

PR 30,31,32,33, 34,35,36,37,39,51,71, and 73  
(75FR33901)

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## PUBLIC SUBMISSION

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**Docket:** NRC-2008-0120  
Physical Protection of Byproduct Material

DOCKETED  
USNRC

**Comment On:** NRC-2008-0120-0070  
Physical Protection of Byproduct Material; Extension of Comment Period

October 18, 2010 (12:48pm))

**Document:** NRC-2008-0120-DRAFT-0072  
Comment on FR Doc # 2010-25397

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

## Submitter Information

**Name:** Bruce Busby  
**Organization:** Private Citizen

## General Comment

The new Part 37 regulations does little in the way of actually creating a more secure environment and mostly will waste millions of dollars and create even more bureaucracy, all without achieving the intended goals. The proposed regulation is unnecessary, and a waste of tax payer money (who support my organization through NIH grants). The total cost of the Part 37 revision should include the costs that the licensees incurred to meet the Increased Controls order. Without including that, the estimate and burden on licensees is out of proportion to the actual risk.

The NRC has had in their regulations, specific requirements for the control and security of radioactive material for 20 plus years. Adding new requirements will not actually increase anything other than spending.

The proposed regulation is unnecessarily complex, complicated and long. It requires licensees to create new plans, procedures, and policies and install new monitoring equipment beyond what was required by the Increased Controls Order. I would strongly recommend this proposed regulation be reviewed, simplified and shortened.

The NRC has failed to adequately look at the costs for licensees with multiple sources and hundreds of users. The proposed regulation adds additional burden to these licensees, beyond the Increased Controls order, and will be financially cripple small companies.

The increase in man hours required to meet the new requirements has been underestimated.

I completely disagree with the concept of doing Credit History Checks. We have individuals who have lived in multiple countries, and this requirement will be impossible to complete for them. It's not even a matter of spending excessive amounts of money to comply, it will actually be impossible. I do not agree with making a regulation which is impossible to meet. I also feel the basis described in the background information is flawed, and not realistic for why Credit History Checks are needed. Can the NRC provide some

## Attachments

**NRC-2008-0120-DRAFT-0072.1:** Comment on FR Doc # 2010-25397

Template = SECY-067

DS 10

To Whom It May Concern:

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I actually agree with the proposed security plans. I disagree that everyone has to be trained on them and then retrained annually. I think if you dropped all the other requirements and just went with a security plan, that you would find better compliance and an actual increase security culture at all facilities. The blind "broad brush" application of arbitrary requirements is not how to increase security. Security should be established based on each licensee's unique requirements.

I believe that research and medical licensees should be exempt from this proposed change in Part 37 with the exception of the security plan. I believe that the public pays for and derives a direct benefit from research and medical application of Materials of Concern, and as such, should be able to except a slightly higher risk. This basic concept is similar to Generally Licensed sources, patient release, tritium exit signs, smoke detectors, where

the public can have a higher acceptable risk for the benefits which the materials bring them.

The NRC has not made any attempt to balance the cost of the Increased Controls with the actual increase in security. Why is the NRC asking for more security when the present status of security is adequate?

Bruce Busby  
Private Citizen

## Rulemaking Comments

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**From:** Gallagher, Carol  
**Sent:** Monday, October 18, 2010 9:35 AM  
**To:** Rulemaking Comments  
**Subject:** Comment on Physical Protection of Byproduct Material  
**Attachments:** NRC-2008-0120-DRAFT-0072.pdf

Van,

Attached for docketing is a comment letter from Bruce Busby on the above noted proposed rule (75 FR 33901) that I received via the regulations.gov website on 10/15/10.

Thanks,  
Carol

Received: from HQCLSTR01.nrc.gov ([148.184.44.76]) by TWMS01.nrc.gov  
([148.184.200.145]) with mapi; Mon, 18 Oct 2010 09:36:04 -0400  
Content-Type: application/ms-tnef; name="winmail.dat"  
Content-Transfer-Encoding: binary  
From: "Gallagher, Carol" <Carol.Gallagher@nrc.gov>  
To: Rulemaking Comments <Rulemaking.Comments@nrc.gov>  
Date: Mon, 18 Oct 2010 09:35:06 -0400  
Subject: Comment on Physical Protection of Byproduct Material  
Thread-Topic: Comment on Physical Protection of Byproduct Material  
Thread-Index: ActuyUbrNiSIRLNWSweSjIbIF7I4Q==  
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Accept-Language: en-US  
Content-Language: en-US  
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X-MS-Exchange-Organization-SCL: -1  
X-MS-TNEF-Correlator:  
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