



Council on Radionuclides and Radiopharmaceuticals, Inc.

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

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

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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 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. Some CORAR shippers also employ their own motor carriers. Most, if not all products offered by member companies are classified as Class 7 - Radioactive Material, and are offered, shipped and/or transported accordingly.

CORAR 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 and/or duplicative regulations. Harmonization is critical due to implementation by other countries and modal organizations in order to ensure effective and efficient compatibility of regulations. Further, rulemaking should operate from a common set of definitions and operating principles to maintain equitable trade opportunities.

Below are key comments relative to the control and security of RAMQC requirements:

- DOT already has imposed RAM transport security regulations (HM-232). Avoidance of duplication or conflict is critical. The regulatory jurisdiction should lie within the DHS/TSA/DOT. Rulemaking should be codified in 49 CFR, not 10 CFR. DOT jurisdiction is necessary to establish pre-emption to avoid state-by-state variation as well as unreasonable and arbitrary RAMQC Permitting fees.
- Many CORAR members are also participants in the Nuclear Sector Coordinating Council, Radionuclide Sub-council (NSCC-R). NSCC-R has already done much work on this topic. Refer to input/recommendations in the Nuclear Sector-Specific Infrastructure Protection Plan. NRC also needs to work more actively with NSCC-R transport working groups to further engage with NSCC-R/GCC actions.

SUNSI Review Complete
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REFDS = ADM-03
Odl = S. Bragley (Shb)

- 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.
- There is a need for strict compatibility between any NRC rule and Agreement States.
- Carrier requirements proposed are very demanding. These additional requirements will impose a 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.
- If rulemaking is not applicable to air/maritime transport (per FR notice) then requirements will be problematic for multi-modal shipments including motor vehicles.

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:

Any new regulations concerning security of RAMQC during transportation should be under jurisdiction of US DOT under 49 CFR.

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 defer its authority to US DOT. This would ensure a more consistent set of requirements across the 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 within a defined level of accuracy. Global positioning systems used to track packages, is problematic for Type B package which has strict design and configuration controls. As well the addition of a GPS unit on a Type B package would require regulatory review and approval by the FAA for transport by air.

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

Sincerely,



Marc-Andre Charette
Co-Chairman Transportation Committee
Council on Radionuclides and Radiopharmaceuticals