



Council on Radionuclides and Radiopharmaceuticals, Inc.

PR 2,30,40,50,52,60,63,70,71,72,73,76 and 150
(71FR64003)

3911 Campolindo Drive
Moraga, CA 94556-1551
(925) 283-1850
Fax: (925) 283-1850
E-mail: corar@silcon.com

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Henry H. Kramer, Ph.D., FACNP
Executive Director

December 28, 2006

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

Attn: Rulemaking and Adjudications Staff

DOCKETED
USNRC

January 4, 2007 (8:40am)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

RE: 71 Fed. Reg. 64004; October 31, 2006, RIN 3150-AH57
Protection of Safeguards Information – Proposed Rule

Dear Ms. Vietti-Cook:

The following comments concern the United States Nuclear Regulatory Commission (NRC) proposed rule to amend its regulations for the protection of Safeguards Information (SGI). These comments are submitted on behalf of the Council on Radionuclides and Radiopharmaceuticals (CORAR). CORAR members include manufacturers and shippers of diagnostic and therapeutic radiopharmaceuticals, life science research radiochemicals and sealed sources used in therapy, diagnostic imaging and calibration of instrumentation used in medical applications. Most if not all of these members have been issued NRC Orders regarding the protection and control of SGI as well as Orders imposing fingerprinting and criminal history checks. CORAR member companies recognize the need to protect SGI and limit its access to individuals deemed trustworthy and reliable and fully support the NRC's commitment to protect security related information. Below are our comments to the proposed rulemaking:

Comment: The term "safe havens" is ambiguous and is not defined in the rule. The term is used in §73.22 (a)(2)(iv) and §73.23 (a)(2)(iii) *Arrangements with and capabilities of local police response forces, and locations of safe havens* and is not necessarily linked to "arrangements with local police response forces".

Recommendation: Include the term "Safe haven" in §73.2. Define the term as: *Safe haven* is a readily recognizable and readily accessible site at which security is present of from which, in the event of an emergency, the transport crew can notify and wait for local law enforcement authorities. Remove the reference of Safe haven from §73.22 (a)(2)(iv) and §73.23 (a)(2)(iii).

Template = SECY-067

SECY-02

Add a separate paragraph in §§ 73.22 (a)(2) and §73.23 (a)(2) which states: *Safe havens identified along the transport route.*

Comment: Some States require the carrier of radioactive materials which require advanced notification to contact local law enforcement prior to crossing a state border, at various times while in transit through the state and when exiting the state. These “call-in” requirements could very well be considered “arrangements with local police response forces” and would be regulated by §73.22 (a)(2)(iv) and §73.23 (a)(2)(iii) *Arrangements with and capabilities of local police response forces, and locations of safe havens.* These communications are made via two-way radio or most commonly by cellular phone. If these communications are considered SGI then in order to comply with §73.23(f)(3) a secure alternative method of communication would be necessary. Developing such a system would be an unwarranted burden on the licensees, carriers and local law enforcement.

Recommendation: Rewording §73.22 (a)(2)(iv) and §73.23 (a)(2)(iii) to read: *“Arrangements with and capabilities of local police response forces. In-route communications between transport vehicles and local-law enforcement agencies need not be controlled as SGI.”*

Comment: There is no mechanism in the proposed rule that enables a licensee to recognize a background check conducted in accordance with the Rule by another NRC or Agreement State licensee. It is quite common for licensees to sub-contract work to other licenses where it may be necessary to divulge SGI to the contracted licensee in order for the maintenance activity to be performed safely.

Recommendation: A mechanism to authorize the recognition of a background check conducted by an NRC or Agreement State License should be included in the proposed rule and could be accomplished by adding a new paragraph to §73.59. §73.59(l) “An employee of an NRC or Agreement State licensee who has undergone criminal history and background checks in accordance with or equivalent to those required by 10 CFR §§ 73.22(b) or 73.23(b).

CORAR welcomes the opportunity to comment on the proposed rule and appreciates the NRC’s consideration of these comments.

Sincerely,



Roy W. Brown
Senior Director, Federal Affairs

From: Carol Gallagher
To: Evangeline Ngbea
Date: 01/03/2007 5:15:59 PM
Subject: Comment letter on Protection of Safeguards Information Proposed Rule

Attached for docketing is a comment letter on the above noted proposed rule that I received via the rulemaking website on 12/29/06.

Carol

Mail Envelope Properties (459C2B14.A12 : 5 : 35764)

Subject: Comment letter on Protection of Safeguards Information Proposed Rule
Creation Date 01/03/2007 5:15:48 PM
From: Carol Gallagher

Created By: CAG@nrc.gov

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