



Organization of Agreement States

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March 5, 2008

Mr. Aaron T. McCraw  
Division of Materials Safety  
And State Agreements  
Office of Federal and State Materials  
And Environmental Management Programs  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

SUBJECT: FSME-08-017, "Availability of the Independent Review Panel's Report and Opportunity to Comment"

Dear Mr. McCraw:

I am writing on behalf of the Organization of Agreement States (OAS) Executive Board, regarding the Draft Report of the Independent Review Panel (the Panel). The OAS Executive Board appreciates the opportunity to comment on the draft report, and looks forward to continuing to work with the U.S. Nuclear Regulatory Commission to enhance the security of radioactive materials.

The OAS Executive Board is in agreement with the comments provided by the Conference of Radiation Control Program Directors in a February 29, 2008 letter (a copy of which is attached). We also have the following additional comments for your consideration:

1. In general, the OAS Executive Board suggests that any additional security measures, as well as those already implemented or developed (e.g., the Increased Controls and the Fingerprinting requirements) be codified through rulemaking. The rulemaking process provides for important stakeholder comment, generally resulting in an overall enhancement to the proposed rule, broader stakeholder support, and more consistent implementation.
2. With respect to recommendations 1a(4) and 1a(5), the OAS Executive Board finds the terms "background investigation" and "business plan" somewhat vague. We suggest that these terms be defined or delineated in the final report.
3. With respect to recommendation 1b, it is not clear how the suggested "process and criteria" should or would differ from the currently established

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*Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Mississippi, Nebraska, Nevada, New Hampshire, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Rhode Island, South Carolina, Tennessee, Texas, Utah, Washington, Wisconsin*

- “Pre-Licensing Screening Guidance,” with the enhancements enumerated in recommendation 1a.
4. With respect to recommendation 3c, we suggest that Agreement State and licensee input and participation in development be the first step in the process.
  5. With respect to recommendation 5, we suggest the Panel explore the potential for the development of a national (federally-supported) service that coordinates information from both commercial services (such as “ChoicePoint”) and federal databases that would be available to federal, state and local agencies, not only for radioactive materials license issuance, but for other permits or licenses requiring similar verification of applicants’ backgrounds (e.g., explosives permits, or child-care service licenses).

I would be happy to discuss these issues with you further at your convenience.

Sincerely,

/s/ Cindy Cardwell

Cindy Cardwell  
Chair, Organization of Agreement States

cc: Robert Lewis, Director  
Division of Materials Safety and State Agreements  
U.S. Nuclear Regulatory Commission

Debbie Gilley, Chair  
Conference of Radiation Control Program Directors

Encl: Conference of Radiation Control Program Directors  
Letter of February 29, 2008