



GAMMA INDUSTRY PROCESSING ALLIANCE

Working together to prevent disease through irradiation

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Chief, Rules and Directives Branch
Division of Administration Services
Office of Administration
U.S. Nuclear Regulatory Commission
Washington, DC
20555-0001

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RULES AND DIRECTIVES
BRANCH
USNRC

RE: Transportation of Radioactive Material in Quantities of Concern

Dear Sir or Madame:

The following comments concern the Nuclear Regulatory Commission (USNRC) development of the technical basis for rulemaking to revise NRC regulations on the security requirements for the transportation of Radioactive Material in Quantities of Concern (RAMQC). These comments are submitted on behalf of the Gamma Industry Processing Alliance (GIPA). GIPA represents gamma processing industry leaders. We advocate the development of responsible regulations that enhance the safe and secure management of cobalt-60 sources and related irradiation processing facilities. We are committed to the prompt dissemination of accurate information about this beneficial and vital technology. We believe in acting together to quickly deal with emerging issues that affect the future beneficial applications of gamma processing.

GIPA member companies have repeatedly expressed the need for collaboration between Nuclear Regulatory Commission, the Department of Homeland Security, and Department of Transportation to avoid conflicting or duplicative regulations. Harmonization is critical due to implementation by other countries and modal organizations in order to ensure effective and efficient compatibility. Further, rulemaking should operate from a common set of definitions and operating principles to maintain equitable trade opportunities.

Below are key comments:

- DOT already has imposed RAM transport security regulations (HM-232). Avoidance of duplication or conflict is critical as such DOT, not NRC should have regulatory jurisdiction.
- DOT jurisdiction is necessary to establish pre-emption to avoid state-by-state variation
- NRC needs to follow IAEA Code and Guidance with respect to Category 1 and 2 sealed source applicability and transport security guidance. In order to ensure consistency with global requirements, the NRC security requirements should apply only to Category 1 and 2 sealed sources.
- Need for strict compatibility between any NRC rule and Agreement States

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- Carrier requirements proposed are very demanding. Additional requirements will impose burden on carriers that may force them out of business without effectively improving safety or security in transport.
- Proposed requirements for Planning and Coordination are problematic for interstate transfers.
- What work has been done to establish safe havens? Proper safe havens should be established prior to implementation of a new rule.
- Proposed requirements for Communications have made it impossible to use rail transportation. As such Cobalt 60 suppliers have stopped using rail transport which is a secure and effective means to transport this material.

The following numerically correspond to the questions posed in the notice:

1. Which part of Title 10 of the Code of Federal Regulations (CFR) should the staff revise to include requirements to enhance security during transportation of RAMQC? At this time, the staff is considering revising either the requirements of 10 CFR 20 or Part 73.

Response:

The requirements to enhance security during transportation of RAMQC should be under jurisdiction of the USDOT in 49 CFR. Adding these requirements to the regulations will create confusion, will preclude effective and efficient regulatory compliance and will add additional, unwarranted and unnecessary administrative and cost burdens to the sealed source industry.

2. Should the NRC issue these requirements under its authority to protect public health and safety or under its authority to promote the common defense and security?

Response:

The NRC should issue the requirements under common defense and security and retain its authority. This would ensure a more consistent set of requirements across all States.

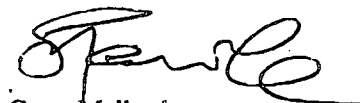
3. What technologies are in use to track the location of sources, packages or vehicles carrying radioactive material in quantities of concern?

Response:

There is currently no technology to track the location of sources. Global positioning systems can be used to track vehicles. Tracking of packages is not currently feasible as packages used different modes of transport and tracking devices must be approved by the FAA for air transport or must be switched off.

International harmonization of the hazardous material transportation regulations, based on one common set of requirements, such as the UN Recommendations on the Transport of Dangerous Goods, is critical to ensure the safe, secure and effective movement of hazardous materials, while at the same time achieving fair and equitable commerce. Please contact us if there should be any questions or if any additional information is needed concerning these comments.

Sincerely,



Grant Malkoske
Chairman
Gamma Industry Processing Alliance