



RADIATION RESEARCH SOCIETY

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DOCKETED
USNRC

January 18, 2011

January 19, 2011 (10:15 am)

Secretary
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
Attn: Rulemakings and Adjudications Staff

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Re: Comments on Physical Protection of Byproduct Material, Proposed Rule [Docket No. NRC-2008-0120] [See 75 FR 33902 (June 15, 2010)]

Dear Ms. Annette Vietti-Cook:

The Radiation Research Society (RRS) greatly appreciates the opportunity to provide comments to the U.S. Nuclear Regulatory Commission (NRC) on the Proposed Rules for the Physical Protection of Byproduct Material. The RRS is concerned that the implementation of some of the new rules may have a profoundly negative effect on its members' ability to successfully perform the duties and accomplish the aims identified in their Federal research grants. In addition to adversely affecting specific individuals, this could have a much larger effect on research facilities (i.e. universities) that depend upon the successful acquisition and completion of research grants.

Radiation Research Society

The RRS is a multidisciplinary society whose main objectives are to: i) encourage the advancement of radiation research in all areas of the natural sciences; ii) facilitate cooperative research between the disciplines of physics, chemistry, biology and medicine in the study of radiation effects; and iii) promote dissemination of knowledge in these areas through publications, meetings and education symposia. Currently the society has over 1450 members, almost half of which are biologists and a quarter are physicians. The rest of the membership consists of physicists (~15%), chemists (~5%), and other disciplines. The research and clinical interests of this group of people is multifaceted and extensive, albeit with the common goal of advancing the understanding of radiation effects and the advancement of radiation medicine. The research activities of RRS members, whether basic or translational, is dependent on peer reviewed funding from a number of governmental (e.g. NIH, DOE, DOD, NASA, NSF, DHS) and non-governmental (e.g. ACS, RSNA, AICR) sources. Overall, the research currently underway by RRS members range from basic biochemical mechanisms of radiation action, through molecular and cellular biology, *in vivo* studies of radiation toxicity, tumor response, radiation countermeasures, to clinical trials associated with radiation oncology.

The RRS contends that it is essential to maintain the ongoing research efforts of its members and other scientists who work with radiation; much of this work requires the use of isotopic irradiators (e.g. cesium, Cobalt-60). Radiation scientists have unquestionably had a major impact on the field of radiation oncology, helping to develop and optimize new strategies for the treatment of cancer. Additionally, recent work is addressing the risks of nuclear terrorism and what treatments/countermeasures will be necessary to treat individuals exposed during an uncontrolled explosion involving irradiation.

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While the RRS certainly recognizes the importance of the security of byproduct materials, we feel that the proposed rules, if implemented, may cause significant hardships to many investigators and research institutions, both financially and in terms of possible job loss. Additionally, we recognize that when the Increased Control (IC) Orders were issued in 2005, they were done in such a way that public comment was not sought, and that these proposed rules retroactively allow for public comment on the IC. However, we believe that the IC Orders are sufficient and should not be enhanced as proposed. We believe that the NRC should maintain the IC Orders as they are and put them in a form that allows for public comment, and allows for them to be formally codified.

The RRS is specifically concerned with the following:

- Costs for implementing the increased security requirements

Costs for implementing the increased security requirements.

The RRS has serious concerns that the costs for implementing the new security requirements may have devastating effects on specific investigators and in a more general sense, to research facilities that depend upon the establishment and maintenance of competitive radiation research programs. Those facilities that have already implemented the IC will have to add additional security measures, and those facilities that are not already implementing the IC will be forced to incur significant financial costs to implement the new security requirements. For those institutions that have large numbers of employees needing background and other checks, the costs could be very significant. Additionally, there will be added costs to run background, credit and employment checks on those employees requiring unescorted access to the materials of concern. This not only includes the cost to conduct the checks, but also the time needed to fully evaluate the results. Given the economic climate in many States and universities, such additional costs would very likely be prohibitive.

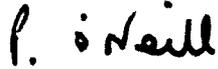
In addition to monetary costs, there is a significant concern that the required security checks (e.g. credit history) could result in lost jobs for many United States citizens or foreign national employees of these institutions or facilities. Incomplete or inaccurate data received during scrutiny of credit history, background, or past employment, could lead to denial of employment for someone who would otherwise be employable. Finally, we are concerned that the new requirements could force employment decisions based on incomplete information, which could lead to significant legal implications for individuals and institutions.

Conclusion

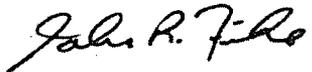
Clearly it is essential to insure the safety of professional radiation workers and the public with regard to dangerous radioactive materials. We are in agreement with The American Society for Radiation Oncology (ASTRO), in our belief that the present security plans, which are in place in most research and medical facilities, are sufficient. The RRS feels that the addition of more stringent security plans are not only unnecessary, but will impose prohibitive restrictions that could have a devastating effect on the development and/or maintenance of radiation research programs that currently are having a positive impact on our understanding of radiation effects and on the treatment of human cancer. The RRS membership is actively pursuing the development of strategies to protect the public from radiation in the event of an accident or terrorist attack. Hindering this critically important work by implementation of these rules would therefore increase, rather than decrease, the risk to the American people.

The RRS thanks you for giving us this opportunity to provide comments on the Physical Protection of Byproduct Material. We look forward to working with the NRC on this issue.

Sincerely,

Handwritten signature of Peter O'Neill in black ink.

Peter O'Neill, Ph.D.
President RRS

Handwritten signature of John R. Fike in black ink.

John R. Fike, Ph.D.
Chairman, Committee on Government
Relations

PUBLIC SUBMISSION

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Physical Protection of Byproduct Material

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

Document: NRC-2008-0120-DRAFT-0107
Comment on FR Doc # 2010-25397

Submitter Information

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Submitter's Representative: John R. Fike

Organization: Radiation Research Society

General Comment

See attached file(s)

Attachments

NRC-2008-0120-DRAFT-0107.1: Comment on FR Doc # 2010-25397

Rulemaking Comments

From: Gallagher, Carol
Sent: Wednesday, January 19, 2011 8:33 AM
To: Rulemaking Comments
Subject: Comment on Proposed Rule - Physical Protection of Byproduct Material
Attachments: NRC-2008-0120-DRAFT-0107.pdf

Van,

Attached for docketing is a comment from Peter ONeill and John Fike on the above noted proposed rule (3150-AI12) that I received via the regulatons.gov website on 1/18/11.

Thanks,
Carol

Received: from HQCLSTR01.nrc.gov ([148.184.44.79]) by OWMS01.nrc.gov
([148.184.100.43]) with mapi; Wed, 19 Jan 2011 08:33:27 -0500
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: Wed, 19 Jan 2011 08:32:40 -0500
Subject: Comment on Proposed Rule - Physical Protection of Byproduct Material
Thread-Topic: Comment on Proposed Rule - Physical Protection of Byproduct
Material
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X-MS-Exchange-Organization-SCL: -1
X-MS-TNEF-Correlator:
<6F9E3C9DCAB9E448AAA49B8772A448C55EE2F4D4CC@HQCLSTR01.nrc.gov>
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