



*Council on Radionuclides and Radiopharmaceuticals, Inc.*

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

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

DOCKETED  
USNRC

January 20, 2011 (9:55 am)

January 18, 2011

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

Ms. Cindy K. Bladey  
Chief, Rules, Announcements, and Directives Branch  
Office of Administration  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Subject: Request for Public Comment on "Physical Protection of Byproduct Material;  
Proposed Rule"

Reference: (75 FR 33902); June 15, 2010; Docket Number NRC-2008-0120

Dear Ms. Bladey,

These comments are submitted on behalf of the Council on Radionuclides and Radiopharmaceuticals (CORAR)<sup>1</sup>. CORAR appreciates the opportunity to provide comments on the Commission's proposed rule for Physical Protection of Byproduct Material, published in the Federal Register (FR) on June 15, 2010.

CORAR member companies have worked closely with the Nuclear Energy Institute (NEI) and the International Source Suppliers and Producers Association (ISSPA) in the development of their written comments on this Proposed Rule and the Draft Guidance Document (75 FR 40756). Those written comments to NRC provide detailed feedback on the Proposed Rule and Draft Guidance Documents. For that reason CORAR will only provide generalized comments in this letter. We do fully support all of the detailed comments that have been sent to NRC by the NEI and ISSPA.

<sup>1</sup> CORAR members include the major manufacturers and distributors of radioactive chemicals, radioactive sources, radiopharmaceuticals and research radionuclides used in the U.S. for therapeutic and diagnostic medical applications and for industrial, environmental and biomedical research and quality control.

Template = SECY-067

DS 10

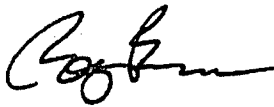
CORAR applauds the Nuclear Regulatory Commission (NRC) for developing implementation guidance in parallel with the proposed rule. Several CORAR member companies sent representatives to the NRC-sponsored workshops held in September 2010. We appreciate the NRC's effort to solicit feedback from the regulated community on this topic. CORAR supports the NRC's effort to protect the public health and safety through preventing the diversion of category 1 and 2 quantities of radioactive material. However, we feel that additional regulatory constraints put on the physical protection of these sources should yield measureable enhancements to offset the cost of these regulatory constraints.

We also feel the NRC should take advantage of other regulatory programs that have been developed to ensure the safe transport of hazardous material. An example of this is the Transportation Safety Administrations' Transport Worker Identification Credential (TWIC™) program. Use of this program could provide verification of a transport worker's identification and assure proper credentialing. These programs are already in use by many transporters and would prevent duplicative regulation.

CORAR believes there is value to federal preemption in regulating the physical protection of Category 1 and 2 quantities while in transit. Federal preemption would ensure uniformity of the administration of physical protection requirements for Category 1 and 2 quantities of radioactive material. For this reason we would think it is inappropriate to give the Agreement States the authority to regulate the physical protection of Cat 1 and 2 quantities while in transit.

Thank you for the opportunity to provide these comments to the NRC on this proposed rule. Please feel free to contact me by phone at (314) 821-7717 or via email at [roywbrown@sbcglobal.net](mailto:roywbrown@sbcglobal.net) if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Roy W. Brown', with a stylized flourish at the end.

Roy W. Brown  
Senior Director, Federal Affairs

## **Docket, Hearing**

---

**From:** Roy W. Brown [roywbrown@sbcglobal.net]  
**Sent:** Thursday, January 20, 2011 9:46 AM  
**To:** Docket, Hearing  
**Cc:** Horn, Merri; Gallagher, Carol  
**Subject:** FW: Comments to Docket 2008-0120  
**Attachments:** CORAR Comments on Physical Protection of BPM PR.pdf

I tried to send these comments in to [Comments@nrc.gov](mailto:Comments@nrc.gov) on Jan 18<sup>th</sup> and never received a confirmation back. Please let me know how else I can submit these comments. I want to assure they are logged in as being received before the end of the comments period. Thank you.

Roy W. Brown  
Senior Director, Federal Affairs  
CORAR  
[roywbrown@sbcglobal.net](mailto:roywbrown@sbcglobal.net)

---

**From:** Roy W. Brown [<mailto:roywbrown@sbcglobal.net>]  
**Sent:** Tuesday, January 18, 2011 3:08 PM  
**To:** 'Comments@nrc.gov'  
**Subject:** Comments to Docket 2008-0120

Please find comments to Docket 2008-0129 attached. Thank you.

