

**PR 20 and 32  
(71FR34024)**

Comments from Washington State regarding  
STP-06-051, STP-06-063 and other thoughts  
July 27, 2006

July 27, 2006 (8:58am)

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

We in Washington State have struggled with a concise, logical and un-conflicted approach for NSTS situations as they have been presented. Our thinking when NSTS first arrived was to just "let NRC do it". As NSTS developed we took the approach that this should be a states activity and NRC should just "let the states do it." Both approaches, when considering the complexities of the issues, are difficult. NSTS must be accomplished thru a true partnership between states and NRC. Joint responsibility must be undertaken. NSTS needs to employ each of the partners in a mix-and-match approach depending upon how source accountability can be most effective.

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When considering NSTS in general, the states should take the lead and work as directly as possible with their licensees to assure the accountability of sources within their respective areas of jurisdiction. The data to be tracked should be placed into a central national database overseen by NRC. These components are mostly straightforward. The process will need to develop as experience with NSTS is gained.

We know that NRC is responsible for regulating the import and export of nuclear materials into the United States. That is a given and also straightforward. So what to do about the situations that are between these ends of the spectrum?

These situations may be such as:

What to do about the tracking of sources that leave one specific jurisdiction for another? This could be transfer within different jurisdictional locations of a single user company, transfer out of a jurisdiction from one user company to another or transfer from a manufacturer / distributor to specific or general licensed user companies in separate jurisdictions. These sources have the potential to transfer jurisdictions occasionally as business demands require.

The answer seems to hinge upon a joint approach between states and NRC. States would manage the bulk of the effort to track licensee sources in their jurisdictions and submit, or oversee the submission, of data to the national database. NRC will continue to regulate import and export of nuclear materials as it already does.

As for some specifics of STPs 06-051 and 06-063, we offer this:

Washington State favors NSTS rulemaking under health and safety (H&S) and the Category "B" level of compatibility because: States are better positioned to assure licensee cooperation since site visits at prescribed intervals will likely be necessary. States are better suited and able to perform this type of oversight. The H&S basis would minimize the potential for the dual regulation of a state licensee. This may also lessen licensee confusion.

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State licensees are probably more willing to respond when contacted by the state officials with whom they are familiar and have an established working relationship.

Washington State does not support inclusion of Category 3 sources into NSTS. The inclusion of Category 3 sources will tend to weaken the accountability provided for Category 1 and 2 sources by NSTS. We wish to keep NSTS as robust a system as possible. We think by including Category 3 sources into NSTS that the information contained in the NSTS database will be overburdened and therefore less effective.

Washington State does support inclusion of Radium-226 sources that are classified as Category 1 and 2 into the NSTS database.

As difficult as it may be, states should lead the effort to assure the accountability of Category 1 and 2 sources that are transferred by their Manufacture and Distributor licensees and their licensees authorized to perform transfer services. Transfer data would be sent to NSTS. The information should be coordinated by NRC and passed onward to the receiving state jurisdiction to assure continuing accountability with the new agency.

Thank you for the opportunity to comment on these difficult issues.

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**Date:** Wed, Jul 26, 2006 5:36 PM  
**Subject:** FW: NSTS comments

Please accept the enclosed comments per STP-06-051 and STP-06-063.

>  
> \_\_\_\_\_  
> From: Scroggs, Arden (DOH)  
> Sent: Wednesday, July 26, 2006 12:41 PM  
> To: Frazee, Terry (DOH)  
> Subject: NSTS comments  
>  
>  
>  
> <<Comments for NSTS.doc>>  
>  
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**From:** Merri Horn  
**To:** Adria Byrdsong; Evangeline Ngbea  
**Date:** 07/27/2006 6:56:16 AM  
**Subject:** Fwd: FW: NSTS comments

Comment received on NST.

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Subject: FW: NSTS comments  
Creation Date 07/26/2006 5:35:51 PM  
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