



DOCKET NUMBER  
PROPOSED RULE PA 20,32+150  
(70FR 43646)

Richard J. Codey  
Acting Governor

State of New Jersey  
Department of Environmental Protection

Bradley M. Campbell  
Commissioner

Division of Environmental Safety and Health  
PO Box 424  
Trenton, NJ 08625-0424  
Phone (609) 633-7964  
Fax (609) 777-1330

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October 11, 2005 (10:10am)

October 11, 2005

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

Secretary, US Nuclear Regulatory Commission  
Washington, DC 20555-0001  
ATTN: Rulemakings and Adjudications Staff

Re: RIN 3150-AH48

To Whom It May Concern:

The Division of Environmental Safety and Health of the New Jersey Department of Environmental Protection (DEP) supports the Nuclear Regulatory Commission's (NRC) rulemaking on National Source Tracking of Sealed Sources. If such a tracking system were established, the DEP believes that rulemaking by the States requiring inclusion of Ra-226 in the national tracking system would be logical. In addition, the DEP believes that the NRC should consider including not only category 3 sources in the National Source Tracking System, but all non-exempt sources.

The majority of sealed sources that are regulated by the State are either Co-57 or Ra-226. Currently there are no Category 1, 2, or 3 Ra-226 or Co-57 sources in New Jersey. Most numerous are the Co-57 sealed sources below the Category 3 level used in nuclear medicine for calibration, standards and in lead paint analyzers. Typical activities range from 5 to 20 millicuries. There are currently 3 facilities that possess Ra-226 as a sealed source in moisture density gauges with activities ranging from 10 to 25 millicuries. Several hospitals currently have Ra-226 on their license as "in storage awaiting disposal", with activities as high as 5 millicuries per source. Several industrial facilities have Ra-226 that is used for calibration standards with the highest activity of 7 millicuries.

During 2005, one NRC licensee located in New Jersey was involved in three separate incidents involving the loss of tritium sealed sources. The sources were devices used in well logging operations. Only one of the sources was ever recovered. These devices were appropriately labeled and shipped by a ground carrier.

If the point of the national tracking system is to prevent sources from being used in radiological dispersion devices (RDD) or radiological exposure devices (RED), then all non-exempt sources

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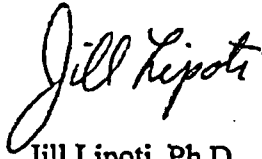
SECY-02

should be included. The general consensus of emergency planners is that any activity level of any radioactive material used in an RDD or RED would cause panic among the population.

The sources that are predominately included in Category 1 and 2 are typically stationary high activity sources that are inside an institution/facility. These facilities, such as medical centers and irradiator facilities, maintain inventories and have adequate security. The sources in Category 3 or sources with activities below the Category 3 level are typically transported on our highways to be used at temporary job sites where security can easily be compromised. Therefore, we believe that tracking sources at temporary job sites would also be prudent.

If you have any questions regarding these comments, please call Bill Csaszar at (609) 984-5555.

Sincerely,

A handwritten signature in cursive script that reads "Jill Lipoti".

Jill Lipoti, Ph.D.  
Director