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General Comment

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See attached file(s)

Attachments

Cat 3 NRC Questions_March 2017

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General Questions Related to License Verification: Docket ID NRC-2016-0276

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?

No, the states have successfully handled license verification. While there would be additional security by requiring 10 CFR 37.71(b), the state of Washington believes the current processes used to verify licenses are adequate for safety and security.

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?

There may be a slight increase in security if the various computer systems are up-to-date. With all LVS and related components working properly and without any delay, the new process would prevent anyone from trying to alter a license to obtain material.

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?

No, all Category 3 transfers should be processed through LVS. Only in this manner can accountability and tracking be ensured.

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

Category 3 tracking and transfers could potentially be very resource intensive for the licensees and the states.

General Questions Related to the NSTS

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

No. This system is hard to use and gain access to. This would place too much burden on licensees to have to verify the sources annually and when transferred and would produce very little in the way of security.

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))?

No, the Category 1 and 2 reporting requirements are overly burdensome when compared to the Category 3 risk. Instead of 1 business day to report, perhaps monthly reporting balances the burden vs risk considerations.

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?

No, the NSTS reporting requirements for Category 1 and 2 sources should not be changed. Rationale for the changes is not readily apparent.

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?

No, simply adding Category 3 sources into NSTS does enhance safety and/or security. Adding Category 3 sources to NSTS will at least triple the inventory with sources of significantly lower risk. Package mishandling or shipping/delivery errors will continue to occur. NSTS can't control these types of events.

5. Is there anything else we should consider as part of our evaluation of including Category 3 sources in the NSTS?

With the huge increase in potential sources, if Category 3 sources were included in NSTS, existing resources would be strained. To overcome the significant burden, additional resources will be needed in an era where states are being told to do more with less.

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?

About 180.

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?

Both. Our state program would recommend and encourage the use of LVS. However, for some licensees, we would also plan for the additional burden of manual 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?

We would consider using WBL or similar computer based licensing system.

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?

The impact on our resources would be substantial. To quantify the time and money needed has not been undertaken, but estimates can be made based upon activities 10 years ago for Category 1 and 2 sources (one new FTE).

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?

Given the NRC permits state NSTS access to perform the annual reconciliation, the additional burden would be huge and perhaps unjustifiable given the risk of Category 3 sources. The additional staff and resources necessary to accomplish the annual reconciliation, especially with Category 3 sources included, would not only burden the state, but would also necessitate a fee increase affecting licensees.

Other Questions

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

No. The security requirements for Category 1 and 2 quantities would be an over-reaction for Category 3 sources due to their lower risk.

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, the NRC should establish appropriate maximum quantities for GL devices. All potentially high risk GL sources should have appropriate security to prevent possible malicious use. If Category 3 sources are to be placed under more scrutiny, they need to be specifically licensed (as Category 1 and 2 quantities of radioactive materials are currently).