

Duran-Hernandez, Doris

Subject: FW: Comments on Category 3 Source Security and Accountability
Attachments: RHBSsharp@cdph.ca.gov_20170310_095631.pdf

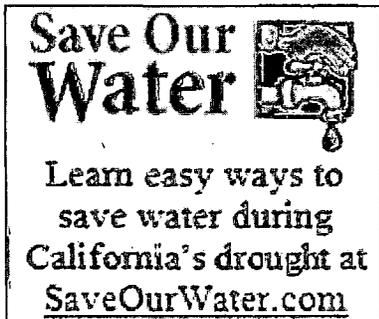
From: Perez, Gonzalo (CDPH-DFDRS) [mailto:Gonzalo.Perez@cdph.ca.gov]
Sent: Friday, March 10, 2017 1:19 PM
To: RulemakingComments Resource <RulemakingComments.Resource@nrc.gov>
Subject: [External_Sender] Comments on Category 3 Source Security and Accountability

Attached please find California's comments to Docket ID NRC-2016-0276

Sincerely,

Gonzalo L. Perez
Chief, Radiologic Health Branch
California Department of Public Health
Phone: (916) 440-7942
Email: gonzalo.perez@cdph.ca.gov

1/9/2017
82FR 2399-2
14



PROTIVED

2017
MAR 13 PM 12:50

RULES / REGULATIONS

SUNSI Review Complete
Template = ADM - 013
E-RIDS = ADM-03
Add= F.wo (Rwy 1)



KAREN L. SMITH, MD, MPH
Director and State Public Health Officer

State of California—Health and Human Services Agency
California Department of Public Health



EDMUND G. BROWN JR.
Governor

March 10, 2017

Cindy Bladey, Office of Administration
Mail Stop: 3WFN-06-A44M
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Subject: Docket ID NRC-2016-0276 - Category 3 Source Security and Accountability;

Dear Ms. Bladey,

On behalf of the California Radiologic Health Branch please see the following comments in response to your request to the above referenced document.

Sincerely,

Gonzalo L. Perez, Chief
Radiologic Health Branch
California Department of Public Health
916-440-7942
gonzalo.perez@cdph.ca.gov



Comment Opportunity re Category 3 Source Protection and Accountability

General Questions Related to License Verification

1. Should the current methods for verification of licenses prior to transferring Category 3 quantities of radioactive material listed in 10 CFR 30.41(d)(1)-(5), 10 CFR 40.51(d)(1)-(5), and 10 CFR 70.42(d)(1)-(5) be changed such that only the methods prescribed in 10 CFR 37.71 are allowed?

Yes

2. Would there be an increase in safety and/or security if the regulations were changed to only allow license verification through the NRC's License Verification System (LVS) or the transferee's license issuing authority for transfers of Category 3 quantities of radioactive material? If so, how much of an increase would there be?

California believes there may possibly be an incremental increase in security by using the 10 CFR 37.71 process; however, we do not have sufficient information to quantify the increase.

3. If the NRC changed the regulations to limit license verification only through the LVS or the transferee's license issuing authority for transfers of Category 3 quantities of radioactive material, should licensees transferring Category 3 quantities to manufacturers and distributors be excepted from the limitation?

Yes, California believes that exempting transfers to manufacturers and distributors would be acceptable since these are entities known to the transferring licensee. However, such exemption should be limited to only situations in which the transferring licensee had procured the licensed material from the manufacturer/distributor to whom it is being transferred.

4. Is there anything else that the NRC should consider when evaluating different methods of license verification prior to transferring Category 3 quantities of radioactive material?

No Comment

General Questions Related to the NSTS

1. Should Category 3 sources be included in the NSTS? Please provide a rationale for your answer.

No. California believes including Category 3 into the NSTS is unnecessary since unauthorized interdiction of a category 3 shipment would not in of itself result in procurement of a category 2 (or greater) quantity.

2. If Category 3 sources are included in the NSTS, should the NRC consider imposing the same reporting requirements currently required for Category 1 and 2 sources (10 CFR 20.2207(f))?

Category 3 should not be included into the NST System. (See 1. above)

3. Should the NRC consider alternatives to the current NSTS reporting requirements for Category 1 and 2 sources to increase the immediacy of information availability, such as requiring the source transfers to be reported prior to, or on the same day as, the source shipment date?

While California is not aware of any incidents that would argue for a shorter transaction reporting time than current requirements, we would support a change to require reporting to NSTS within 24 hours of the shipment/receipt, regardless of intervening holidays/weekends. We do not believe this would cause significant hardships on licensees, although it would involve more preplanning in some cases.

4. Would there be an increase in safety and/or security if the regulations were changed to include Category 3 sources in the NSTS? If so, how much of an increase would there be?

Such action may increase security however, the issue is whether the safety/security increase would warrant such inclusion. California does not have sufficient information to quantify the increase in security, but does not believe it would be sufficient to warrant inclusion in NSTS.

5. Is there anything else that NRC should consider as part of the agency's evaluation of including Category 3 sources in the NSTS?

No

Specific Questions for Agreement States Related to License Verification

1. Approximately how many licenses do you authorize for Category 1, 2, and 3 quantities of radioactive material?

California has 149 Category 1 and 2 licensees with another approximately 150 Category 3 level licensees.

2. If license verification through the LVS or the transferee's license issuing authority is required for transfers involving Category 3 quantities of radioactive material, would you encourage the use of LVS among your licensees, or plan for the additional burden imposed by the manual license verification process?

California would encourage our licensees to use the LVS system, but would expect that there would be an increased burden imposed due to the need for manual license verification.

3. If license verification through the LVS or the transferee's license issuing authority is required for transfers involving Category 3 quantities of radioactive material, would you consider adopting the Web-Based Licensing System (WBL) to ensure that the most up-to-date licenses are available for license verification using the LVS or voluntarily provide your Category 3 licenses (similar to what some Agreement States do now for Category 1 and 2 licenses) to be included in WBL, or would you do neither and prefer licensees to use the manual license verification process?

California would continue to voluntarily provide license information to the LVS. This process has worked well for the Category 1 and 2 licenses.

4. What would the impact in time and resources be on your program to handle the additional regulatory oversight needed for Category 3 licensees if license verification through the LVS or the transferee's license issuing authority was required for transfers involving Category 3 quantities of radioactive material?

California estimates approximately 450 additional person hours per year. This is a significant impact and deflects work on arguably more important security and safety matters.

Specific Question for Agreement States Related to the NSTS

1. The NRC currently administers the annual inventory reconciliation process on behalf of the Agreement States. This process involves providing hard copy inventories to every licensee that possesses nationally tracked sources at the end of the year, processing corrections to inventories, and processing confirmations of completion of the reconciliation into the NSTS. The process involves a significant amount of staff time and resources from November to February. If the Agreement States were to adopt administration of the annual inventory reconciliation process and if Category 3 sources were included in

the NSTS, what would the additional regulatory burden be on the Agreement States to perform the annual inventory reconciliation for Category 1, 2, and 3 sources?

California cannot not take on this additional burden based on current funding levels, and if asked to do so may implement an alternate process for annual inventory reconciliation.

Other Questions

1. Should physical security requirements for Category 1 and 2 quantities of radioactive material be expanded to include Category 3 quantities?

No. Current licensing and inspection techniques appropriately secure Category 3 level sources.

2. Some Category 3 sources are covered under a general license (10 CFR 31.5). Should the NRC consider establishing maximum quantities in general licensed devices, thereby reserving authorization to possess Category 1, 2, and 3 quantities of radioactive material to specific licensees?

Yes.