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Mail Stop T6-D59
U.S. Nuclear Regulatory Commission
Washington, DC
20555-0001
United States

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RULES AND DIRECTIVES
BRANCH
USNRC

**RE: RSPS-TF
Radiation Source Protection and Security Task Force
Request for Public Comment**

Dear Sir or Madam:

MDS Nordion welcomes the opportunity to provide comments to the United States Nuclear Regulatory Commission's (USNRC) Radiation Source Protection and Security Task Force on the initiatives taken to date on protection and security of radiation sources.

Our general comment, which is captured in the specific comments below, is the USNRC should commit to harmonizing internationally, as recommended in Section 11 of the International Atomic Energy Agency (IAEA) Code of Conduct, and take whatever steps are appropriate towards that prior to implementation. Harmonization is needed because implementation by other countries needs to work smoothly with USNRC regulations to be effective and efficient, and so all implementations should operate from a common set of definitions and operating principles to maintain equitable trade opportunities. The USNRC should continue to apply the security requirements to Category 1 and 2 sources and not expand beyond to Category 3 or other materials.

The security measures imposed by the USNRC have been ambiguous and have gone beyond the security measures imposed on other dangerous goods. Through these actions the USNRC has indicated that the use of radioactive material possess a greater risk than other dangerous goods. The USNRC should re-evaluate the risk and measures imposed on radioactive material against the risk possess by other dangerous goods. The USNRC

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Call = M. Kern (M-H-1)

must balance these risk against the social and economical benefit gained by the use of radioactive material in the healthcare, manufacturing, research and quality control industries. The security measures should be compatible to those impose on other dangerous goods with similar risk.

Below are specific comments:

Topic 1 – The List of Radiation Source Requiring Security

For consistency with the IAEA Code of Conduct, the USNRC should continue only with Category 1 and 2 sources. The inclusion of Category 3 sources will impose overly restrictive requirements on a set of sources that do not warrant the increase security measures.

Topic 4 – The National Source Tracking System for Radiation Sources

The implementation of national systems should make efficient use of current practices to minimize cost and administrative burden. The US Nuclear Regulatory Commission is encouraged to work with the Canadian Nuclear Safety Commission, who has already implemented a national source tracking system, to harmonize their national source tracking systems with compatible web interface and data formats. The use of compatible data formats and transfer protocols for import/export would allow for electronic simultaneous information flow between the two systems.

To ensure a practical and workable source tracking system the USNRC should consult with industry while developing the system and software. MDS Nordion is willing to work with the USNRC to help create data requirements for the United States National Source Tracking System that would be compatible with those of the CNSC.

The USNRC should consider national source tracking for Category 1 and 2 sources only.

Notification sent to the USNRC for import/export purposes should also act as the input to the national source tracking system to avoid submitting the same information twice.

Topic 5 – A National System to Provide for the Proper Disposal

The USNRC should reevaluate the financial assurance provision to more accurately and realistically account for disposal and decommissioning costs of an irradiator facility. The USNRC has ruled that the salvage value for radioactive material may not be used to directly offset the decommissioning cost. However, it is well accepted in the worldwide gamma processing industry that there is a market for previously used Co-60 sources, above a certain activity level. Source

above this threshold should not be subject to financial assurance and would not be used to offset the cost of disposing of lower activity sources. MDS Nordion would undertake to take back sources above a certain activity level, re-encapsulate them (if required) and redistribute them to the industry. Therefore there would be no burden on the taxpayer for the disposal of these sources.

Topic 6 – Import and Export controls on Radiation Sources

The USNRC should reevaluate the need for a specific import licenses to allow the importation of a radiation source to a US licensed user. Sources imported to the United States are destined to properly licensed users who have received a license by either the USNRC or an Agreement State. Other countries that have implemented or are considering the implementation of the Import/Export requirements from the Code of Conduct do not require the need for a specific import license, and include this authorization as part of the site license. The US NRC should adopt this approach, as specific import licenses are a significant and cost administrative burden with little value. Notification of the import would still be sent, of course, and therefore the USNRC would know of the import and to whom it is destined.

Topic 7 – Procedures for Improving the Security and Control for Use and Storage of Radiation Sources

The USNRC should issue guidance information to the States and licensees on how to implement the security requirements prescribed for the control and use of radiation sources. The implementation of these security requirements by the various agreement states has resulted in a variety of different compliance expectations. This is difficult to manage and does not allow for fairness of trade and business amongst different States.

Topic 8 – Procedures for Improving the Security of Transportation of Radiation Sources.

The table of Radionuclides of Concern provided in the USNRC Order EA 03-225 is somewhat different than that provided in the USNRC Order EA 05-006. The list of the radionuclide of concern in the order EA 03-225 should be revised to be identical to the table of radionuclide of concern provided in the Order EA 05-006.

The USNRC should take a more active role in resolving State discrepancies in the implementation of the security measures imposed by the USNRC. Inconsistent approaches and requirements amongst various States makes it difficult for carriers to comply and leads to carrier not wanting to transport this material. States should be encouraged to implement the measures as described by the USNRC and not impose additional measures.

The security measures imposed by the USNRC have been extensive and far-reaching. Further security requirements should only be considered in extreme conditions and must be balanced against the socio-economical beneficial use of radionuclides. Further security measures imposed may inadvertently limit or restrict the use of sealed sources and adversely affect patient care, research and the sterilization industry.

If you have any questions or require further information please feel free to contact me by telephone at (613) 592-3400 extension 2421 or by email at mcharcette@mds.nordion.com.

Yours sincerely



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