

NRCREP - Response to request for comments, Federal Register, Vol. 72, Pages 65470 to 65471,
"Regulations for the Safe Transport of Radioactive Material"

From: "A. Joseph Nardi" <ajnardi@enercon.com>
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Date: 11/21/2007 1:16:28 PM
Subject: Response to request for comments, Federal Register, Vol. 72, Pages 65470 to 65471,
"Regulations for the Safe Transport of Radioactive Material"
CC: <mxs14@nrc.gov>

Please see the attached document for my comments on the subject Federal Register Notice.

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November 21, 2007

Michael T. Lesar, Chief
Rulemaking, Directives and Editing Branch
Mail Stop T6-D59
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

(Submitted by electronic mail to nrcprep@nrc.gov)

Reference: Federal Register Notice, Vol. 72, No. 224, November 21, 2007, Pages 65470-71, "Regulations for the Safe Transport of Radioactive Material; Notice of Document Availability and Request for Comments"

Dear Mr. Lesar,

I am submitting these comments as an individual in accordance with the above referenced request for comments.

Fissile Material and Fissile Nuclides:

I am in agreement with the wording of Paragraph 222 that defines the above terms. However the use of the term "fissile nuclides" in Paragraph 413(a)(i) seems to imply that the uranium-235 content of any natural uranium present in a package must also be included in the determination of the limit of 15 gram of fissile nuclides. I do not believe that this is the intent but as worded, I believe that there would be confusion in the interpretation of the requirements of this Paragraph. I believe that an appropriate fix would be to replace the words "fissile nuclides" in the paragraph with the words "fissile nuclides present in the fissile material".

The same potential confusion appears to exist in the interpretation of Paragraph 413(a)(iii) since it also uses the term "fissile nuclide". I believe the same word changes proposed above would also be appropriate here.

I am disappointed that the draft IAEA document does not incorporate the provisions for fissile exempt material as provided in 10CFR71.15(b) and (c). The shipment of large volumes of soils and debris contaminated with enriched uranium during decommissioning activities requires maximum flexibility in the packaging of such waste materials. My experience is that the NRC provisions contained in 10CFR71.15 provide that flexibility. Although the provisions of Paragraph 413(a)(iii) provide some flexibility for waste shipments there is difficulty in implementing the provision of "5 grams of fissile radionuclides in any 10 litre volume of material". The primary difficulties in implementation arise from the facts that:

1. Analytical results for waste concentration measurements are generally in terms of concentration per unit mass whereas the requirement is in units of mass per unit

volume which requires that the waste density be known for implementation. This issue can generally be accommodated, however

2. The "5 g of fissile nuclides in any 10 litre volume" homogeneity requirement is much more restrictive than the "180 grams of fissile material distributed within 360 kg of contiguous nonfissile material" limit provided in 10CFR71.15. I recommend that the USNRC and USDOT continue to recommend that IAEA adopt the equivalent provisions of 10CFR71.15(b) and (c).

If you wish, I would be pleased to discuss the above comments with you. In accordance with the Federal Register Notice, my contact information is:

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Sincerely,

A. Joseph Nardi