

Merri Horn - Iowa Comments on Draft FRN on National Source Tracking

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Date: 02/02/2006 1:01 PM
Subject: Iowa Comments on Draft FRN on National Source Tracking
CC: "Flater, Don" <dflater@idph.state.ia.us>, "Lloyd Bolling" <LAB@nrc.gov>, <jll2@nrc.gov>

Ms. Horn:

I have attached a Microsoft Word document containing comments from the Iowa Radiation Control Program regarding the subject DRAFT FRN.

If you have any questions, please contact us.

Dan McGhee

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FRN-tracking-comments.doc	30208	
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In Part VI "Agreement State Compatibility," the Iowa Radiation Control Program recommends changing the phrase "the final rule is classified as Compatibility Category 'NRC'" to "the final rule is classified as Compatibility Category 'B.'" This will change the implementation of these regulations from "common defense and security" to "health and safety."

On January 23, 2006, Commissioner Peter B. Lyons addressed the mid-year meeting of the Health Physics Society. In his remarks, he laid out a historical framework for the implementation of the "Increased Controls for Licensees that Possess Sources Containing Radioactive Material Quantities of Concern" (IC's) and the "National Source Tracking System." We have constructed the majority of our comments from these remarks.

The original concept of the "National Source Tracking System" was an offshoot of the concern over orphan sources of certain magnitudes and a desire to track the import and export of these sources. The concept of this system was modified by the terrorist events of September 11, 2001. As a result of these events NRC identified a need not only to track all sources of concern, but also to provide increased controls for their security.

NRC originally intended to implement the IC's under common defense and security. However, when the Agreement States committed to NRC that each state had the resources, ability and desire to implement the IC's, NRC implemented them under health and safety. Establishing the IC's has become one of the greatest examples of NRC and Agreement State cooperation in the history of the Agreement State program. This effort established the framework to satisfy the "post-911" security needs for these sources of concern.

In this framework, then, the National Source Tracking System is not only an adjunct to the IC's, but also part of the same overall process of providing increased security for sources of concern. Therefore, it follows logically to establish the National Source Tracking System under the auspices of health and safety to allow the Agreement States to participate in providing the required security. This change also makes historical sense.

This change would remove nothing reserved to NRC from NRC jurisdiction. Authority over import, export, manufacturing and distribution would remain under NRC jurisdiction. Only licensees over which Agreement States now have jurisdiction would not fall under the NRC umbrella. NRC also exercises oversight of the Agreement States.

We reiterate our request. We urge NRC to publish the regulations establishing the National Source Tracking System as at least Compatibility Category "B," to allow the Agreement States to continue to their aid to NRC in providing security for sources of concern. The framework for this request already exists in the implementation of the IC's. This change would have no effect on NRC fulfilling its constitutional obligations. Finally, this change is a logical extension of implementing increased security for these sources.