

# PUBLIC SUBMISSION

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**Docket:** NRC-2017-0159

Naturally-Occurring and Accelerator-Produced Radioactive Materials

**Comment On:** NRC-2017-0159-0002

Naturally Occurring and Accelerator-Produced Radioactive Materials; Petition for Rulemaking; Notice of Docketing and Request for Comment

**Document:** NRC-2017-0159-DRAFT-0006

Comment on FR Doc # 2017-17690

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## Submitter Information

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## General Comment

Please see attached pdf for my comments. Thank you!

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## Attachments

Comments on PRM regarding Appendix B to Part 30 - 110217

**To:** www.regulations.gov

**From:** Angela Minden, Technical Activities Health Physicist  
Arkansas Department of Health, Radiation Control Section

**Date:** November 2, 2017

**Subject:** Comments regarding PRM-30-66 that requests NRC amend its existing regulations in Appendix B to Part 30 of 10 CFR (**Docket ID NRC-2017-0159**)

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Thank you for the opportunity to comment on the Petition for Rulemaking involving Appendix B to Part 30 (PRM-30-66). Please consider the following comments in response to your questions.

Question 1: I think it is difficult to say what products or technologies could be developed in the future and possibly be negatively affected due to a radionuclide not being specifically listed on the table in Appendix B to Part 30 (Financial Assurance). A working group as suggested in the Organization of Agreement States' PRM could be helpful in determining radionuclides to add to the table. One might consider adding the radionuclides to the table that were added to Schedule B of Part 30 (Exempt Quantities) as part of the NARM rule. I see that the CRCPD Suggested State Regulations added phosphorus-33 and sodium-22 to their financial assurance table in Part S in 2005 based on their half-lives. These additions were approved by the NRC but were not picked up in the NARM rule in 2007.

Question 2: Again, I think the concern is for future undue hardships on potential license applicants as was experienced concerning the germanium-68 generators. It seems pushing out an exemption and then a direct rule for each new product would be more time and money consuming and affect patient care more than hopefully a one-time revision of Appendix B to Part 30.

Question 3: I am not sure I understand what is meant by "establishing possession limits." Is the question what should the NRC consider in the development of the value (quantity) listed for a particular radionuclide to be added to Appendix B to Part 30? All of the Federal Register notices cited for this appendix pre-date what is readily available online, so I am unsure of the methodology used to derive the listed values. The values appear to be the same for Appendix B to Part 30 and Schedule B of Part 30 so perhaps the same basis was used for their derivation. I was able to find the basis for the quantities chosen in this schedule because a revision had occurred to the exemption in §30.18, detailed in the final rule dated October 16, 2007 – 72 FR 58486. The NARM rule states that the values for the 13 accelerator produced radionuclides added to Schedule B (taken from the Suggested State Regulations) have technical bases similar to the existing values in the schedule.

Question 4: I had noticed in the past that the title of Appendix B to Part 30 was a holdover from an old Part 20 table and that the title never got revised (including its incorrectly referencing Footnote 1). To my knowledge, the table in Appendix B is currently only used for financial assurance purposes, and labeling is only related to Appendix C to Part 20. Also, the "NOTE" in the appendix contains a reference to an old Part 20 provision (§20.303/20.2003) that is not applicable to financial assurance. I believe the appendix title and note could be handled either by a direct rule process or a regular rulemaking process. The NRC might additionally consider describing in a footnote the methodology used to derive the Appendix B values as is demonstrated in Footnote 1 of Appendix C to Part 20.

For future needs, a brief explanation of the basis (bases) used could be placed in a footnote for Schedule B of Part 30 as well and possibly for other similar 10 CFR tables.