



NUCLEAR ENERGY INSTITUTE

**PR 20 and 32
(71FR34024)**

Felix M. Killar, Jr.
SENIOR DIRECTOR,
FUEL SUPPLY & MATERIAL
LICENSEES
NUCLEAR GENERATION DIVISION

July 28, 2006

DOCKETED
USNRC

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

July 28, 2006 (4:12pm)

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, 71 Fed. Reg. 34024 (June 13, 2006)

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Dear Ms. Vietti-Cook:

The Nuclear Energy Institute (NEI)¹ is submitting the following comments on proposed Rule: "National Source Tracking of Sealed Sources" RIN 3150-AH48, Proposed Rule, 71 Fed. Reg. 34024 (June 13, 2006). The proposed rule is seeking to amend the regulations governing the reporting of sealed sources in commerce. The stated basis of the need for the rule evolves from the terrorist attacks in the United States on September 11, 2001 and the IAEA revisions of Code of Conduct on the Safety and Security of Radioactive Sources. NEI supports the NRC's efforts to enhance the security of radioactive materials and generally supports the proposed rule. In the June 13th Federal Register the NRC is specifically seeking the public's comments on whether the rule should be based on NRC's authority to promote the common defense and security or NRC's authority to protect the public health and safety.

NEI has reviewed the SECY as well as the SRM related to this rulemaking and specifically as it relates to this aspect of the rule. The review resulted in an understanding of the basis for the authority under common defense and security as well as the authority under protecting the public's health and safety. In analysis of these two outcomes there were positives and negatives for either approach. The one

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.

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outstanding issue was there was no compelling reason for one approach over the other. The industry's concern is that the National Source Tracking System accomplishes the goals set out in the 2005 proposed rulemaking. The industry is supportive of the NSTS regardless of which NRC authority it is propagated under.

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 result in the NRC achieving its objective and the industry having a user friendly tool.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Felix M. Killar, Jr.", with a stylized, cursive script.

Felix M. Killar, Jr.

bc: Radionuclide and Radiopharmaceutical Committee

From: "KILLAR, Felix" <fmk@nei.org>
To: <secy@nrc.gov>
Date: Fri, Jul 28, 2006 4:12 PM
Subject: FW: Request for Comments on "National Source Tracking of Sealed Sources" RIN 3150-AH48, Proposed Rule, 71 Fed. Reg. 34024

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Sincerely,

Felix M. Killar, Jr.

Senior Director,

Fuel Supply & Material Licensees

Nuclear Generation Division

Phone: (202) 739-8126

Email: fmk@nei.org

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From: "KILLAR, Felix" <fmk@nei.org>

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07-28-06_NRC_NRC National Source Tracking Comments.pdf	61089	
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Expiration Date: None
Priority: Standard
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Concealed Subject: No
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Block List is not enabled