

NRCREP - FW: Comment Letter Re Transportation Security

From: "Richard Martin" <richardm@astro.org>
To: <nrcprep@nrc.gov>
Date: 02/08/2008 1:13 PM
Subject: FW: Comment Letter Re Transportation Security
CC: "Emily Wilson" <emilyw@astro.org>

Dear Mr. Lesar:

Please file the attached comments on behalf of the American Society for Therapeutic Radiology and Oncology (ASTRO) regarding the NRC's Proposed Issuance of Rules and Regulations on Security Requirements for the Transportation of Radioactive Material in Quantities of Concern.

Thank you for your assistance.

Sincerely,

Richard J. Martin, Esq.
Legislative and Regulatory Analyst
Government Relations
American Society for Therapeutic Radiology and Oncology
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Mail Envelope Properties (47AC9BD2.9A1 : 2 : 39329)

Subject: FW: Comment Letter Re Transportation Security
Creation Date Fri, Feb 8, 2008 1:13 PM
From: "Richard Martin" <richardm@astro.org>

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MESSAGE	634	Friday, February 8, 2008 1:13 PM
TEXT.htm	5476	
Letter_Lesar_NRC_02-08-08.pdf		133472
Mime.822	191063	

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February 8, 2008

VIA E-Mail to: nrcprep@nrc.gov

Michael T. Lesar
Chief, Rules and Directives Branch
Division of Administration Services
Office of Administration
Mail Stop T6D59,
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Re: Comments on Nuclear Regulatory Commission's Proposed Issuance of Rules and Regulations on Security Requirements for the Transportation of Radioactive Material in Quantities of Concern (73 FR 826) January 4, 2008

Dear Mr. Lesar:

The American Society for Therapeutic Radiology and Oncology (ASTRO) applauds the efforts of the U.S. Nuclear Regulatory Commission (NRC) in proposing measures to improve security during transport of radioactive materials in quantities of concern. ASTRO understands the need for adequate security to prevent those with malevolent intent from purposefully using medical or industrial radioactive materials to cause harm, and it appreciates the opportunity to participate in this rulemaking process by offering the following comments.

ASTRO is the largest radiation oncology society in the world, with more than 8,700 members who specialize in treating patients with radiation therapies. As a leading organization in radiation oncology, biology and physics, the Society is dedicated to the advancement of the practice of radiation oncology by promoting excellence in patient care, providing opportunities for educational and professional development, promoting research and disseminating research results and representing radiation oncology in a rapidly evolving healthcare environment.

ASTRO commends the NRC's stated goals of preventing theft and diversion, prompt detection, assessment, and reporting, as well as prompt law enforcement response and delivery confirmation of materials in quantities of concern. However, radioactive materials play a vital role in healthcare, and ASTRO is concerned that the proposed changes would impair patient care by restricting the delivery of radioactive materials to medical facilities where they are urgently needed for the diagnosis of many conditions and for the treatment of cancer. Delayed treatments caused by shipping limitations would adversely impact the lives and health of our patients.

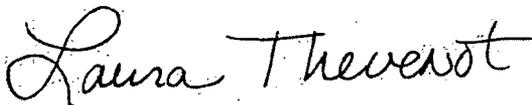
Michael T. Lear
February 8, 2008
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ASTRO believes the proposed measures would be unduly burdensome because the proposals would increase the cost and time for shipping as well as decrease availability of shipping carriers, negatively impacting medical and other users. In balancing costs and benefits, ASTRO argues that the NRC should not risk impairing healthcare by imposing drastic solutions to theoretical yet undemonstrated threats.

Moreover, the NRC seeks to impose regulations on licensees—not carriers. By imposing these proposed measures on licensees, however, the NRC would hold licensees responsible for the carriers' behavior, even though licensees would not have control over the carriers. Accordingly, ASTRO believes, the NRC's proposed measures would in effect implement de facto regulation of the carriers. ASTRO urges the NRC to issue any proposed regulations under its authority to protect public health and safety rather than under its authority to promote common defense and security. By issuing proposed regulations under its public health and safety authority, the NRC would co-regulate transportation security with the Agreement States. ASTRO believes that this shared responsibility with the Agreement States would result in more effective and pragmatic regulations that could be effectively implemented across state jurisdictions. ASTRO questions, however, whether regulation of carriers is better addressed through Department of Transportation regulations.

Thank you for affording us this opportunity to provide comments on the NRC's proposed transportation security measures. Please contact Emily Wilson at 703-839-7364 or emilyw@astro.org or Richard Martin at 703-839-7366 or richardm@astro.org if you have any questions.

Sincerely,



Laura I. Thevenot
Chief Executive Officer