

**Rulemaking Comments**

---

**From:** Cardwell, Cindy [Cindy.Cardwell@dshs.state.tx.us]  
**Sent:** Wednesday, June 25, 2008 6:01 PM  
**To:** Rulemaking Comments; Ann Troxler; Barbara Hamrick; Isabelle Busenitz; Julia.Schmitt; Lee Cox; Paul Schmidt; Steve Collins; Tom Conley  
**Cc:** SCHLUETER, Janet  
**Subject:** OAS Comments on proposed expansion of NSTS  
**Attachments:** OAScommentsNSTSexpansion6252008.doc

Attached please find comments from the Organization of Agreement States on the proposed expansion of the NSTS, RIN 3150-AI29.

Cindy Cardwell, Manager  
Radiation Group  
Policy, Standards and Quality Assurance Unit  
Texas Department of State Health Services  
Phone: 512-834-6770, ext. 2239  
Fax: 512-834-6708

DOCKETED  
USNRC

June 26, 2008 (9:30am)

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

Template = Secy-067

Secy-02



Organization of Agreement States

Cindy Cardwell, Chair, Texas  
Julia Schmitt, Chair-Elect, Nebraska  
Paul Schmidt, Past Chair, Wisconsin  
Tom Conley, Treasurer, Kansas  
Isabelle Busenitz, Secretary, Kansas  
Ann Troxler, Director, Louisiana  
W. Lee Cox III, Director, North Carolina

---

June 25, 2008

Ms. Annette L. Vietti-Cook  
Secretary of the Commission  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

ATTENTION: Rulemaking and Adjudications staff

SUBJECT: Request for Comments on "Expansion of the National Source Tracking System" RIN 3150-AI29, Proposed Rule 73 Federal Register 19749

Dear Ms. Vietti-Cook:

I am writing on behalf of the Organization of Agreement States (OAS) Executive Board, regarding the proposed rulemaking on the expansion of the National Source Tracking System (NSTS). The Organization of Agreement States (OAS), along with the Conference of Radiation Control Program Directors, Inc. (CRCPD), represents the state radiation control programs that regulate approximately 85% of the licensees that would be impacted by this rulemaking. The OAS Executive Board appreciates the opportunity to comment on the draft rule and offers the following comments.

The OAS Executive Board is in agreement with the comments provided by the Conference of Radiation Control Program Directors in a letter dated June 24, 2008. We also believe that this rulemaking should be postponed.

The OAS is supportive of ensuring both safe and secure uses of radioactive material. The Agreement States have already expended considerable resources in efforts to improve overall security of radioactive material; however, those resources are not unlimited. We strongly support the integration and prioritization of all security-related efforts that have any potential impact on regulatory resources to ensure that our efforts are precise and achieve the most beneficial solution in the most efficient manner.

We are concerned that this rulemaking is being proposed without the benefit of a vulnerability assessment, as was performed for the Category 1 and 2 sources. Without such an assessment, it is difficult to determine that the expansion of the NSTS is warranted as a regulatory priority.

---

*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*

If NRC determines the sources below Category 2 be included in the National Source Tracking System, we would propose that these sources require input or updating on an annual basis (such as was done for the interim inventory), and not be subject to real time input. This is based on the large volume of sources below Category 2 and the impact on the licensees, regulators and the system itself.

Thank you for the opportunity to comment. If you have questions or need further information, please contact me at 5120834-6770, extension 2239 or [cindy.cardwell@dshs.state.tx.us](mailto:cindy.cardwell@dshs.state.tx.us).

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

John Winston, Chair  
Conference of Radiation Control Program Directors

Received: from mail2.nrc.gov (148.184.176.43) by OWMS01.nrc.gov  
(148.184.100.43) with Microsoft SMTP Server id 8.0.751.0; Wed, 25 Jun 2008  
18:05:43 -0400

X-Ironport-ID: mail2

X-SBRS: 5.4

X-MID: 16958809

X-IronPort-Anti-Spam-Filtered: true

X-IronPort-Anti-Spam-Result:

Ao4AAHVeYkigKoAwmmdb2JhbACcC49qAQEBAQEIBQgHEQSgbQE

X-IronPort-AV: E=Sophos;i="4.27,704,1204520400";

d="doc'32?scan'32,208,217,32";a="16958809"

Received: from smtpexch2.tdh.state.tx.us ([160.42.128.48]) by mail2.nrc.gov  
with ESMTP; 25 Jun 2008 18:05:34 -0400

Received: from DSHSEXF1.dshs.state.tx.us ([160.42.66.58]) by  
smtpexch2.tdh.state.tx.us (8.12.8p1/8.12.8) with ESMTP id m5PM55bc021164;  
Wed, 25 Jun 2008 17:05:05 -0500

Received: from DSHSEXVS3.dshs.state.tx.us ([160.42.66.22]) by  
DSHSEXF1.dshs.state.tx.us with Microsoft SMTPSVC(6.0.3790.3959); Wed, 25  
Jun 2008 17:07:17 -0500

X-MimeOLE: Produced By Microsoft Exchange V6.5

Content-Class: urn:content-classes:message

MIME-Version: 1.0

Content-Type: multipart/mixed;

boundary="----\_=\_NextPart\_001\_01C8D70E.F1407E40"

Subject: OAS Comments on proposed expansion of NSTS

Date: Wed, 25 Jun 2008 17:00:55 -0500

Message-ID:

<9D016E7E7930A347AE098135FEFCE84304134B14@DSHSEXVS3.dshs.state.tx.us>

X-MS-Has-Attach: yes

X-MS-TNEF-Correlator:

Thread-Topic: OAS Comments on proposed expansion of NSTS

Thread-Index: AcjXD4URsnKdx6HxTVyf0hdMdNC8hg==

From: "Cardwell, Cindy" <Cindy.Cardwell@dshs.state.tx.us>

To: <Rulemaking.Comments@nrc.gov>, "Ann Troxler" <ann.troxler@la.gov>,

"Barbara Hamrick" <bhamrick@dhs.ca.gov>,

"Isabelle Busenitz" <ibusenitz@kdhe.state.ks.us>,

"Julia.Schmitt" <julia.schmitt@dhhs.ne.gov>, "Lee Cox" <lee.cox@ncmail.net>,

"Paul Schmidt" <schmips@dhfs.state.wi.us>,

"Steve Collins" <steve.collins@illinois.gov>,

"Tom Conley" <tconley@kdhe.state.ks.us>

CC: "SCHLUETER, Janet" <jrs@nei.org>

X-OriginalArrivalTime: 25 Jun 2008 22:07:17.0051 (UTC) FILETIME=[D48C60B0:01C8D70F]

Return-Path: Cindy.Cardwell@dshs.state.tx.us