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PROPOSED RULE 2032-150
(70 FR 43646)

October 11, 2005

DOCKETED
USNRC

Ms. Annette L. Vietti-Cook
Secretary of the Commission
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

October 20, 2005 (10:30am)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

ATTN: Rulemakings and Adjudications Staff

SUBJECT: RIN 3150-AH48: Public Comments on the Proposed Rule for a National Source Tracking of Sealed Sources

Dear Ms. Vietti-Cook:

The American Association of Physicists in Medicine¹ (AAPM) is pleased to submit comments to the U.S. Nuclear Regulatory Commission (NRC) *Proposed Rule for a National Source Tracking of Sealed Sources* published in the Federal Register July 28, 2005. AAPM would like to commend the extensive effort made by the NRC and the U.S. Department of Energy (DOE) to get to this point of formalizing the proposed rule for such a system.

Comments Regarding Inclusion of Category 3 Sources.

Consistent with the Energy Policy Act of 2005, the proposed rule indicates that Category 1 and 2 sources would be included in the National Source Tracking System. However, the NRC further states that they may consider including Category 3 sources (sources at 1/10th of the Category 2 threshold) in the future because a licensee possessing a large number of Category 3 sources could present a security concern. The Proposed rule also states "an item level tracking system cannot include aggregation of sources because they may move in and out of the tracking system with changes in ownership." While NRC is correct that an aggregation of Category 3 sources could be a security concern, AAPM contends that Category 3 sources used in medicine (e.g., those used in high dose rate remote afterloaders) are well protected and tracked currently. Medical institutions are presently required to audit and inventory all radioactive sources, therefore, any additional requirements should be reviewed and analyzed to ensure compatibility with existing requirements and to minimize overlapping or conflicting requirements.

¹ AAPM's mission is to advance the practice of physics in medicine and biology by encouraging innovative research and development, disseminating scientific and technical information, fostering the education and professional development of medical physicists, and promoting the highest quality medical services for patients. Medical physicists contribute to the effectiveness of radiological imaging procedures by assuring radiation safety and helping to develop improved imaging techniques (e.g., mammography CT, MR, ultrasound). They contribute to development of therapeutic techniques (e.g., prostate implants, stereotactic radiosurgery), collaborate with radiation oncologists to design treatment plans, and monitor equipment and procedures to insure that cancer patients receive the prescribed dose of radiation to the correct location. Medical physicists are responsible for ensuring that imaging and treatment facilities meet the rules and regulations of the Nuclear Regulatory Commission and various State Health Departments. AAPM represents over 5,000 medical physicists.

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- The inclusion of these sources would significantly increase the number of affected licensees as essentially; all medical facilities that perform radiation therapy procedures would be affected.

AAPM seconds the suggestion made by the American Society for Therapeutic Radiology and Oncology for the NRC to conduct roundtable discussions with stakeholders, to fully understand the impact of rulemaking on the medical community and to ensure that final regulations do not cause problems in the practice of medicine. AAPM would also be willing to survey its members to ascertain the number of sources that would be included should a decision be made to include Category 3 sources.

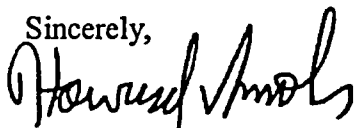
§150.18 Submission to Commission of National Source Tracking Transaction Reports.

During the public workshop on August 29, 2005 it was indicated that a contractor for the decision of the tracking system had not yet been selected. AAPM submits the following for consideration in the design and implementation of the system.

1. The NRC should establish a users' group composed of a representative membership of the affected licensees to develop the formats, input means and reports that will be available through the system. This will assure that the system meets the NRC's needs and is also user-friendly to the licensees who will input and verify data.
2. The system needs to have a means of correcting data input errors. The method must assure it results in corrections rather than a double counting of the same transaction.
3. The system allows for sources to be removed from the database as a result of decay. However, the system should generate a notice to registered users to inform them that the source has been deleted.
4. Similarly, reclassification of a source from Category 1 to Category 2 due to decay should be recorded in the database. The system should automatically notify the registered user that the source has been moved to Category 2.
5. The system needs to allow for new sources that are being imported into the United States or sources, which were manufactured in the U.S. but exported before the rule takes affect and that are now being returned.

AAPM thanks you for the opportunity to provide these comments on the proposed rule. If we can be of assistance to you as you proceed with a final rule, please contact me or Lynne Fairbent, AAPM's Manager of Legislative and Regulatory Affairs at 301-209-3364 or via email at lynne@aapm.org.

Sincerely,



Howard Amols, Ph.D.

From: Carol Gallagher
To: Evangeline Ngbea
Date: Thu, Oct 20, 2005 10:18 AM
Subject: Comment letter on National Source Tracking of Sealed Sourced Proposed Rule

Attached for docketing is a comment letter on the above noted proposed rule from Howard Amols, American Association of Physicists in Medicine, that I received via the rulemaking website on 10/19/05.

The submitter's address is:

Lynne Fairbent
One Physics Ellipse
College Park MD 20740
lynne@aapm.org

Carol

Mail Envelope Properties (4357A718.2D5 : 3 : 886)

Subject: Comment letter on National Source Tracking of Sealed Sourced
Proposed Rule
Creation Date: 10/20/05 10:18AM
From: Carol Gallagher
Created By: CAG@nrc.gov

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