



INTERNATIONAL SOURCE SUPPLIERS
AND PRODUCERS ASSOCIATION

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Subject: RSPS-TF
International Source Suppliers and Producers Association Comments
on the Nuclear Regulatory Commission Radiation Source Protection
and Security Task Force

Dear Sir or Madam:

The International Source Suppliers and Producers Association (ISSPA) is an international organization of sealed source manufacturers. The mission of the organization is to ensure safety and security throughout the lifecycle of sealed sources through a strong safety and security culture. Much of the work of ISSPA is directly in support of the principles of the IAEA Code of Conduct on the Safety and Security of Radioactive Sources, many of which have already been incorporated into new and pending regulations issued by the U.S. Nuclear Regulatory Commission.

In addition to recognizing the need for safety and security of sealed radioactive sources it is also important to balance that against the considerations that these sources are an integral and critically important tool in the world's healthcare, manufacturing, research, and quality control industries. Therefore, regulations that are developed without the input of appropriate industry representatives may inadvertently limit or restrict the use of sealed sources to the extent that medical health, cancer treatment, industrial processes, and transportation safety are adversely affected.

ISSPA is offering both general and topic specific comments on the objectives and activities of the task force. Please keep in mind that these comments are provided in the strongest spirit of support and cooperation with the intent of enhancing not only security, but also socio economic beneficial use of these materials.

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SSSP Review Complete

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General Comments

- Industrial sealed source manufacturers have the highest regard for the need for enhanced safety and security of sealed sources. The industry very clearly recognizes that any inappropriate use of a sealed source is likely to have negative repercussions throughout the industry and throughout the world. The industry also has important experience in dealing with a multitude of regulatory issues and understands the practical aspects that must be taken into consideration when determining appropriate controls for sealed sources. Likewise appropriate professional associations such as the Health Physics or American Nuclear Societies have members that could provide valuable technical insight and ideas for enhancing security regulations. Therefore, ISSPA strongly recommends that the NRC expand the membership of the task force to include representatives from industry and appropriate professional associations.
- The task force should include an appropriate risk benefit analysis into considerations of recommendations for additional regulations. For example, the security benefit of new regulations that would inhibit or prevent the use of certain sealed sources should be balanced against the resultant socio economic impact of eliminating those sources from practical commercial use.
- Security of sealed sources is an international issue and consistency of regulations between the nations plays an important role in international security. ISSPA recommends that a high degree of importance be placed upon maintaining U.S. regulations consistent with the IAEA Code of Conduct and the task force should carefully consider before proposing any additional U.S. regulations and consider redrafting current U.S. regulations to better align with the IAEA Code of Conduct.
- Many of the topics that the task force will address are issues that have already been addressed either by regulation or security orders. The task force should ensure that they are addressing current issues and avoid any additional duplication and assure there is no conflict with current measures.

The following topic specific comments are also submitted for your consideration:



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Topic 1

The list of radioactive sources requiring security based on potential attractiveness of the source to terrorists and the extent of the threat to public health and safety.

1. It is important that the list of radionuclides requiring controls be maintained consistent with the IAEA Code of Conduct. Therefore, ISSPA recommends that keeping U.S. regulations aligned and consistent with IAEA standards.

Topic 2

The national system for recovery of lost or stolen radiation sources.

1. ISSPA agrees with the position of the NRC that prevention is the most important aspect of any effort to control the theft or loss of radioactive sources. Since programs are already in place that address licensee responsibilities for the possession, transport, tracking, and export of these materials the most likely remaining vulnerability is for unwanted, abandoned, or orphaned sources. Therefore, ISSPA recommends that the NRC work to provide funding and collaborate with industrial partners, and USDOE under the OSRP, to facilitate the rapid securing, storing, packaging, and disposing of orphan or disused sources throughout the U.S.
2. Sources may become abandoned because there is no way to legally transport older sources since their normal means of packaging has lost its transport approval status, i.e. special form or Type B certification. The task force should work with regulatory agencies in order to provide some flexibility in transporting these sources and packages or consider reinstating approval authority for domestic use of some containers that have a long history of demonstrated safe use such as DOT Specification Type packages.

Topic 3

Storage of radiation sources that are not used in a safe and secure manner.

1. ISSPA believes that existing regulations already address the requirement for safe and secure storage of sealed sources and radioactive materials. However, sources that are not in use are much more likely to be lost, stolen, or abandoned. Once again prevention is a key to alleviate these potential threats from occurring. Therefore, the NRC should partner with industrial source manufactures to develop programs that will facilitate the collection, storage, recycle, reuse, or disposal of disused sources.



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Topic 4

The national source tracking system for radiation sources.

1. ISSPA agrees with the proposed NRC regulation for tracking of category 1 and 2 sources. However, the usefulness, accuracy, and reliability of such a program will be directly proportional to the quality of the system developed by the NRC for this purpose. Therefore, ISSPA strongly recommends that such a system be developed and thoroughly tested by prospective users before the implementation date of the regulation is reached.
2. ISSPA strongly recommends that national source tracking be limited only to category 1 and 2 sources. Attempting to implement tracking of category 3 sources is not justified because of their significantly lower risk. In addition, the attempt to include tracking of category 3 sources could overwhelm the tracking system and mask, not enhance, the efficient tracking of higher risk category 1 and 2 sources. In addition, the tracking of category 3 sources is not consistent with the recommendations of the IAEA Code of Conduct and is likely to lead to conflicts and errors in the national tracking system.

Topic 5

A national system to provide for the proper disposal of radiation sources.

