

EDO Principal Correspondence Control

FROM: DUE: 02/18/09

EDO CONTROL: G20090042

DOC DT: 01/12/09

FINAL REPLY:

Richard E. Toohey
Health Physics Society

TO:

Chairman Klein

FOR SIGNATURE OF :

** GRN **

CRC NO: 09-0026

Virgilio, DEDMRT

DESC:

ROUTING:

Strategy for the Security and Use of Cesium-137
Chloride Sources (SECY-08-0184)
(EDATS: SECY-2009-0043)

Borchardt
Virgilio
Mallett
Ash
Ordaz
Cyr/Burns
Zimmerman, NSIR
Cyr, OGC
Morell, OEDO

DATE: 01/27/09

ASSIGNED TO:

CONTACT:

FSME

Miller

SPECIAL INSTRUCTIONS OR REMARKS:

Coordinate with NSIR and OGC, as appropriate.

EDATS

Electronic Document and Action Tracking System

EDATS Number: SECY-2009-0043

Source: SECY

General Information

Assigned To: FSME

OEDO Due Date: 2/18/2009 5:00 PM

Other Assignees:

SECY Due Date: NONE

Subject: Strategy for the Security and Use of Cesium-137 Chloride Sources (SECY-08-0184)

Description:

CC Routing: NSIR; OGC

ADAMS Accession Numbers - Incoming: NONE

Response/Package: NONE

Other Information

Cross Reference Number: G20090042, LTR-09-0026

Staff Initiated: NO

Related Task:

Recurring Item: NO

File Routing: EDATS

Agency Lesson Learned: NO

Roadmap Item: NO

Process Information

Action Type: Letter

Priority: Medium

Signature Level: DEDMRT

Sensitivity: None

Urgency: NO

OEDO Concurrence: NO

OCM Concurrence: NO

OCA Concurrence: NO

Special Instructions: Coordinate with NSIR and OGC, as appropriate.

Document Information

Originator Name: Richard E. Toohey

Date of Incoming: 1/12/2009

Originating Organization: Health Physics Society

Document Received by SECY Date: 1/27/2009

Addressee: Chairman Klein

Date Response Requested by Originator: NONE

Incoming Task Received: Letter

OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET

Date Printed: Jan 27, 2009 12:50

PAPER NUMBER: LTR-09-0026

LOGGING DATE: 01/26/2009

ACTION OFFICE: COM

AUTHOR: Richard Toohey (Health Physics Society)

AFFILIATION: TN

ADDRESSEE: CHRM Dale Klein

SUBJECT: Expresses concerns with the NRC's staff report on the subject "Strategy for the Security and Use of Cesium-137 Chloride Sources" (SECY-08-0184)

ACTION: Appropriate

DISTRIBUTION: EDO, RF

LETTER DATE: 01/12/2009

ACKNOWLEDGED No

SPECIAL HANDLING: Made publicly available in ADAMS via EDO/DPC

NOTES:

FILE LOCATION: ADAMS

DATE DUE:

DATE SIGNED:

EDO --G20090042



HEALTH PHYSICS SOCIETY

"Specialists in Radiation Safety"

12 January 2009

The Honorable Dale E. Klein
Chairman
United States Nuclear Regulatory Commission
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Rockville, Maryland 20852-2738

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Dear Chairman Klein:

I am writing on behalf of the Health Physics Society (HPS) to express some concerns with the U. S. Nuclear Regulatory Commission's (NRC) staff report on the subject "Strategy For The Security and Use of Cesium-137 Chloride Sources" (SECY-08-0184).

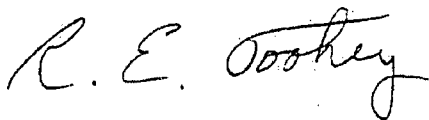
I recognize and applaud the extensive work the NRC staff has done in preparing SECY-08-0184, including consideration of all the background materials generated on the issue of the security and use of Cesium-137 Chloride (CsCl) radioactive sources. However, I am concerned the options offered by the staff for Commission consideration are lacking in that they do not appear to address the broad issue of including the evaluation of alternative technologies for the wide range of potential high-risk sources into the future. (I use the term "high-risk sources" without a specific definition, but it refers to radioactive sources that may be in danger of being used for malevolent or terrorist purposes.) The current focus in evaluating the replacement of radioactive sources with alternative technologies is on high activity CsCl sources, due largely to the report from the National Academies that identified CsCl sources as the first priority, but not the only concern. The HPS feels it is shortsighted to only consider a few applications of CsCl with a decision on needed action with today's knowledge and existence of alternative technologies for those specific sources. This is the time to establish processes that will support decision making for any of the wide range of potential "high-risk" sources going into the future that will involve a constantly changing knowledge and existence of alternative technologies. **None of the options offered by the NRC staff in SECY-08-0184 establishes a decision making process that will accommodate changing science and public concerns into the future.**

The HPS has had a long-standing position that decisions on replacement of radioactive sources with alternative technologies should be on a source-by-source basis that is best accomplished through the licensing process. Commissioner Lyons recognized that individual source configurations affect the decision on the practicality and desirability to replace a source with an alternative technology in his charge to the September 2009 workshop on the security and replacement of CsCl when he challenged the workshop participants with the question "... should nuclear power plants that use these sources be required to replace them despite the enhanced security requirements at the facility?" The HPS offered comments to the workshop suggesting there needs to be a process that accommodates changing technology and risks to answer that question as we go into the future. That process should be a part of the licensing of sources. **None of the options offered by the NRC staff in SECY-08-0184 discuss the appropriateness or possibility of institutionalizing a decision making process through the licensing process.**

Clearly, the security enhancements identified in Option 1 of SECY-08-0184 are appropriate and should be undertaken in a timely manner. However, the HPS is concerned that a short sighted approach that only addresses a few specific sources and applications without accommodation of decision making on the replacement of sources with alternative technologies into the future will not be satisfying to all stakeholders, including the U. S. Congress. This could lead to external actions that take the decision making and control of the issue out of the hands of the NRC.

I look forward to discussing this issue with you in our meeting on 15 January 2009. Please do not hesitate to contact me, or have your staff contact me if you have questions about these concerns.

Sincerely,

A handwritten signature in cursive script that reads "R. E. Toohey". The signature is written in dark ink and is positioned above the printed name of the signatory.

Richard E. Toohey, PhD, CHP

Copy to:
Commissioner Lyons
Commissioner Jaczko
Commissioner Svinicki