Roy

Roy W. Brown  
Senior Director, Federal Affairs  
CORAR  
[roywbrown@sbcglobal.net](mailto:roywbrown@sbcglobal.net)

Received: from mail1.nrc.gov (148.184.176.41) by OWMS01.nrc.gov  
(148.184.100.43) with Microsoft SMTP Server id 8.2.247.2; Thu, 20 Jan 2011  
09:46:48 -0500

X-Ironport-ID: mail1

X-SBRS: 2.7

X-MID: 29931441

X-fn: CORAR Comments on Physical Protection of BPM PR.pdf

X-IronPort-Anti-Spam-Filtered: true

X-IronPort-Anti-Spam-Result:

AnQFAO/ZN01EjsbJf2dsb2JhbACCQZN1gSaNCgEBCwkMBRMDIbBUAQWNUgEEhVCEcw

X-IronPort-AV: E=Sophos;i="4.60,351,1291611600";

d="pdf?scan'208,217";a="29931441"

Received: from smtp102.sbc.mail.mud.yahoo.com ([68.142.198.201]) by

mail1.nrc.gov with SMTP; 20 Jan 2011 09:46:47 -0500

Received: (qmail 73356 invoked from network); 20 Jan 2011 14:46:43 -0000

DomainKey-Signature: a=rsa-sha1; q=dns; c=noaws;

s=s1024; d=sbcglobal.net;

h=DKIM-Signature:Received:X-Yahoo-SMTP:X-YMail-OSG:X-Yahoo-Newman-Property:From:T  
o:Cc:Subject:Date:Message-ID:MIME-Version:Content-Type:X-Mailer:Thread-Index:Content-La  
nгуage;

b=xLx7i8UzGKybyjx4MYTk98GTGkYDBcW+mugGtJGwyz/MDJbyi4q3XKccmJnX5wnjmWVo  
O17PHnqm2ivkqiUmo3IVFt621WQWnYz7tBlqDvGdlIgqa+zJroSa/a5d4tMDExNjS6LeBvlgz5/Tq  
8FWUGq9zSxDgb9sndasaGoEIQ= ;

DKIM-Signature: v=1; a=rsa-sha256; c=relaxed/relaxed; d=sbcglobal.net; s=s1024;

t=1295534803; bh=s9D1fQ9LugsVQ2UcFNRG9IOj/0XmsGW/ZHOTAazNdPg=;

h=Received:X-Yahoo-SMTP:X-YMail-OSG:X-Yahoo-Newman-Property:From:To:Cc:Subject:Da  
te:Message-ID:MIME-Version:Content-Type:X-Mailer:Thread-Index:Content-Language;

b=btmWnG5WG5s6SEZ35B3FH8M0b9NoeWxnTjltHY5acGuUh9w1IKB2SJKbj/mVfyw2LXA22  
mrsrlTjz3GpLgpxFwmQKxu5lAtxJREGQqgPmOhc1U7liNVwiE2wkpZhqrnrMjFb8nCnL7vSDR  
5oNgVByid+FGms8qafgVa78vF5s=

Received: from RoyPC (roywbrown@166.217.112.43 with login) by

smtp102.sbc.mail.mud.yahoo.com with SMTP; 20 Jan 2011 06:46:20 -0800 PST

X-Yahoo-SMTP: tzKJ4XKswBBWk6RZmaM36wK96AaFxcV8h1PhvrzbHu99lgxX

X-YMail-OSG: 2jBma6wVM1mHDLqliZY7exlZD06XI5CF4CB3Ruu0HHuCeZn

bN69S5sXNgx.K4kzOXtXDVTxloVGQbTtScnErMJmZTDGvZ85s3\_JNObVqoO

ZW8iBzB741kNF.FOLcy5\_v.UC8nCLDkqZyylFJ9K68qeJi38twwEoxG8Dqci

fPoEUys9zxcv0.4.tMqh77aGQSeCk\_wUz8CG0wG.DajSnt5ujER\_TuRs0TN7

hTaASvzhrrYkCcdoTeGloHHSNjUOhKty5rcgYv7tga3f0SubFc8cJ2.2kcHk

20CglDaSwHcdL\_\_Q-

X-Yahoo-Newman-Property: ymail-3

From: "Roy W. Brown" <roywbrown@sbcglobal.net>

To: <hearingdocket@nrc.gov>

CC: <Merri.Horn@nrc.gov>, <Carol.Gallagher@nrc.gov>

Subject: FW: Comments to Docket 2008-0120

Date: Thu, 20 Jan 2011 08:46:01 -0600

Message-ID: <006501cbb8b0\$c5851820\$508f4860\$@net>

MIME-Version: 1.0

Content-Type: multipart/mixed;

boundary="-----\_NextPart\_000\_0066\_01CBB87E.7AEAA820"

X-Mailer: Microsoft Office Outlook 12.0

Thread-Index: Acu3U85bsoUndYouTiOpL7rcHj9zPABXF5DQ

Content-Language: en-us

Return-Path: roywbrown@sbcglobal.net