



DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
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WASHINGTON, DC 20350-2000

IN REPLY REFER TO

5104
Ser N455/12U158166
12 Jul 2012

U.S. Nuclear Regulatory Commission
FSME/MSSA/LB (ATTN: Ms. Xu)
Washington, D.C. 20555-0001

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Subj: COMMENTS CONCERNING U.S. NRC CONSIDERATION OF
IMPLEMENTING MASTER MATERIAL LICENSE (MML) EXPIRATION
DATES

Ref: (a) NRC memo Adding Expiration Dates to MMLs dtd
21 Jun 2012
(b) NRC letter forwarding the MML to the Navy dtd
24 Mar 1987

Dear Ms. Xu:

In reference (a), you informed the Master Materials Licensees of your determination to consider expiration dates for the licenses and requested feedback for accomplishing this goal. The Navy does not support this proposal because it adds an unnecessary burden to the licensee, without having any positive effect on safety. Amplifying comments on behalf of the Naval Radiation Safety Committee (NRSC) follow:

1. Reference (a) states that other material licenses have expiration dates. However, the MMLs are unlike other material licenses. The MML status has only been granted to Federal entities that have an infrastructure capable of self regulation. This, in effect, makes the MMLs smaller versions of Agreement States. The Navy has invested a great amount of money, manpower and time into building an organization capable of conducting effective management of its permittees. If the MML is just another material license, there would not be a need for the infrastructure necessary to inspect permits, train radiation safety officers and review permits. Additionally, the NRC treats the MMLs differently than material licenses since the biennial reviews more closely resemble the integrated materials performance evaluation program (IMPEP) for Agreement States than broad-scope license inspections. Therefore, comparing the MMLs to other material licenses is not persuasive.

2. Reference (a) states that establishing expiration dates would ensure the licensee performs a complete re-evaluation of its program at a set frequency to verify that the MMLs are up to date

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and consistent with NRC policies. Such a change is not required. The Letter of Understanding already requires an annual self evaluation of the program that includes ensuring policies are up to date. Consistent with this requirement, the NRSC's annual self-evaluation is performed using the NRC's inspection procedure 87129. The NRSC considers this evaluation, along with the NRC's biennial inspection, enough to meet the NRC's concerns regarding the status of the program. It is unclear why renewal would be necessary to accomplished what is already required.

3. Reference (a) proposes modifying the LOU to incorporate this new requirement. Each LOU was a joint agreement between the NRC and the individual MML licensee. This effort entailed many discussions over several years, which resulted in a final product that was satisfactory to both parties. Inherent in this understanding is that any future changes should require full agreement by both parties. Since the NRSC does not support this initiative it also does not support modifying the LOU to include an expiration date within the MML.

In reference (b) wherein the NRC forwarded the MML to the Navy, it states that "The license is issued based on the fact that the United States Navy has developed over the years a professional organization with demonstrated ability to manage the use of regulated materials. In addition, the Navy has a good history of compliance with the Commission's regulations and license requirements." Since that statement was written, the Navy has increased its safety posture by reducing its permits by more than half and by increasing its oversight personnel by over threefold. The Navy conducts its radiological work with the utmost respect for the regulations and the safety of those involved. The NRSC believes adding an expiration date to the MML would not help increase the safety of operations nor add value to the reviews that are currently performed under the LOU.

For any questions you can contact me at (703) 695-5259.

Sincerely,



D. L. DAVIS-URGO
CAPT, MSC, USN
Executive Secretary
Naval Radiation Safety Committee

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