



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

CHAIRMAN

September 19, 2022

The Honorable Ritchie Torres
United States House of Representatives
Washington, DC 20515

Dear Representative Torres:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your August 10, 2022, letter requesting that the NRC immediately require independent license verification for those seeking to procure category 3 quantities of radioactive materials in light of the concerns raised in a recent U.S. Government Accountability Office (GAO) report. As detailed below, we are considering GAO's recommendations in ongoing updates to our programs.

Following the GAO report, the NRC staff immediately issued a communication to its manufacturer and distributor licensees and Agreement State regulators to ensure they are aware of the issues identified by GAO and to remind them of ways to identify fraudulent licenses. The NRC staff also reminded licensees that under current requirements they can contact the regulator (either the NRC or the Agreement State, as appropriate) to verify that a license holder can receive radioactive material under the terms of its license. In addition, the NRC staff contacted industry trade associations for source producers to discuss the GAO findings and encouraged the trade associations to proactively engage their member companies. We will continue to engage with all relevant stakeholders on their responses to our communications and the findings of the GAO audit.

Based in part on prior GAO recommendations, in December 2021, the Commission approved the initiation of a rulemaking to require specific means for licensees to verify the licensing status of any entity seeking to receive category 3 quantities of radioactive materials. This verification will be conducted through either direct contact with the NRC or Agreement State regulator or through the NRC's online verification system. The Commission expects to receive the staff's draft proposed rule no later than December 2022. If approved, this rulemaking will address the central concern raised in the recent GAO report. Rulemaking provides the public with an opportunity to provide comments to the NRC as a regulation is developed and thereby helps to avoid unintended impacts on the appropriate medical, academic, and industrial uses of these materials.

In your letter, you also asked about provisions for category 4 and 5 materials. The NRC does not have the same level of security and control requirements for these categories due to their much lower risk to public health and safety.

Together, the NRC and Agreement States have established a strong regulatory framework for radioactive sources. This framework includes regulations for appropriate access to high-risk radioactive sources; secure storage of these sources; and effective detection, assessment, and response to any unauthorized access. This framework also includes robust oversight and enforcement programs.

If you have any questions or need additional information, please contact me or have your staff contact Eugene Dacus, Director of the Office of Congressional Affairs, at (301) 415-1776.

Sincerely,

A handwritten signature in dark ink, appearing to read "C. T. Hanson". The signature is fluid and cursive, with the first name "C" being a large loop, followed by "T." and then "Hanson" in a more continuous script.

Christopher T. Hanson