



October 10, 2014

The Honorable Dianne Feinstein
Chairman
Subcommittee on Energy and Water Development
Committee on Appropriations
United States Senate
Washington, DC 20510

The Honorable Lamar Alexander
Ranking Member
Subcommittee on Energy and Water Development
Committee on Appropriations
United States Senate
Washington, DC 20510

Dear Chairman Feinstein and Ranking Member Alexander:

I am writing on behalf of the 11,000 members of the American Nuclear Society to express our views regarding Section 402 of the FY 2015 Senate Energy and Water Development Appropriations Bill.

Radioisotopes are an essential, if somewhat underappreciated component of our economy and society. In healthcare, radioactive sources allow for precision treatment of inoperable brain tumors and safe blood transfusions for immunocompromised patients. The irradiation of food products prevents hundreds, if not thousands, of cases of E. coli and other foodborne illnesses each year. In manufacturing, radioisotopes enable precision measurements on thickness and level that cannot be done cost effectively with other technology. Radioisotopes are also used in the oil and gas industry for exploring geologic formations for new supplies of energy that reduce our reliance on foreign and can be found in nearly all household smoke detectors which save lives on a daily basis.

ANS supports strong policies to secure and protect radiological material from misuse. Today, safety and regulatory oversight of radiological sources is provided cooperatively by the US Nuclear Regulatory Commission (NRC) and 37 so-called "agreement states" which maintain the authority to license and inspect radiological materials within their borders. Most recently, NRC conducted a comprehensive update of its regulations for radiation sources under Title 10 CFR Part 37, addressing many of the same issues identified in the Senate bill's provisions in subjecting them to extensive public review and comment.

Section 402 would require NRC to discard its established regulatory framework in favor of mandatory security standards established by the National Nuclear Security Administration (NNSA) Global Threat Reduction Initiative (GTRI) for "High Risk Radiological Material." Specifically, Section 402(a)(2) directs NRC to, "actively enforce NNSA GTRI security standards" in this area. ANS supports basic security requirements for all radiation sources and believes that enhanced security should be applied to higher risk materials classified as Category 1 or 2 by the International Atomic Energy Agency (IAEA). We understand that this is the generally-intended purpose of Section 402. However, we are concerned that

the language as written would set a harmful precedent, wherein an independent regulatory agency (NRC) is essentially forced to reject its own standards and criteria in favor of those developed by a cabinet department (DOE/NNSA), which by its very nature is more sensitive to politics and not bound by risk-informed processes. We would strongly urge the Subcommittee to revise this language to ensure that NRC's authority is not in any way subordinated to NNSA or any other executive branch agency.

ANS is also has strong concerns about Section 402(f), which as written would mandate the eventual prohibition of NRC licenses for workhorse radioisotopes such as cobalt 60, cesium 137, americium 241, and californium 252, -- without due consideration of the cost, reliability, risks and overall effectiveness of potential substitute technologies. ANS believes it is reasonable to ask licensees seeking to replace current systems that use high specific activity radiological sources to review available alternatives. However, we strongly oppose the language prohibiting NRC from licensing certain radiological sources 15 years after enactment.

Finally, we would note that while there may be a need to improve clarity in compliance for licensees of radiological sources, the Radiation Source Protection and Security Task Force, an advisory body created by Congress to review the security of radiological materials, has issued three (NNSA-endorsed) reports since 2006 that found no significant gaps in our current security protocols.

ANS recognizes that US radiological security is an important part of our national security policy and should be continually reviewed for improvement. In doing so, we strongly urge you to address the issues we have outlined above and work with the committees of jurisdiction in the House and Senate to ensure that the issues raised by the language are considered as part of the normal process of congressional oversight.

We thank you for your attention to this important matter. If you have any additional questions, please feel free to contact ANS Washington Representative Craig Piercy at (202) 438-0557 or cpiercy@ans.org.

Sincerely,

A handwritten signature in cursive script that reads "Michael Brady-Raap". The signature is written in black ink and is positioned above the printed name and title.

Michael Brady-Raap
President