

The Honorable Diane Feinstein  
Chairman  
Subcommittee on Energy and Water Development  
Committee on Appropriations  
U.S. Senate  
Washington, DC 20510

The Honorable Lamar Alexander  
Ranking Member  
Subcommittee on Energy and Water Development  
Committee on Appropriations  
U.S. Senate  
Washington, DC 20510

Dear Chairman Feinstein and Ranking Member Alexander:

We are writing to express significant concerns with Section 402 of the FY 2015 Senate Energy and Water Development Appropriations draft, which will have an untenable impact on businesses and institutions that contribute to all facets of society.

The United States is a world leader in regard to the safe use, physical protection, and accountability of radiological materials. These materials are used safely and securely across the United States and play a vital role in numerous industries critical to the American economy. In medicine, radioactive sources save lives by treating cancer, sterilizing medical supplies, and irradiating blood components. In industrial applications, these sources make our roads, bridges, pipelines, and buildings safe. Additionally, radioactive sources are used in oil and gas exploration, and help America protect its borders by detecting and preventing the illegal entry of persons and illicit materials into the United States.

Over the last eleven years, the U.S. Nuclear Regulatory Commission (NRC), Agreement States, and users of radioactive materials have taken significant actions to enhance their security in an effort to prevent the malicious use of these materials. The NRC issued security orders to users of these materials beginning in 2003 and recently issued extensive new regulations (10 CFR Part 37) which expanded on and codified the security orders. These regulations are in the process of being implemented across the country and will be subject to a full inspection and enforcement program. These orders and subsequent regulations were developed based upon the results of vulnerability assessments, gap analysis, and cost effectiveness of the enhancements. The users of radioactive materials and state regulators have borne significant costs to implement the NRC's security orders (approximately \$500 million) and are projected to spend approximately \$400-500 million to fully implement the new regulations in 10 CFR Part 37 (costs projected over 20 years). We believe it would be appropriate to monitor the implementation of the new Federal regulations in 10 CFR Part 37 and assess their utility prior to initiating efforts to impose further requirements under Section 402.

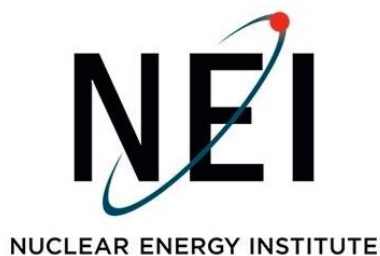
Section 402 would substantially expand the scope of materials subject to enhanced security without regard to the relative risk and quantity of material possessed. This is inconsistent with the risk-based approach adopted by the Federal Government through the Energy Policy Act of 2005 Task Force on Radiation Source Protection and Security. We estimate that 1,000 new companies would be subject not only to the suite of current regulatory requirements but also subject to new security requirements (i.e., expanding to 10 Curie threshold) intended for what has been determined to be the most risk-significant materials. The expansion of current security requirements, in combination with the eventual elimination of radioactive sources (i.e., 402(f)), would have a multi-billion dollar impact on the industry and an adverse effect on the American quality of life.

One example of the far-reaching consequences of Section 402 is seen in the use of radioactive materials in medicine. Phasing out the beneficial use of radioactive materials will stifle innovative medical research and development of new technologies designed to treat life threatening diseases. This in turn could drive these businesses overseas, which would ultimately result in a reduction in safety and security because the applications that utilize these materials will move to countries with less comprehensive regulatory authorities. By restricting access to these technologies, patients will be denied access to technologies proven to treat cancer and other diseases in a cost-effective manner. Additionally, decreasing access to these technologies would impact both clinical and translational research, ultimately limiting the development of enhanced treatment options and cures for patients. Since there are no appropriate substitutes available for irradiation sterilization of products or for the direct treatment of cancer patients, Section 402 would jeopardize patient access to vital treatments and significantly reduce the availability of safe, sterile medical devices, and blood products.

In addition to the NRC's regulatory requirements, we have continually supported efforts of the National Nuclear Security Administration for implementing voluntary security enhancements, which extend beyond the current regulatory requirements. We have also supported joint Industry/Government security efforts and actions through the Nuclear Sector Coordinating Council and Nuclear Government Coordinating Council over the last several years, and have made valuable contributions toward the continued security of radioactive materials.

For these reasons, we urge you to not include Section 402 of the Senate draft as Congress moves forward to finalize the Fiscal Year 2015 Energy and Water Development Appropriations. We thank you for taking the time to read our concerns, and hope that we can work together to recognize the importance of radiological safety, ensure the continued availability of radioisotopes, and preserve the NRC's regulatory independence.

Sincerely,





The American Society of  
Non Destructive Testing



INTERNATIONAL SOURCE SUPPLIERS  
AND PRODUCERS ASSOCIATION



