



Organization of Agreement States



January 02, 2007

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USNRC

The Honorable Dale E. Klein, Ph.D., Chairman  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

February 1, 2007 (8:46am)

SUBJECT: National Source Tracking System

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

Dear Dr. Klein:

During the September 12, 2006 Commission Briefing, the Organization of Agreement States (OAS) and Conference of Radiation Control Program Directors (CRCPD) raised concerns regarding the inclusion of sources that meet or exceed the International Atomic Energy Agency's (IAEA's) Category 3 thresholds in the National Source Tracking System (NSTS). Both OAS and CRCPD believe that the risk from Category 3 sources has not been demonstrated and their inclusion in the NSTS is unwarranted. However, it is our organizations' understanding that additional rulemaking may be considered in this area within the next one to three years. We write today to expand upon comments made during the Commission Briefing in this regard. This is not a petition for rulemaking but, rather, expansion of a concept presented at the briefing.

During the Commission Briefing, Mr. Pearce O'Kelley, Chair, CRCPD, offered the suggestion that the Commission consider an alternative to full inclusion of sources that exceed the Category 3 threshold in the NSTS. The OAS and CRCPD Executive Boards support such an alternative. We suggest that, as part of any future rulemaking effort in this regard, consideration be given to imposing somewhat abbreviated requirements for sources that exceed Category 3 (or lower) thresholds, which pose significantly less risk than the sources that exceed Category 2 thresholds

Specifically, we would ask that the rulemaking working group consider an annual reporting requirement for sources between Category 3 and Category 2, rather than a requirement to report every transaction for these sources. We also suggest that it is not necessary to impose any reporting requirement for sources less than Category 3, due to the relatively low health and safety significance of these sources.

It is the opinion of the OAS and CRCPD Executive Boards that a requirement to annually report any transactions (receipt, transfer or disposal) during the previous year that involved sources between Category 3 and Category 2 would provide adequate assurance that these sources continue to be safely handled. An annual reporting requirement would also provide sufficient information on the lifecycle of these sources to assess future disposal needs.

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While the NSTS includes a security element, the primary defense against the malicious diversion of radioactive sources still resides in the extensive regulatory controls on the licensees and the existing reporting requirements for radioactive materials that are lost or stolen. The OAS and CRCPD Executive Boards do not believe that the security and safety of those sources between Category 3 and Category 2 would be significantly enhanced by requiring that every transaction involving these sources be reported at the time of the transaction.

Thank you for your consideration of this matter. Both OAS and CRCPD look forward to working with you on any future rulemaking in this regard.

Sincerely,



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Organization of Agreement States

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Sincerely,



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