

**NOTATION VOTE**

**RESPONSE SHEET**

**TO:** Annette Vietti-Cook, Secretary

**FROM:** Commissioner Wright

**SUBJECT:** SECY-17-0083: RE-EVALUATION OF CATEGORY 3  
SOURCE SECURITY AND ACCOUNTABILITY IN  
RESPONSE TO SRM-COMJMB-16-0001

Approved  Disapproved  Abstain  Not Participating

**COMMENTS:** Below  Attached  None

Entered in "STARS"  
Yes  No

\_\_\_\_\_  
**SIGNATURE**

December 9, 2021

\_\_\_\_\_  
**DATE**

## **Commissioner Wright's Comments on SECY-17-0083: Re-Evaluation of Category 3 Source Security and Accountability in Response to SRM-COMJMB-16-0001**

I appreciate the staff's efforts related to this re-evaluation and the staff's consideration of options identified by the Category 3 Source Security and Accountability Working Group (C3WG). The C3WG developed these options to address the following four concerns regarding source security and accountability:

- Concern 1: The ability to obtain a valid license using a fictitious company or by providing false information;
- Concern 2: the ability to alter a valid license to obtain more or different radioactive material than authorized or to counterfeit a license to obtain radioactive materials illicitly;
- Concern 3: the ability to accumulate or aggregate Category 3 sources to a Category 2 quantity of radioactive material requiring enhanced security; and
- Concern 4: the limited accountability, lack of pre-licensing evaluations, and lack of routine oversight of Category 3 sources contained within generally licensed devices.

For the reasons outlined below, I approve in part and disapprove in part the staff's recommendations.

The C3WG identified both rulemaking and non-rulemaking actions to address Concern 1. I support the staff's implementation of the non-rulemaking actions, including enhancements to the pre-licensing site visits, licensing guidance, and inspector and reviewer training, which should prevent individuals with malevolent intent from obtaining radioactive material through the licensing process. The staff recommended rulemaking to amend 10 CFR Parts 30, 40, and 70 to include a proposed requirement that applicants have safety and security equipment in place before a license is granted to confirm the validity of new applicants. The proposed rulemaking appears to address an unrealistic threat and would require an applicant to incur the cost of procuring and installing safety and security equipment without any certainty of the regulatory outcome. In my view, this is not consistent with the NRC's Efficiency, Clarity, or Reliability Principles of Good Regulation. Further, the staff could achieve the same outcome if needed by imposing a license condition that would prohibit the licensee from possessing licensed material until the NRC has verified that required safety and security equipment are in place. For these reasons, I disapprove recommendation 1.

After careful consideration of multiple options to address Concerns 2, 3, and 4, the staff ultimately did not recommend pursuing the C3WG options for regulatory changes.<sup>1</sup> I agree with this approach because the staff did not identify any threat, vulnerability, or consequence

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<sup>1</sup> The staff considered but did not recommend amending the regulations to: (a) require license verification through the license verification system or regulatory authorities for transfers of Category 3 quantities of radioactive material; (b) require inclusion of Category 3 sources in the national source tracking system; (c) impose security requirements to prevent aggregation of Category 3 sources to a Category 2 quantity of radioactive material; and (d) limit the quantity of byproduct material in a generally licensed device to ensure the security of radioactive materials.

information that would justify imposing the additional security and accountability controls identified by the C3WG. As part of its review of Concern 2, the staff recommended pursuing a limited scope rulemaking to ensure that the license verification methods in 10 CFR Parts 30, 40, and 70 are clear and provide an acceptable level of certainty that licensees requesting radioactive material are authorized to do so. I find the staff's recommendation reasonable because some of the existing methods lack specificity or are obsolete. Therefore, I approve recommendations 2 and 3, which will continue to ensure adequate security and accountability controls for Category 3 sources and clarify the license verification methods.