



STATE OF NEW YORK
DEPARTMENT OF LABOR
DIVISION OF SAFETY AND HEALTH
Radiological Health Unit
Building #12, Room 457
State Office Building Campus
Albany, NY 12240

September 9, 1996

Mr Charles Hehl, Director
Division of Nuclear Materials Safety
USNRC
475 Allendale Road
King of Prussia, Pennsylvania 19406

Dear Mr. Hehl:

Thank you again for inviting me to participate in the recent workshop on security over radioactive materials, which was sponsored by NRC Region I and Harvard University.

I think the workshop was an excellent concept and it was very well executed. Obviously, a lot of time and effort went into making this happen, and you, your staff, and the Harvard staff are to be commended for it.

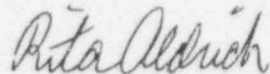
Having been in regulatory Health Physics for over 20 years, I had thought that I understood most of the concerns of the regulated community regarding security. However, the professionals attending this workshop raised issues which I had not heard before, and did so most articulately. Most seem to have thought through the security needs for their facilities very carefully, and to have implemented workable plans with access restriction requirements scaled to the hazard level of individual laboratories.

However, I would also like to comment on a caution given by Frank Costello at the end of the conference, and which I also heard from other NRC staff during the course of the day. Frank warned that the workshop participants' strongly-expressed preference for guidance over rulemaking could be counter-productive, because NRC could not give relief from an existing regulatory requirement through guidance. He appeared to be referring to existing NRC security requirements for radioactive materials in unrestricted areas. I also noted that Craig Gordon's July 22, 1996 letter of invitation to the workshop referred only to NRC's security policy for unrestricted areas.

However, the recommendations made by workshop participants were directed at security over restricted areas, and focused on what NRC should consider as acceptable methods of "restricting access." This related back to a past determination by NRC counsel that when a licensee (Rutgers) failed to restrict access to unoccupied laboratories in a manner acceptable to NRC (i.e., locked doors), these areas became unrestricted areas. Because of this

determination, specific requirements to "store in a locked facility" or "tend under constant surveillance" now applied, rather than the performance-based requirement to "secure against unauthorized access," which applies to restricted areas. Therefore, the issue hinges on whether NRC is willing to accept approaches to "restricting access" in such cases by means other than locked doors. I would strongly recommend that NRC do so, and that it use the plans developed by workshop participants for their facilities as models in their guidance for acceptable methods.

Sincerely,

A handwritten signature in cursive script, appearing to read "Rita Aldrich".

Rita Aldrich
Principal Radiophysicist

RA:jmp
attachment
cc: Joseph Ring



STATE OF NEW YORK
DEPARTMENT OF LABOR
DIVISION OF SAFETY AND HEALTH
Radiological Health Unit
Building #12, Room 457
State Office Building Campus
Albany, NY 12240

September 4, 1996

TO: NYS Department Of Labor Portable Gauge and Industrial Radiography Licensees

FROM: Rita Aldrich *RA*

SUBJECT: U.S. Department of Transportation Draft Revision

Enclosed please find a copy of the draft revision of the U.S. Department of Transportation's "Review of DOT Regulations for Transportation of Radioactive Materials."

There are a number of training requirements included in DOT regulations, and this publication can assist you in providing such training to your "hazmat employees" who are involved with the transport of radioactive materials.

Please see especially the discussion of hazmat employee training requirements on pages 72 and 73. In addition to this, you should also review the requirements of 49 CFR 177.816 for driver training (see loose sheet inside cover).

We hope you will find this draft useful in training your employees, and in maintaining compliance with U.S. DOT and Department of Labor regulations. When we receive the final revision of this document, we will provide you with copies of that also.

RA:jmp
enclosure