

Rulemaking Comments

From: Horn, Merri
Sent: Monday, February 07, 2011 11:38 AM
To: Rulemaking Comments
Subject: FW: DOE comments: NRC Proposed Rule and Implementation Guidance for "Physical Protection of Byproduct Material: Category 1 and 2 Quantities of Radioactive Material"

DOCKETED
USNRC

February 7, 2011 (11:45 am)

-----Original Message-----

From: May, Melanie [<mailto:Melanie.May@hq.doe.gov>]

Sent: Wednesday, December 22, 2010 12:42 PM

To: Horn, Merri

Cc: Callahan, Sam; May, Melanie

Subject: DOE comments: NRC Proposed Rule and Implementation Guidance for "Physical Protection of Byproduct Material: Category 1 and 2 Quantities of Radioactive Material"

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Merri,

DOE has reviewed 10 CFR Parts 30, 32, 33, et.al. "Physical Protection of Byproduct Material-Proposed Rule"; and "Implementation Guidance for 10 CFR Part 37, Physical Protection of Byproduct Material: Category 1 and 2 Quantities of Radioactive Material", and provides the following comments for your consideration:

CITATION: Summary, 1st sentence "... to establish security requirements for the use and transport of category 1 and category 2 quantities of radioactive material, which the NRC considers to be risk significant..."

COMMENT: It is not clear when to apply the regulations to radioactive material in general, or specifically to the listed Category 1 and 2 radioactive materials. The Summary and Background discuss new requirements for Category 1 or Category 2 quantities of radioactive material, but it is not until section II. Discussion, #5 "What are category 1 and category 2 quantities of radioactive material ?" that this is defined, with the table of threshold values and the list. This is important to understanding the scope of the proposed rule.

PROPOSED RESOLUTION: Introduce the list earlier in the Summary and Background, and ensure that the distinction between radioactive materials vs. Category 1 and 2 quantities of radioactive material, is clear throughout the regulatory code and that each term is used appropriately.

CITATION: I. Background."The proposed amendments would also include security requirements for shipments of irradiated reactor fuel that weighs 100 grams (0.22 pounds(lb)) or less in net weight of irradiated fuel, exclusive of cladding or other structural or packaging material,..." Also stated in Part 73.35, Requirements for Physical Protection of Irradiated Reactor Fuel (100 grams or less) in transit.

COMMENT: It is not clear what to include/exclude from the calculation for "net weight". If the "net weight" is intended to include only the weight of the nuclear or radioactive material contained in the irradiated fuel, then this should be clearly stated. Calculation by "exclusion" may lead to wide variation in interpretation.

PROPOSED RESOLUTION: Clarify "net weight" of the irradiated fuel. Could this be stated as a ratio ?

Thank-you for the opportunity to review.

Melanie P. May
U.S.DOE

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