to the licensees will be very helpful.

State Development of Regulations on Ra-226

The ODEQ's Radiation Management Section agrees with the inclusion of Ra-226 sources in the National Source Tracking System.

Reporting Use at Temporary Job Sites

The ODEQ's Radiation Management Section agrees that reporting every use of a source at a temporary job site would be burdensome to licensees that perform jobs in a short timeframe. However, we strongly believe that temporary jobs that require a reciprocity notification and that last 24 hours or more should be reported. This will allow States to use the information for checking what sources are within their borders. Many temporary jobs last for weeks or even months. If these activities are not tracked, the accurate location of many potent Category 2 sources would not reside in the system, and many states would be unaware of Category 2 sources in their state under reciprocity.

Inspect Waste Shipments for Tamper Indication

The ODEQ's Radiation Management Section agrees with the NRC that no additional requirements are necessary for verifying waste shipments. Features, such as a seal, will allow the waste broker or disposal facility to inspect for evidence of tampering while being cognizant of ALARA considerations.

Inclusion of Quality Assurance Provision on Data Submission

The ODEQ's Radiation Management Section also agrees that the annual reconciliation of the source tracking data with the latest licensee physical

inventory is adequate to ensure quality assurance. NRC states in the draft final rule that a confirmation must be sent by the licensee to NRC by January 31st of each year to ensure that data in the database is reconciled. ODEQ's Radiation Management strongly believes that the state should have a role in confirming that the reconciliation process is being properly carried out. We believe that reconciliation should be part of the Agreement States' (not NRC's) inspection process. To allow oversight of this reconciliation process by the Agreement State regulatory program we again suggest the licensees be required to keep a record of each year's reconciliation including any corrections or differences.

Data Protection by Licensees

The ODEQ's Radiation Management Section agrees that source inventory information is sensitive due to security reasons and is satisfied by NRC's response to this issue. We agree that it does not need to be SGI-M.

Additional Information Required at Manufacturing, Transfer, Receipt, and Disposal (20.2207)

The ODEQ's Radiation Management Section is satisfied with NRC's response to this issue.

Compatibility Issues

The ODEQ's Radiation Management Section originally believed that this rulemaking should be categorized under Health and Safety instead of National Security. Because this section will be added to 10 CFR Part 20, which delineates the general radiation safety standards, the states should be responsible for inspection and enforcement to ensure licensee compliance with the source tracking rules.

With NRC's decision not to track Category 3 sources, Oklahoma would like the option to acquire an annual inventory of Category 1 and 2 sources and the authority to conduct a annual inventory of sources that are less than Category 2. We are responsible for issuing and enforcing the requirement for Increased Controls which includes a limit on aggregated sources. We do not believe that Category 3 sources should be tracked from cradle to grave necessarily, but an annual inventory would allow recognition of facilities that are accumulating these smaller sources and potentially approaching a "Quantity of Concern" as defined in the Increased Controls.

Therefore we strongly believe that this rulemaking should not be reserved to NRC under National Security but should be regulated by the states under Health and Safety as Compatibility Category B with the specific recognition of the ability of states to include an annual inventory of less than Category 2 sources if they choose.