



Organization of Agreement States

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August 3, 2017

Mr. Duane White
Office of Nuclear Materials Safety and Safeguards
U. S. Nuclear Regulatory Commission
Washington, DC 20555

RE: OPPORTUNITY TO COMMENT ON DRAFT REGULATORY ISSUE SUMMARY REGARDING THE NATIONAL TERRORISM ADVISORY SYSTEM (NTAS) AND PROTECTIVE MEASURES FOR THE PHYSICAL PROTECTION OF CATEGORY 1 AND CATEGORY 2 QUANTITIES OF RADIOACTIVE MATERIAL (RCPD-17-006)

Dear Mr. White:

The Organization of Agreement States (OAS) Executive Board (Board) has reviewed the above document and respectfully submits the following comments.

RCPD-17-006 indicates that upon finalization of the Regulatory Issue Summary (RIS), the Nuclear Regulatory Commission (NRC) plans to distribute the RIS and its enclosures to Agreement State regulators for distribution to their licensees. It is stated that the RIS provides information that addressees may wish to consider in the event that the Department of Homeland Security issues an NTAS alert.

General Comment

The protective measures outlined in Enclosures 2 and 3 seem to be prescriptive, but leaves it up to the licensee whether to follow the guidance or not. For example, in the case of an imminent threat, one of the protective measures is "Shipments are generally prohibited. To support national security or critical medical procedures and medical industry activities, the NRC may permit certain shipments to proceed, with prior NRC approval. The NRC, in consultation with other Federal and local agencies, will identify any necessary augmentation of the security requirements for these shipments." The OAS believes this will lead to confusion among licensees. Should shipments be delayed or is it OK to continue without even notification to the NRC or Agreement State (see specific comments regarding authority issues)? If the NRC wishes to increase security measures, then these protective measures should be required.

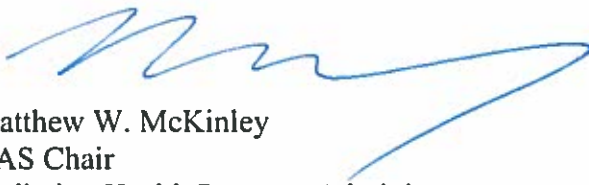
Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Mississippi, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Virginia, Washington, Wisconsin

Specific Comments

1. Many of the protective measures request that the licensee get approval from the NRC to transport Category 1 and Category 2 sources during a situation of “Elevated” or “Imminent” Alert. In these cases, would the Agreement State be substituted for the NRC for Agreement State licensees?
2. If the answer to comment 1 is no, does the NRC have authority over Agreement State licensees to prohibit shipments?
3. If the answer to comment 1 is yes, have the Agreement States been given guidance on how to function as the NRC would in these situations? For example, how would an Agreement State make the decision to permit certain shipments to proceed as indicated in II-4?
4. Please explain the meaning of I-4. “Implement tools previously developed to communicate relevant information to the public (e.g., use of a Web site, local radio, local news, and social media).” It is not clear whether the licensee is supposed to communicate to the public or if they are to monitor public information sources.

We appreciate the chance to comment on this subject, and stand ready to answer any questions you may have.

Sincerely,



Matthew W. McKinley
OAS Chair
Radiation Health Program Administrator
275 East Main Street
Mailstop HS-1-CA
Frankfort, KY 40621