

NRCREP - Transportation of RAMQC Comments

From: "Roy A. Parker" <roy@royparker.org>
To: <nrcprep@nrc.gov>
Date: 02/08/2008 7:16 PM
Subject: Transportation of RAMQC Comments
CC: "Bob Caldwell" <rck1@nrc.gov>, "Susan Bagley" <SHB@nrc.gov>, "Adelaide Giantelli" <ASG2@nrc.gov>

Attached are my comments on the Transportation of Radioactive Materials in Quantities of Concern pursuant to 73 FR 826.

01/04/08
73 FR 826
(17)

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Subject: Transportation of RAMQC Comments
Creation Date Fri, Feb 8, 2008 7:15 PM
From: "Roy A. Parker" <roy@royparker.org>

Created By: roy@royparker.org

Recipients

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TWGWPO01.HQGWDO01
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Files

Files	Size
MESSAGE	121
TEXT.htm	403
Roy A. Parker.vcf	426
RAMQC Comments 20080208.pdf	
Mime.822	935136

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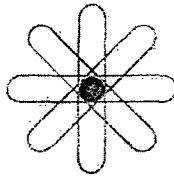
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Roy A. Parker, Ph. D.
Radiation Physicist

February 8, 2008

Mr. Michael Lesar, Chief
Rules and Directives Branch
Office of Administration
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Dear Mr. Lesar:

RE: Transportation of Radioactive Materials in Quantities of Concern

The comments and views herein are solely mine and do not necessarily represent those of any of my clients.

The RAMQC requirements pertaining to transportation security exceed the provisions of the Memorandum of Understanding between the U.S. Department of Transportation and the U.S. Nuclear Regulatory Commission which only applies to spent nuclear fuel.

The NRC effort to regulate carriers through NRC licensees (i.e. shippers) is unfounded and totally unworkable. The process in the existing Increased Controls orders means that a carrier is subject to the individual interpretations of each shipper (licensee). It is also implied that each shipper (licensee) may inspect a carrier to determine their compliance. This would be chaotic and no common carrier can and will tolerate this.

The security measures listed in Item B.4. of Table 2 in the RAMQC notice are very subjective and open for interpretation - package tracking system, continuous and active monitoring systems, trustworthiness and reliability of drivers, trustworthiness of reliability of personnel with knowledge of shipment, constant control and surveillance during transit, and capability for immediate communication to summon appropriate response or assistance. These are currently in existing orders and contribute to the meaningless requirement for shippers (licensees) to impose these requirements on carriers since there is an uncoordinated spectrum of interpretations. This must not be carried over to the proposed rulemaking where the variation in interpretation remains. Consideration must be given to the proper applicability of these requirements and coordination with the existing transportation security requirements in the transportation regulations. Transportation security requirements are more appropriate in Title 49.

NRC has issued orders containing safeguard requirements which a shipper may attempt to impose on a carrier and the carrier will not know or understand the requirement. Again a common carrier can not have a separate or multiple layers of handling and security procedures.

RAMQC is based on specific radionuclides and activities. Once a package is accepted the handling and loading of dangerous goods packages, including radioactive materials, are based on markings and labels applied to the packages and containers by the shipper. Setting up a separate handling and loading protocol for radioactive material package would not be feasible or acceptable for common carriers who would opt to get out of the carriage of radioactive material packages.

A common carrier, as contrasted to a specialized carrier, would not implement various levels of security based on security categories.

The quantity of radioactive material packages being shipped makes it impractical for a common carrier to establish and implement special dedicated systems solely for radioactive materials.

The result would be that common carriers would refuse to carry radioactive materials. Transportation would then be conducted by specialized carriers. Radioactive material shipments are time sensitive and this would have a negative impact on industry, especially the medical community, as well as impede commerce. Specialized carriers do not serve many markets domestically and even less internationally. There would be a decrease in the reliability of service and a significant cost increase. The NRC must factor this into their cost impact analysis of this proposed policy change and rulemaking.

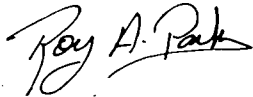
Although the NRC RAMQC notice states that air transport is excluded it must be recognized that transportation is a multi-modal operation. The radioactive material must get from the shipper to the airport and from the airport to the recipient by ground. Although a shipment may be tendered for transportation by air, the carrier may transport it either partially or totally by ground.

The RAMQC requirements extend well beyond the IAEA Code of Conduct and Guidance documents for transportation security. Radioactive material transportation security requirements must be coordinated and compatible with existing and proposed transportation security requirements for other dangerous goods. There are existing security requirements in Title 49 which are risk based. The RAMQC requirements are specific number driven, perfunctory and not risk based. Carrier requirements should be in Title 49 and not Title 10. There must be a coordinated and consolidated transportation security system, and not a fragmented system between regulatory agencies and regulations.

The proposal from the Governor of Washington for GPS tracking for mobile or portable uses of radioactive material is unrealistic. This includes principally industrial radiography sources, oil well logging sources, and moisture-density gauges. These devices are frequently transported by air. Just as cell phones must be turned off prior to flight, what means would be taken to turn off the GPS devices on radioactive material shipments before flight? Presence of GPS devices on this type of equipment would require FAA Flight Standards approval when transported by air.

I have attempted numerous times over approximately the past three years to call to the attention of the NRC through numerous contacts the above issues with the exception of the GPS tracking, I have been unsuccessful and I feel that no one has seriously listened. I sincerely hope that the above issues will be fully and seriously considered. Failure to do so in my opinion will ultimately result in major disruption of the currently efficient supply of needed radioactive materials to the medical community, industry, and the research sector.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Roy A. Parker". The signature is fluid and cursive, with the first name "Roy" being the most prominent.

Roy A. Parker, Ph.D.
Radiation Physics Consultant