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February 26, 2014

Tomas Herrera
Office of Federal and State Materials and Environmental Management Programs
U. S. Nuclear Regulatory Commission
Washington, DC 20555

RE: Request for Comments on the Draft NUREG-1156, Volume 11, Revision 1, “Consolidated Guidance about Materials Licenses: Program-Specific Guidance about Licenses of Broad Scope (FSME-14-012)”

Dear Mr. Herrera,

The Organization of Agreement States (OAS) Executive Board (Board) has reviewed the above document and respectfully submits the following comments for consideration by the NRC.

General Comments

1. Regarding Type C broad scopes, NRC refers throughout the document to “someone responsible for the day-to-day operations of the radiation safety program” while resisting calling this individual a RSO. The reason given is that NRC regulations do not specifically require a RSO for Type C broad scope licenses. However, although NRC regulations likewise do not specifically require a RSO for R&D, portable gauge or fixed gauges licenses, the corresponding NUREGs regularly refer to RSOs of these licenses. The distinction in the broad scope NUREG introduces unnecessary confusion. You should raise the distinction when the subject is introduced and state that, for the purposes of this document, this individual will be referred to as the RSO. Then, later in the document refer to the individual as the RSO.
2. The NUREG-1556 Series is licensing guidance, and the Abstract specifically says the information is intended to assist licensees prepare applications. This draft document contains new information about NSTS and 10 CFR 37 that is tangential to the application process. 10 CFR 37 contains no licensing requirements. Consider consolidating the discussion of security programs and NSTS into an appendix, which could be referenced in Item 5 (Radioactive Material).

Specific Comments

1. Page vi, 2nd paragraph: recommend deleting “This report takes a risk-informed, performance-based approach to licensing”. Essentially the same sentence is on the previous page.
2. Page vi, 3rd paragraph, 3rd line: recommend replacing “they” with “applicants”.

Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Mississippi, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Virginia, Washington, Wisconsin

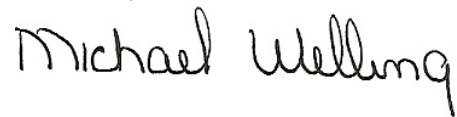
3. Page ix, Table 8.3: recommend deleting “that may be applicable” from the Table title. It is understood that the guidance may be applicable.
4. Page xiii: recommend adding AEA (Atomic Energy Act) to the Abbreviations. “AEA” is used in the footnote on page 9 without otherwise explaining the abbreviation.
5. Page 1: In the first paragraph, recommend deleting the comma after “Whereas” and in the 3rd paragraph recommend replacing “should first have” with “first should have”.
6. Page 2, last paragraph: recommend replacing the second “broad” with “wide”.
7. Page 8, 1st paragraph: recommend deleting “The link will take you to another Web page where you can search for FSME Procedures.”
8. Page 16: recommend including 10 CFR 150 (i.e., Reciprocity) in the list of other regulations that may be applicable to broad scope licensees.
9. Page 26, paragraph directly above box: recommend replacing text with “...before receiving, using, or storing...”
10. Page 26, note at end of Section 8.3: recommend deleting “later”.
11. Page 26, first paragraph in Section 8.4: recommend changing last sentence to say “Notification of a contact change would not be considered....”
12. Page 28, first paragraph: There is a stray period in the middle of the 2nd sentence. Also, recommend adding a space in “(200 mCi)of”.
13. Page 28, first paragraph: recommend deleting the comma after 10 CFR 33.13(c)(3)(ii) and the stray comma after the end of the paragraph.
14. Page 28, 2nd paragraph: recommend replacing first sentence with “Applicants should determine if any of the materials requested are Category 1 or Category 2 sources...” Also, in the last sentence recommend changing “Category I” to “Category 1”.
15. Page 29, last paragraph: Why doesn’t this paragraph apply to Type A broad scope licenses also? Recommend changing.
16. Page 33, Section 8.5.3: recommend matching formatting of other Section titles (change font to bold and don’t use all caps).
17. Page 37, top paragraph: recommend changing 2nd sentence to “The applicant should submit an organizational chart...”
18. Page 43, in the paragraph under the bullets: recommend revising the 2nd sentence to “...radiation safety aspects of proposed uses, prior to approval.”
19. Page 44, in box: The 3rd paragraph, 3rd line recommend removing extra spaces between “under” and “the”.
20. Page 44, last paragraph: recommend deleting comma between “also” and “contain”.
21. Page 45, first Discussion paragraph, first line: recommend deleting “=” and either “must” or “are required to”.
22. Page 54, top paragraph: recommend deleting the quarterly sealed source inventory example because 10 CFR 35.67(g) specifies a semi-annual inventory.
23. Page 55, bullet list: Why is NRC requiring applicants to confirm they will follow NSTS reporting requirements? This commitment duplicates what is already in the regulations. Recommend deleting this requirement.
24. Recommend deleting the box underneath Figure 8.2. TEDE was redefined and now includes “effective dose equivalent” instead of “deep dose”. Recommend replacing with a general sentence saying that TEDE means the sum of the effective dose equivalent for external exposures and the committed effective dose equivalent for internal exposures.
25. Page 58, Table 8.3: recommend deleting “that May be Applicable” from the title.

