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OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

20 Dec 2012

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Ms. Annette L. Vietti-Cook  
Secretary, U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001  
ATTN: Rulemakings and Adjudications Staff

Subject: Comments on Branch Technical Position on the Import of Non-U.S. Origin  
Radioactive Sources, Docket ID NRC-2012-0008

Dear Ms. Vietti-Cook:

We appreciate the opportunity to provide comments on the proposed Branch Technical Position (BTP) on the Import of Non-U.S. Origin Radioactive Sources which was published in the Federal Register on October 22, 2012 (77 FR 204). I would like to thank the Staff for providing a draft copy of the BTP for comment and their efforts to address unintended consequences associated with the final rule "Export and Import of Nuclear Equipment and Material; Updates and Clarifications" which was published in the Federal Register on July 28, 2010 and effective August 27, 2010.

We agree with and support the guidance given in the BTP for undertaking a good faith effort on the origin of the sources. Specifically we agree that if the good faith effort demonstrates unknown origin, then the source can be considered US origin in terms of compliance with the import rule. This will greatly assist the common industry practice of the one for one exchange, without increasing any safety or security risks. Our experience indicates that that only 50% of sources exported from the US are returned (imported), and of those, only 2% of the imported sources may be of foreign origin. This is an extremely small volume in relation to the overall volume of sealed sources dispositioned for disposal. Implementation of this policy could remove a significant hurdle in returning and handling depleted sources in a safe and secure manner.

One area where there is currently room for mis-interpretation is footnote 1. We understood that the draft BTP was going to further clarify, that if a non-US origin source is contained in a US device, and that US device needs to be returned to the US for use, then that can be considered a legitimate import regardless of the source origin. We suggest the BTP add further clarification on this point for sources returned in a device under footnote 1. This change will continue to support international commerce, and will not impose unfair competitive restrictions on US manufacturers since many other countries do not have this restriction.

It is a common occurrence for a US manufacturer to ship new US origin sources to an export customer using US built and licensed Type B shipping containers. The export customer removes the new sources

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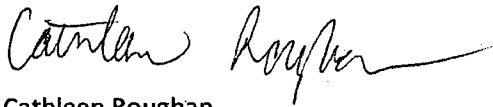
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and inserts their old sources, which could be either US or non US sources, into the US shipping container for return back to the US manufacturer. In many cases, the customers/users do not have storage capacity for spent sources so they have no option but to send the old source back to the US in the US shipping container. Without storage capacity for spent sources, the customer can't ship the container back empty. The inability to return sources on a one for one exchange, regardless of material origin, has resulted in many package delays and the subsequent inability for manufacturers to make additional source shipments due to the lack of availability of packages being held at export customer locations. By clarifying the interpretation in Footnote 1, it will allow for continued international commerce and a fair playing field for all manufacturers regardless of country of origin.

The development and issuance of this BTP incorporating the comments is an effective method to address the industry's concerns and the regulatory requirements. Please contact me if you would like additional information.

Sincerely,

A handwritten signature in black ink, appearing to read 'Cathleen Roughan', with a long horizontal flourish extending to the right.

Cathleen Roughan  
Director, Regulatory Affairs/Quality Assurance

## RulemakingComments Resource

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**From:** Roughan, Kate [Kate.Roughan@qsa-global.com]  
**Sent:** Friday, December 21, 2012 2:55 PM  
**To:** RulemakingComments Resource  
**Subject:** NRC-2012-0008  
**Attachments:** NRC BTP Dec 12.pdf

Comments attached

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