

From: "Cheryl Rogers" <RogerCK@dhfs.state.wi.us>
To: <TMT@nrc.gov>
Date: 08/29/2007 3:04:30 PM
Subject: FSME-07-067

Dear Torre,
Here are comments from Wisconsin on NUREG 1556, Vol 9. I apologize that they are a couple of days late and I hope you can consider them. Let me know if you have any troubles receiving them as an attached file.

Cheryl K. Rogers, Supervisor
Radioactive Materials Program-WI
608-266-8135

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TO: Torre Taylor, Nuclear Regulatory Commission

FROM: Cheryl K. Rogers, Supervisor
Radioactive Materials Program-WI

DATE: August 29, 2007

SUBJECT: NARM Guidance Comments Requested in FSME-07-067
NUREG 1556, Vol. 9, Rev. 2 Draft Guidance

1. Item 8.5, page 8-10, Other Material-table Delete "Ra-226, unsealed, 1 millicurie" as this would not be included under the new definition of byproduct material. It is also improbable that a medical licensee would request to use unsealed Ra-226.
2. Item 8.9, page 8-18, 35.1000 Use, 2nd sentence, Delete "unsealed Ra-226 or" as this would not be included under the new definition of byproduct material. It is also improbably that a medical licensee would request to use unsealed Ra-226 for medical use as Ra-226 is a known bone-seeker.
3. Item 8.10, page 8-21, final paragraph, last sentence The sentence needs clarification. It states that authorized users (generic, i.e. all types) that meet the criteria in 10 CFR 35.57 qualify under NRC's waiver of August 31, 2005 and can be "grandfathered" in as authorized users. What does this mean to the licensee or reviewer? It would be more straight-forward to state that authorized users of "accelerator-produced radioactive material, discrete sources of Ra-226, or both" (per page 8-23 for the RSO) can be "grandfathered" and then explain any limiting conditions, for example, what is the effective period of NRC's waiver of August 7, 2005?
4. Item 8.11, page 8-23, 2nd paragraph (just prior to Response from Applicant) and in Response to Applicant section The second sentence references 35.57(a)(3). There is no (a)(3) in the current 10 CFR 35 regulation.
5. Item 8.12, page 8-27, 3rd paragraph, (& page 8-28) The third sentence references 35.57(b)(3). There is no (b)(3) in the current 10 CFR 35 regulation.
6. Item 8.13, page 8-32 1st full paragraph and in Response to Applicant section The third sentence references 35.57(a)(3). There is no (a)(3) in the current 10 CFR 35 regulation.

7. Item 8.14, page 8-34 and in Response to Applicant on page 8-35, The third sentence references 35.57(a)(3). There is no (a)(3) in the current 10 CFR 35 regulation
8. Item 8.25, page 8-58, 1st paragraph and Discussion 2nd paragraph Delete "and Ra-226". Unsealed Ra-226 would not be considered byproduct material under the new definition. It is improbable that unsealed Ra-226 would be used under a medical license.
9. Appendix AA, page AA-4 and AA-5, There is no mention of DOT Security training as required in (4)