STATE OF WASHINGTON
DEPARTMENT OF HEALTH
OFFICE OF RADIATION PROTECTION
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TDD Relay Service: 1-800-833-6388

June 22, 2016

Randy Erickson
Nuclear Regulatory Commission
611 Ryan Plaza Drive, Suite 400
Arlington, Texas 76011-4005

Dear Randy Erickson,

We see a potential major problem with the common carrier general license and a disturbing trend in the loss of control of radioactive materials while the carrier is in possession of these materials. Neither the Nuclear Regulatory Commission (NRC) nor the states regulate them; they fall under US Department of Transportation regulations.

FedEx has been identified in a number of incidents involving lost, misplaced or diverted radioactive materials when hired to convey these radioactive materials for Washington Licensees. This material was entrusted to FedEx to temporarily possess and transport these materials for them with the expectation they would have the same level of security and accountability the licensee is required to maintain. We have had three of these lost material incidences in the last few months, two involving FedEx indicating a poor record of safety or security.

In addition to routinely transporting time critical medical radioactive materials, FedEx is also the primary carrier used by licensees to transport risk significant amounts of radioactive materials some of which fall under the enhanced security requirements of 10 CFR Part 37, including various radiography sources and irradiators. These materials are transported by the common carrier under general license; materials that we and the NRC specifically license to users requiring enhanced security under this rule. While any package is in possession of a common carrier neither the owner nor recipient have any control over this package; only the common carrier has control while the package is in their possession.

The US Department of Transportation is also investigating FedEx, but appears to be struggling with resources to regulate common carrier vendors as this trend of FedEx losing packages seems to be proving. The fact that the material was lost and unaccounted for, for any period of time, is a breakdown in the required control for all licensed material. Licensees in possession of radioactive materials must maintain control of those materials or they are cited for loss of control of this material and tasked with proving they have means to prevent recurrence.

In incidents like these we at-minimum typically require the licensee to take responsibility to assure personnel are properly trained. Unless the common carriers similarly take steps to assure their people are trained and accountable, there is no accountability and no assurance that steps have been taken to prevent recurrence while in possession of radioactive/hazardous materials.

A general license is not enough to protect workers, public health and safety, or security when risk significant quantities are being transported and smaller quantities are routinely being lost, misplaced, or diverted. If even one package is diverted to the wrong recipient and these materials are used for terrorist means, it would be an unacceptable disaster.

We would like to see a change in the regulations to afford more active accountability and regulatory oversight, as well as increased requirements for safety and security for these common carriers. We recommend that the NRC eliminate the common carrier general license. While they are in possession of radioactive materials, they should be licensed and regulated as a radioactive materials licensee. Because they are a national/international entity, perhaps they could be licensed by the Nuclear Regulatory Commission under a Master Materials License.

Thank you for addressing our concerns.

Sincerely,

Craig Lawrence

Craig Lawrence
Manager, Radioactive Materials Section

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