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ACUREN

Materials Engineering & Testing

From: Joseph A. Lassuy (Regulatory Manager) - Acuren, Indianapolis, Indiana
To: Rulemaking and Adjudication Staff (NRC)
Subject: Revisions to 10 CFR PART 37

§ 37.21 Personnel access authorization requirements for category 1 or category 2 quantities of radioactive material.

Our industry is subject to three different Federal background check programs: Bureau of Alcohol, Tobacco, Firearms, and Explosives, the Department of Transportation (DOT) and the NRC. All three Federal agencies have different requirements, which can be very cumbersome, confusing and costly. It wouldn't seem unreasonable for these agencies to come up with one background check that would satisfy all three. Thus absorbing some of the cost that we are now fulfilling 3 fold. Not to mention the time and resources that each background check require.

§ 37.23 Access authorization program requirements
§ 37.25 Background investigations

Currently employees must have criminal, social security, DMV, educational backgrounds completed as well as employment and personal references. Now you want to subject them to their military history (understandable), credit history, look at the economy and give the numbers of Americans that don't have financial concerns, acquired debts, increasing credit card debt and trying to keep their heads above water while working a 50 to 60 hour week. Have you seen the hourly pay of a radiographer lately? Throw the requirement of tasking the employer to judge his character and reputation base on trying to locate and communicate with individuals that are not on his personal references. The time alone for this task will require additional office staff. An add another un-billable person to the staff.

§ 37.45 LLEA coordination and notification

§ 37.45(a) LLEA coordination

Hard enough to get LLEA to respond at a fixed facility request let alone a temporary job-site. They verbally responded within a month's time frame and a couple of months later followed it up with a visit.

§ 37.45(b)

LLEA notification for temporary job sites.

Written notification to the appropriate LLEA(s) at least 3 business days in advance if the licensee plans to use or store category 2 quantities of radioactive material at the temporary job site for more than 7 consecutive calendar days. Three day notification, I'm lucky if I get a three hour notification before some job-sites request RT work. That could last anywhere from two hours to two weeks. The time and expense of tracking down LLEA for one location not to mention one jobsite with multiple locations will require additional personnel and resources to accomplish. It would also increase the already mounting stack of paperwork that is involved with a temporary jobsite. It also seems that the more LLEA that is notified the bigger the crowd gets. Not to mention the

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more people are aware of the location of radioactive materials. Are we putting the cart before the horse? And could we be doing more harm than good involving more people.

§ 37.47(a) Security zones

Security zones may be permanent or temporary. Permanent security zones are pretty much established at our facility with all the bells and whistles. It is the temporary security zones at temporary jobsites that I have issues with. Added personnel / expense will be required at temporary jobsites such as powerhouses and paper mills (A large portion of our work) that will require areas (security zones) that will be larger than our radiation areas. Do we try to pass on these expenses to our customers at a chance of losing the work or take a significant hit to our bottom line in order to stay compliant?

§ 37.71 Additional requirements for transfer of category 1 and category 2 quantities of radioactive material.

Before transferring category 2 quantities of radioactive material, the shipping licensee must verify that the transferee's license is valid? We do business with the transferee's on a daily / weekly / monthly basis, we also have current copies of their licenses on file at our facility. Again the time and personnel required to check each license (QSA, FEDEX, other Acuren offices) will increase the cost of doing business on a daily basis and require more personnel to comply (MORE un-billable time)

The license verification system is a new web-based system; does it work as well as the NSTS? Not a real good batting average on that system!

§ 37.75 Preplanning and coordination of shipment of category 1 or category 2 quantities of radioactive material

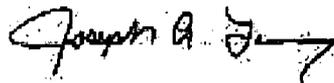
§ 37.75(b), § 37.75(d), § 37.75(e), § 37.79(d) Investigations.

Each licensee that plans to transport, or deliver to a carrier for transport, licensed material that is a category 2 quantity of radioactive material outside the confines of the licensee's facility or other place of use or storage shall verify and document the shipment no-later-than arrival time and the actual shipment arrival with the receiving licensee. Verification may be made by e-mail, fax, or written documentation of a verbal conversation.

Currently we receive e-mail notification from QSA that has a receiving document attached to the message when they receive my shipment. When I receive shipments from QSA, actually FEDEX (whose schedule depends on a number of factors) they arrive sometime during the day that has been agreed on. Trying to pin it down to a exact hour and generating reports when it's a little late only to have it show two hours later requires manpower which adds up to un-billable hours which drives up the customer cost or cuts into the bottom line. Or we can wait until the end of the day which we had previously agreed on and send a report (NRC 748) into NSTS and hope that it gets put into the system. Maybe receiving confirmation that they receive the reports, but more likely not receiving anything in return from NSTS and their great tracking system.

These are just a few of my concerns with the purposed changes to 10 CFR PART 37 hopefully there are dozens, even hundreds of other RSO's / (radiographers) that voice their concerns with other issues on this as well.

Thank you for your time and careful considerations on these issues that will directly affect the cost, manpower and the way we do business as a result of these purposed changes.



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