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(70FR 43646) NUCLEAR ENERGY INSTITUTE

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October 11, 2005

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October 11, 2005 (5:15pm)

Ms. Annette L. Vietti-Cook
Secretary of the Commission
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

ATTENTION: Rulemakings and Adjudications Staff

REFERENCE: Request for Comments on "National Source Tracking of Sealed Sources" RIN 3150-AH48, Proposed Rule, 70 Fed. Reg. 43646 (July 28, 2005)

Dear Ms. Vietti-Cook:

The Nuclear Energy Institute (NEI)¹ is submitting the following comments on "National Source Tracking of Sealed Sources" RIN 3150-AH48, Proposed Rule, 70 Fed. Reg. 43646 (July 28, 2005). The proposed rule will amend the regulations governing the reporting of sealed sources used in commerce. Both the terrorist attacks of September 11, 2001 and the IAEA revisions of Code of Conduct on the Safety and Security of Radioactive Sources prompt the need for these revisions. NEI supports the NRC's efforts to enhance the security of radioactive materials and generally supports the proposed rule. However, we do envision some implementation issues which are outlined below:

¹ NEI is the organization responsible for establishing unified nuclear industry policy on matters affecting the nuclear energy industry, including the regulatory aspects of generic operational and technical issues. NEI's members include all utilities licensed to operate commercial nuclear power plants in the United States, nuclear plant designers, major architect/engineering firms, fuel fabrication facilities, materials licensees, and other organizations and individuals involved in the nuclear energy industry.

Template = SECY-067

SECY-02

- §150.18 Submission to Commission of National Source Tracking Transaction Reports.

This provision addresses Agreement State specific licensees. All affected Agreement State licensees must be made aware of the rule changes and how they are to be implemented. As not all Agreement State licensees keep abreast of NRC notices and information, programs are required to contact them and to ensure that they are fully aware of the requirements of the rule.

- At the workshop it was communicated that implementation is planned to be web-based. The industry fully supports this approach, but does offer the following recommendations;
 - The NRC should establish a users' group composed of a cross-section of members of the affected radioisotope community to develop the formats, input means and reports that will be available through the system. This will assure that the system meets the NRC's needs and is also user-friendly to the licensees who will input and verify data.
 - The system must have the ability to accept large files of input data in addition to individual entries. A number of manufacturers produce sources in large batches.
 - The system must have the ability to accept initial listings of sources and transfers in one input set. A number of the manufacturers produce and ship sources on the same day or within a few days of manufacturing. Relieving manufacturers of the need to submit two filings when very little information changes, or needs to be added, would considerably reduce the implementation burden.
 - The system needs to have a means of correcting data input errors. The method must assure it results in corrections rather than a double counting of the same transaction.
 - The system needs to be able to account for the remanufacturing of sources. A sealed source can be machined, modified, or melted and recast, thereby losing its original unique identification number. This needs to be taken into consideration.
 - Portable or mobile sources need to have a means of tracking without the burden of daily reports on the physical location of the source. It needs to be made clear that as long as the source remains under the control of the licensee, with whom it is registered, it can be moved from place to place in accordance with the license conditions of the portable/mobile source.
 - The system allows for sources to be removed from the database as a result of decay. However, the system should generate a notice to registered users to inform them that the source has been deleted.

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- Similarly, reclassification of a source from Category 1 to Category 2 due to decay should be recorded in the database. The system should automatically notify the registered user that the source has been moved to Category 2.
 - The system needs to allow for new sources that are being imported into the United States or sources which were manufactured in the US but exported before the rule takes affect and that are now being returned.
 - It needs to be clear that the tracking system is for unique Category 1 or 2 sources and that a licensee's possession limit is not impacted by this rule.
- The proposed rule must clarify whether the unity rule applies. A single source composed of several radioisotopes, where individually no one isotope would exceed the limit for reporting, but for which the sum of the fractions would exceed the unity rule and will require reporting, must be addressed.
 - The industry does not support inclusion of Category 3 sources at this time. As the system is new and untried, any additional information will place additional burden on the operation and understanding of how the system works.

As written, compliance with these rules would be extremely burdensome for the licensee as well as for the regulators. Industry does not believe that the NRC fully understands the undertaking of this rule. We encourage the NRC to work with the industry in the implementation of the rule through the development of the web-based system. This will enable the NRC to achieve its objective and the industry to have a user-friendly tool with which to work.

We would be pleased to discuss these comments and to respond to any questions the NRC may have.

Sincerely,



Felix M. Killar, Jr.

bc: Radionuclide and Radiopharmaceutical Committee

From: "BALLOU, Mia" <msb@nei.org>
To: <secy@nrc.gov>
Date: Tue, Oct 11, 2005 5:07 PM
Subject: Request for Comments on "National Source Tracking of Sealed Sources" RIN 3150-AH48, Proposed Rule, 70 Fed. Reg. 43646

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From: "BALLOU, Mia" <msb@nei.org>
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