

From: "Carol O'Claire" <COClaire@dps.state.oh.us>
To: <nrcprep@nrc.gov>
Date: Fri, Feb 8, 2008 1:43 PM
Subject: Comments to FR 01/04/2008

Please consider the attached comments from Ohio Emergency Management Agency regarding the request for comments to the "Transportation of Radioactive Material in Quantities of Concern" as noticed in the January 4, 2008 Federal Register.

Thank-you for the opportunity to comment.

CC: "Melvin R. House" <MRHouse@dps.state.oh.us>, "Tom Breckenridge" <TBreckenridge@dps.state.oh.us>

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Chief, Rules and Directives Branch
Office of Administration
Division of Administrative Services
U. S. Nuclear Regulatory Commission
Washington D.C. 20555 - 000

February 7, 2008

Dear Sir:

The following comments and questions are provided for your consideration from the Ohio Emergency Management Agency regarding the proposed rules identified in Federal Register Volume 73, Number 3, 10 CFR Chapter 1, Transportation of Radioactive Material in Quantities of Concern:

General Comments / Questions:

1. Any shipment of Gadolinium-153, Promethium-147, Strontium-90 (Yttrium-90), or Thulium-170, meeting the criteria to be a Category 1 quantity, is also subject to 49 CFR 173.403 and therefore considered to be a Highway Route Controlled Quantity (HRCQ), as well. Does this create a new category of shipment (HRCQ / RAMQC)?
2. The Federal Register asserts that "The Orders issued to licensees transporting RAMQC Category 1 shipments are designated Safeguards Information and are not publicly available." Typically, shipments that are subject to Safeguards Information requirements in 10 CFR 73.21, are also subject to the physical protection requirements in 10 CFR 73.37. Are RAMQC Category 1 shipments subject to these same physical protection requirements?
3. States may have additional regulations and fees that apply to certain shipments such as HRCQ, Spent Nuclear Fuel, etc. It would seem logical that these same states would act to revise their regulations to identify RAMQC, and modify as necessary, prior to implementation date of the proposed rules. The NRC should consider issuing information to the states for adopting the proposed rules.
4. For planning purposes, the NRC should issue advisories that provide information about additional state specific requirements to shippers and licensees.
5. All RAMQC shipments should be tracked / monitored using the U.S. DOE's Transportation Tracking and Communication System (TRANSCOM). This satellite tracking system has been used many times by many states to track large shipments of radioactive materials nationwide.

6. In this current Federal Register (Vol. 73, No. 3, Jan. 4, 2008), in Table 2, C, 3, (b), indicates no notification to local law enforcement agencies for Category 2 quantity shipments. This is inconsistent with the Federal Register (Vol. 70, No. 230), from December 1, 2005, Section IV, Attachment B, d., paragraphs a. and b.