26. Page 61, paragraph beginning “Regulations in...”: In the last sentence, recommend adding “37” to the list of relevant Parts.
27. Page 65, 3rd paragraph: In the second sentence, recommend adding “the” between “that” and “package”.
28. Page 65, References: recommend replacing the 1998 revision with the 2008 revision. http://www.phmsa.dot.gov/staticfiles/PHMSA/DownloadableFiles/Files/RAM_Regulations_Review_12-2008.pdf
29. Page 65, Section 8.10.9, Note: recommend changing last phrase to “...an aggregate quantity of category 1 or category 2 radioactive material.”
30. Page 66, top paragraph: recommend deleting “The NSTS is a major security initiative of the NRC”. Recommend changing next sentence to “The NSTS is a secure and accessible computer system...until they decay enough to no longer be considered high-risk.”
31. Page 66, 2nd paragraph: recommend adding reference to the forthcoming NRC “Best Practices” guidance document for Part 37.
32. Page 66, 4th paragraph: recommend deleting entire paragraph. It is not necessary to highlight specific differences between Category 1 and 2 sources in this NUREG.
33. Page 77, first bullet: recommend correcting justification of first two lines.
34. Page 78, end of 2nd paragraph: recommend deleting stray period.
35. Page C-4: recommend changing font in last bullet “prior to” to match the rest of the text.
36. Page C-5, last paragraph: recommend deleting. See first comment (above).
37. Page C-7: The second paragraph says that submission of the audit program is not required, but the third paragraph requests applicants to describe their audit mechanism. This appears to request opposite actions for the same topic. Recommend either clarifying how these paragraphs are different, or deleting either the second or the third paragraph.
38. Page C-9: recommend deleting statement about complying with NSTS (see comment 25).
39. Page C-10, Public Dose: recommend retaining first sentence and deleting the rest of the paragraph.
40. Page C-11, Security Program: in title, recommend changing Category I to Category 1.
41. Page F-2, Table F.2: Is there supposed to be a range of activities for Type B laboratories for Very High or High radiotoxic nuclides? If not, recommend explaining why a Type B laboratory is not appropriate for Very High or High radiotoxic nuclides.
42. Page G-2: recommending adding a period to end of first bullet.
43. Page K-2, first paragraph under “Materials Possessed”: recommend adding a period to end of first sentence.
44. Page N-1: recommend deleting “or for Type C broad scope licensees, the individual designated as responsible for the day-to-day operation of the radiation safety program). See General Comment 1.
45. Page N-6, top paragraph: recommend deleting “centimeters squared” and just use the abbreviation. The abbreviation is extensively used on the previous page.
46. Page N-6, last paragraph: recommend deleting “the NRC” before “ADAMS” and deleting “the” between “on” and “air sampling”.
47. Page N-7, Liquid Effluent: recommend deleting the bullet and just have as plain text. Also recommend deleting “respectively”.

48. Page O-2: recommend using Math Editor function of word processing program to display the equations.
49. Page P-10: recommend referencing the 2012 version Emergency Response Guidebook instead of the 2008 version.
50. Page P-12: recommend moving this sentence to page P-3.

We appreciate the chance to comment on this subject, and stand ready to answer any questions you may have.

Sincerely,

A handwritten signature in black ink that reads "Michael Welling". The signature is written in a cursive, slightly slanted style.

Michael Welling
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