



California
Department of
Health Services

SANDRA SHEWRY
Director

State of California—Health and Human Services Agency
Department of Health Services

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ARNOLD SCHWARZENEGGER
Governor

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OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

July 27, 2006

Ms. Merri Horn
U.S. Nuclear Regulatory Commission
Office of Nuclear Material Safety and Safeguards
11555 Rockville Pike
Rockville, Maryland 20852

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Dear Ms. Horn:

The California Department of Health Services Radiologic Health Branch (RHB) does not support the proposed change in basis from "Common Defense and Security" to "Public Health and Safety" for the National Source Tracking System (NSTS) rulemaking at this time. RHB does not anticipate that the security of the sources affected would be compromised in any way by a change in basis. Rather, RHB simply does not have the resources available to implement this rule as an immediate and mandatory compatibility Category B rule.

In addition, RHB has concerns about the potential expansion of requirements under the NSTS rulemaking. In "STAFF REQUIREMENTS - SECY-06-0094 - TRACKING OR PROVIDING ENHANCED CONTROLS FOR CATEGORY 3 SOURCES," (June 9, 2006), the Commission directed staff to examine the inclusion of IAEA Category 3 sources in the NSTS database. It may not be clear before the NSTS rule becomes effective whether Category 3 sources will ultimately be included or not.

RHB suggests that the Commission consider allowing Agreement States that are interested in inspecting, and willing to inspect, compliance with the NSTS rulemaking to enter into agreements under Section 274i of the Atomic Energy Act for the purposes of those inspections. This would seem to be a reasonable compromise that would accommodate the diversity of opinions on this matter.

Ms. Merri Horn
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Thank you for your consideration of these comments. If you have any questions or concerns, please contact me at (916) 440-7942

Sincerely,

Gary Butner
Acting Branch Chief

cc: Larry Barrett, D.V.M., M.S., DACVPM, Chief
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From: "Butner, Gary (DHS-RHB)" <GButner@dhs.ca.gov>
To: <SECY@nrc.gov>
Date: Thu, Jul 27, 2006 9:57 PM
Subject: National Source Tracking System California Comments

The comments are provided for the National Source Tracking System. If you have any questions feel free to contact me at (915) 440- 7942.

Thank you

<<M. Horn NRC.doc>>

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Subject: National Source Tracking System California Comments
Creation Date Thu, Jul 27, 2006 9:56 PM
From: "Butner, Gary (DHS-RHB)" <GButner@dhs.ca.gov>
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