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February 5, 2016

RE: Comments to Statement of Facts: NRC licensing of Radioactive Materials

Dear Mr. Tarmann,

Thank you for the opportunity for the Organization of Agreement States (OAS) Board to provide comments on the GAO Statement of Facts. While the OAS Board agrees with the comments supplied by the Nuclear Regulatory Commission (NRC), the Board provides the following additional comments to the Government Accounting Office (GAO) for your consideration.

1. Page 2-3, line 20-5: The NRC has submitted a comment to revise the paragraph. If the GAO does not amend this paragraph with the NRC language, on line 26 please remove “monitor and track” from this sentence. Security of radioactive material is required for all licensees under 20.1801 and 20.1802, we don’t monitor and track security requirements but verify them during inspections.
2. Page 6, line 2: Change “cradle to grave” to the following which is on the NSTS web page
tracks high-risk radioactive sources from the time they are manufactured or imported through the time of their disposal or export, or until they decay enough to no longer be of concern
3. Page 6, line 10: It says “one” agreement state, this is not correct. Currently there are four agreement states providing all licenses to WBL (CO, WI, NC and MA)
4. Page 6, line 19: While we have taken steps to improve our licensing process, the inspection program is what better ensures that radioactive material is safe and secure. Recommend that the sentence be revised to: “the inspection program to ensure radioactive material is safe...”

5. Page 7, line 13-14: the beginning part of this sentence is duplicated and not necessary. We recommend it be deleted.
6. Page 8, line 5-6: These requirements are not “generally required”, they are required by regulation. The sentence states “may also” which is not correct, licensees are required to properly secure all radioactive material.
7. Page 8, line 8: add “prior to receiving and using radioactive material” after agreement state.
8. Page 8, line 17: the pre-licensing requirements have been in place since 2008, this sentence says “now requires”. Please revise this sentence to state “since 2008”
9. Page 8, line 18: the sentence states that NSTS, WBL and LVS are used to “better control such materials”. Please replace this with the following which comes from the NRC website:

Make national radioactive source authorization, possession, and transaction information available to other government agencies with a role in protecting the Nation from nuclear and radiological threats.

Provide licensees with a secure automated means to verify license information and possession authorization prior to initiating radioactive material transfers.

Enable the NRC to monitor the location, possession, transfer and disposal of high-risk radioactive sources throughout the Nation.

Improve source accountability, and alert regulators to tracking discrepancies.

Modernize the NRC's licensing and inspection management systems.

10. Page 10, line 2: you state “NRC stakeholders”, please either provide a reference to whom they are or list out.
11. Page 12, line 22: Currently 4 agreement states are providing all their licenses to WBL. Update this number to 33 agreement states.
12. Page 13, footnote #22: update this footnote to state that Colorado and Wisconsin are using WBL for licensing while North Carolina and Massachusetts are providing a copy of all licenses to WBL.

13. Page 14, line 11: the violation referenced in this sentence is limited to a licensing issue and not a security violation. Licensees are required to maintain the security requirements when a source falls below the Category 2 threshold since their license authorizes them for possession of Category 2 sources. Please include language to such effect.
14. Page 14, line 12-16: you state that the licensees are not required to “verify” a license when transferring radioactive material. 10 CFR 30.41(c) states “the licensee transferring the material shall verify that the transferee’s license authorizes the receipt of the type, form and quantity of byproduct material to be transferred.” The regulation does provide several methods to verify but the licensees are required to verify. Please revise this sentence.
15. Page 15, line 4: it states that there is no requirement to verify the validity of a category 3 license. This is not true. Some manufacturers are required to obtain copies of the recipient’s license and maintain through their application and license procedures. Also a large percentage of Category 3 sources are used in a device called a High Dose Remote Afterloader (HDR) which are used by medical facilities for cancer therapy. These facilities are not only required to obtain a license to possess radioactive material but also other state licenses for the practice of medicine. These licensees are well vetted and known in the medical community. Another factor with the HDR’s is that the manufacturer/distributor is required to place the Ir-192 into the device for use which requires the company individual to be on site and verify the device and license prior to the source instillation. The Board requests this information be added to the report to provide a more realistic picture of the Category 3 use.
16. Page 15, line 14-15: revise the sentence to read: “in a third case we were able to obtain a license authorizing the possession of a Category 3 license, modify the license and purchase multiple Category 3 sources which when placed into aggregation would exceed the Category 2 limit thus requiring the security provision of 10 CFR Part 37.”
17. The Board recommends adding footnotes to the NRC’s web pages on NSTS, WBL and LVS for the readers to access.

We appreciate the chance to comment on this subject, and stand ready to answer any questions regarding these comments.

Sincerely,



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