

NRCREP - AAPM comments on RAMQC

From: "Lynne Fairobent" <lynne@aapm.org>
To: <nrcprep@nrc.gov>
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Subject: AAPM comments on RAMQC

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73 FR 826

18

Please find attached AAPM's 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.

If you have any questions, please direct them to me. Also please let me know these have been received.

Thanks.
Lynne

Lynne A. Fairobent
Legislative and Regulatory Affairs Manager
AAPM
One Physics Ellipse, College Park, MD 20740-3846
phone: 301-209-3364 fax: 301-209-0862
email: lynne@aapm.org

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American Association of Physicists in Medicine

Office of the President
Gerald A. White Jr., M.S.
Penrose Cancer Center
2222 N. Nevada Ave.
Colorado Springs, CO 80907
Phone: 719-776-2513 Fax: 719-632-8176
E-mail: gerald.white@mindspring.com

February 8, 2008

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

VIA E-Mail to: nrcprep@nrc.gov

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 Association of Physicists in Medicine¹ (AAPM) appreciates the opportunity to provide input to the U.S. Nuclear Regulatory Commission (NRC) as the Commission develops the technical basis in support of rulemaking that will revise NRC regulations on the security requirements for the transportation of Radioactive Material in Quantities of Concern (RAMQC). AAPM also applauds NRC in taking the steps to move requirements issued under orders to rulemaking, thus allowing stakeholder input.

Although the 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 are laudable, AAPM remains concerned that the new requirements may impact patient care by restricting the delivery of radioactive materials to medical facilities where

¹ The American Association of Physicists in Medicine's (AAPM) mission is to advance the practice of physics in medicine and biology by encouraging innovative research and development, disseminating scientific and technical information, fostering the education and professional development of medical physicists, and promoting the highest quality medical services for patients. Medical physicists contribute to the effectiveness of radiological imaging procedures by assuring radiation safety and helping to develop improved imaging techniques (e.g., mammography CT, MR, ultrasound). They contribute to development of therapeutic techniques (e.g., prostate implants, stereotactic radiosurgery), collaborate with radiation oncologists to design treatment plans, and monitor equipment and procedures to insure that cancer patients receive the prescribed dose of radiation to the correct location. Medical physicists are responsible for ensuring that imaging and treatment facilities meet the rules and regulations of the U.S. Nuclear Regulatory Commission (NRC) and various State regulatory agencies. AAPM represents over 6,000 medical physicists.

they are urgently needed. Delayed treatments caused by shipping limitations could adversely impact patient outcomes and health.

AAPM has the following key concerns:

1. NRC does not have the authority to regulate common carriers. That remains the responsibility of the U.S. Department of Transportation (DOT). AAPM believes that it is inappropriate for NRC to promulgate de facto regulations on common carriers by codifying requirements on its licensees that holds licensees responsible for the carriers' behavior.
2. The NRC issued the Orders for RAMQC under its authority to protect health and safety, not common defense and security. If NRC has a role in this area, AAPM believes NRC should issue any proposed regulations under its authority to protect public health and safety rather than under its authority to promote common defense and security. Since regulations issued under common defense and security are not transferable to Agreement States, this would preclude the Agreement States from having a direct role in the regulation of RAMQC.
3. AAPM requests that NRC define the criteria used to determine if a rulemaking action falls under NRC's authority for health and safety or common defense and security.
4. AAPM agrees that if regulations are issued in accordance with this technical basis, that the proposed regulations should be limited to Category 1 and 2 materials as defined by the International Atomic Energy Agency (IAEA) in their document titled, "Code of Conduct on the Safety and Security of Radioactive Sources."
5. AAPM requests a detailed cost/benefit analysis be performed in conjunction with the technical basis to justify the potential increase in cost and time for shipping as well as decrease availability of shipping carriers, which would negatively impact licensees. In balancing costs and benefits, AAPM maintains that NRC should not risk impairing healthcare by imposing drastic solutions to theoretical yet undemonstrated threats.

Thank you for affording us this opportunity to provide comments on the NRC's proposed transportation security measures. Please contact Lynne Fairbent at 301-209-3364 or lynne@aapm.org if you have any questions.

Sincerely,



Gerald L. White, Jr., MS, FAAPM