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June 25, 2008

Ms. Annette L. Vietti-Cook
Secretary of the Commission
U.S. Nuclear Regulatory Commission
Washington, DC 205550001

ATTN: Rulemakings and Adjudications Staff

SUBJECT: Re: RIN-3150-AI29: NRC Proposed Rule Regarding Expansion of the National Source Tracking System [*See* 73 FR 19749 (April 11, 2008).]

Dear Ms. Vietti-Cook:

The American Association of Physicists in Medicine[1] (AAPM) submits the following comments to the U.S. Nuclear Regulatory Commission (NRC) regarding the Proposed Rule to Expand the National Source Tracking System (NSTS) (73 FR 19747). AAPM recommends that NRC not expand the NSTS because the proposed regulations are at best premature, unnecessary and have not been justified in the Technical Basis.

In comments submitted to the NRC on October 11, 2005 (in response to RIN 3150AH48: *Public Comments on the Proposed Rule for a National Source Tracking of Sealed Sources*), AAPM stated that "Category 3 sources used in medicine (e.g., those used in high dose rate remote afterloaders) are well protected and tracked currently. Medical institutions are presently required to audit and inventory all radioactive sources, therefore, any additional requirements should be reviewed and analyzed to ensure compatibility with existing requirements and to minimize overlapping or conflicting requirements." AAPM does not believe anything has changed since 2005.

Further, AAPM recommended that the NRC "conduct roundtable discussions with stakeholders, to fully understand the impact of rulemaking on the medical community and to ensure that final regulations do not

[1] The American Association of Physicists in Medicine's (AAPM) mission is to advance the practice of physics in medicine and biology by encouraging innovative research and development, disseminating scientific and technical information, fostering the education and professional development of medical physicists, and promoting the highest quality medical services for patients. Medical physicists contribute to the effectiveness of radiological imaging procedures by assuring radiation safety and helping to develop improved imaging techniques (e.g., mammography CT, MR, ultrasound). They contribute to development of therapeutic techniques (e.g., prostate implants, stereotactic radiosurgery), collaborate with radiation oncologists to design treatment plans, and monitor equipment and procedures to insure that cancer patients receive the prescribed dose of radiation to the correct location. Medical physicists are responsible for ensuring that imaging and treatment facilities meet the rules and regulations of the U.S. Nuclear Regulatory Commission (NRC) and various State regulatory agencies. AAPM represents over 6,700 medical physicists.

cause problems in the practice of medicine." To our knowledge, a meeting of this type has not been held to date.

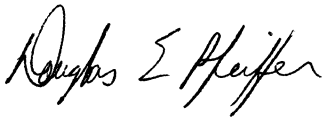
The IAEA Safety Guide, No. RS-G-19, "Categorization of Radioactive Sources" specifically cites in section 2.3 that "categories should not be subdivided as this would imply a degree of precision that is not warranted and would lead to a loss of international harmonization." Based on this, NRC's decision to propose expansion of the NSTS to Category 3 and 1/10th of Category 3 sources is inconsistent with the IAEA Code of Conduct, the basis of NRC's decision to design and implement the NSTS for Category 1 and 2 sources.

AAPM submits that the NRC already has the ability to identify licensees that possess Category 3 or 1/10th of Category 3 sources, and to monitor the location and movement of the sources, through the licensing and inspection program. AAPM submits that the same end result of the proposed rule could be achieved by NRC via implementation of the latest version of the "pre-licensing guidance" and dedicating adequate resources for an even more rigorous licensing, inspection and enforcement programs to ensure licensee compliance with existing requirements, e.g., 10 C.F.R. § 30.41 without increasing the regulatory burden on the licensees.

Additional comments are provided in the enclosure.

Thank you for the opportunity to comment. Feel free to contact me at 720-854-7515 or via email: dpfeiffer@bch.org or Lynne Fairobent, Manager of Legislative and Regulatory Affairs at 301-209-3364 or via e-mail: lynne@aapm.org if you have questions.

Sincerely,



Douglas E. Pfeiffer, MS, DABR
Chair
AAPM's Government and Regulatory Affairs Committee

Enclosure