

Secretary, U.S. Nuclear Regulatory Commission
11555 Rockville Pike
Rockville, MD 20852

April 30, 2008 (3:15pm)
OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Sent via email to: rulemaking.comments@nrc.gov

SUBJECT: RIN 3150-AI29, Expansion of the National Source Tracking System

Dear Secretary,

The California Department of Public Health, Radiologic Health Branch (RHB) is appreciative of the opportunity to comment on the subject rule regarding the "expansion" of the National Source Tracking System. We believe this effort may be premature in that there is currently no functioning "National Source Tracking System" (NSTS) to "expand." Furthermore, the reasons given for the proposed "expansion" do not appear persuasive to us at this time.

The Federal Register Notice states, "The Commission believes that the existing NSTS system can accommodate these additional licensees and sources." We question the validity of this statement given that the NSTS has apparently encountered unanticipated problems that have delayed its implementation considerably, and therefore there is no experience with implementation of the NSTS for category 1 and 2 sources to date.

In addition, we have reservations about the reliance on the justification regarding aggregation of Category 3 sources to Category 2 levels. Indeed, Category 3.5 sources could be aggregated to Category 3 levels, which could then be aggregated to category 2 levels also. This type of reasoning does not lead us to a supportable conclusion. We believe that, at some point, a determination must be made as to what level of individual source really needs to be tracked, and allow that determination to be implemented and tested to further assess whether additional tracking is necessary.

As you are aware, a risk-informed framework of regulation requires one to balance the risks and benefits of a given product or activity in a reasonable manner, and address the most serious risks first. There is strong support for the tracking of Category 1 and Category 2 sources; however, at this time, we question whether it is necessary to subject Category 3 sources to the additional controls inherent in the NSTS, given the lower risks associated with these sources and the controls already in place.

In summary, California would prefer to gain experience in implementation of the NSTS for category 1 and 2 sources, and use that experience along with more discussion on the merits of including category 3 sources, before making the decision to expand the NSTS to include category 3 sources.

Very Sincerely Yours,

Template = SECY-067

SECY-02

Gary Butner, Acting Branch Chief
Radiologic Health Branch
California Department of Public Health

Rulemaking Comments

From: Butner, Gary (CDPH-RHB) [Gary.Butner@cdph.ca.gov]
Sent: Tuesday, April 29, 2008 7:16 PM
To: Rulemaking Comments
Cc: Hamrick, Barbara (CDPH-RHB); Greger, Robert (CDPH-DFDRS-RHB); Fassell, John (CDPH-DFDRS-RHB-RMS); Perez, Gonzalo (CDPH-DFDRS); Scott, Phillip (CDPH-RHB)
Subject: National Source Tracking
Attachments: ca commentsnational source trk.doc

Please find the California comments on national source tracking in the attachment.

Thank you

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From: "Butner, Gary (CDPH-RHB)" <Gary.Butner@cdph.ca.gov>
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Return-Path: Gary.Butner@cdph.ca.gov