1. At the present time there are a large number of old medical and industrial cesium sources throughout the U.S. Most of these sources are being controlled by licensed facilities but there does not exist any practical disposal mechanism. The NRC or other government agency should consider funding certain commercial businesses within the U.S. that are licensed to safely handle radioactive materials and to advertise and collect these sources for disposal. Such a program would a) provide a positive commercial incentive to US business to support source disposal b) would assist facilities by providing a mechanism for them to dispose of unused and unwanted sources, and c) reduce the likelihood of these sources become lost, stolen, or orphaned.
2. Once a commercial mechanism has been put in place throughout the U.S. for licensees to dispose of all types of unused or unwanted radioactive sources additional regulations should be put in place that prohibit licensees from continuing to store, or accept from others sources that are not in use or intended for sale.
3. While the concept of imposing license decommissioning fees to provide for the proper disposal of radioactive sources seems reasonable on the surface, the concept is flawed because of the lack of available disposal sites for many types of sources. The lack of available disposal makes it difficult or impossible to derive a



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cost basis for source disposal. In addition, the decommissioning costs are significant over estimates as the regulators require the assumption that even "existing stock" would be disposed, in most cases existing stock could be sold off or recycled and not disposed of as waste.

Topic 6

Import and export controls on radiation sources to ensure that recipients of radiation sources are able and willing to adequately control radiation sources.

1. Subsequent to the NRC's issuance of security regulations NRC has issued 10 CFR part 110 for Export and Import of Nuclear Equipment and Radioactive Materials. The NRC security order to licensees contains provisions for import and export that differ from the controls specified in the export import regulation. The NRC should consider deleting contradictory or redundant regulations in the Safeguards order that are addressed in the export and import rule.
2. There is a lack of consistency by the NRC's determination of which regulations are controlled as Safeguards Information. The NRC security regulations for licensees are controlled as Safeguards Information while controls for Export and Import are not.
3. The task force must address the issue of harmonization of requirements to assure that recipients are authorized to receive radioactive sources. This needs to consider the IAEA Code of Conduct and the actions individual countries are taking. Currently there are many different levels of regulatory control, resulting in potential gaps in the control of sources in some countries.

Topic 7

Procedures for improving the security and control for use and storage of radiation sources.

1. Many of the regulations addressing security of radioactive sources have been classified as Safeguards Information by the NRC. Therefore, providing a public format to comment on regulations that are not reviewable by the general public is of questionable value.
2. The Security order and its implementing guidance are ambiguous and in some cases, misleading. Considering the importance of security implementation the orders and guidance documents should be revised, specifically in regard to Export requirements. For example, none of the language of section 6 of the Order specifically or clearly states that those regulations apply to import or export of material.



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3. In the course of doing business there are instances when there is a need to discuss the requirements of the security order or transportation regulations with another licensee, carrier, or industry trade group. However, this discussion is being inhibited by the controls placed on Safeguards Information.

Topic 8

Procedures for improving the security of transportation of radiation sources.

1. Many of the regulations addressing requirements for transportation of certain quantities of radioactive sources have been classified as Safeguards Information by the NRC. Therefore, providing a public format to comment on regulations that are not reviewable by the general public is of questionable value.
2. While the order specifies certain notification requirements prior to a shipment of material there is no formal mechanism in place that requires the NRC or Agreement state to acknowledge that notification. For the sake of security all submittals and notifications made by a licensee to a regulatory body should be positively acknowledged by the regulatory agency.
3. The security of transportation order contains Safeguards Information dealing with requirements that the licensees cannot share with uncleared personnel -- including the carriers themselves who are being contracted specifically to comply with those requirements. This arrangement inhibits effective communication and is detrimental to security.
4. Licensees are being held responsible to ensure the carrier is meeting the requirements of the RAMQC order; however, licensees do not have the capabilities and must, in many instances rely upon the word of the carrier to meet those requirements. However, since the carriers have not been issued the regulations themselves the licensee is vulnerable and subject to the carriers' interpretation of adequate implementation of transportation security requirements they have not reviewed. To adequately ensure compliance to the order NRC should take a collaborative approach with carriers, review their programs and suggest possible changes and consider alternate methods of meeting the requirements prescribed in the order. The USNRC must be sensitive to the fact that carriers may refuse to transport radioactive material if they perceive the secure measures to be overly burdensome as such the USNRC must work with the carriers to reach an acceptable yet reasonable level of compliance with the security measures.



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5. The U.S. Department of Energy currently has a tracking system (Transcom) that is capable to provide nationwide tracking of commercial carriers transporting material to or from DOE facilities. Since this system is already in place the NRC should investigate the feasibility of expanding the system to track other commercial vehicles.

Topic 9

Background checks for individuals with access to radiation sources.

1. The present system of protecting Safeguards Information prevents communication between organizations and companies and could lead to gaps in security measures. While licensees are being held responsible for ensuring the carriers meet the requirements of the RAMQC order the carriers themselves have not been permitted access to the order because of its Safeguards Material classification. The NRC needs to establish a nationwide NRC clearance process that will facilitate communication between licensees, organizations, and various elements of industry involved with safety and security of radioactive materials. Alternately, NRC should reevaluate the benefit and need of maintaining this type of information with a "Safeguards" classification.

Topic 10

Alternative Technologies

1. The NRC and other government programs need to establish positive incentives for businesses and researchers to explore these alternative technologies. One means of creating this positive incentive is for this topic to become an award basis for Small Business Innovative Research (SBIR) or STTR programs.
2. All of the regulations included in the previous topics as implemented and enhanced serve to ensure the safe and secure continued use of radioactive materials and sealed sources. Regulations should not be considered that would prohibit or restrict the use of radioactive materials and sealed sources in industry, research, and medicine in lieu of alternate technologies.

Yours truly,

(for)

Grant Malkoske
Chairman

International Source Suppliers and Producers Association (ISSPA)