

NRCREP - Pennsylvania Agreement State Application

From: "Jack Sprat" <dorset06@gmail.com>
To: <NRCREP@NRC.GOV>
Date: 07/18/2007 5:16 PM
Subject: Pennsylvania Agreement State Application

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See Attachment

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Subject: Pennsylvania Agreement State Application
Creation Date Wed, Jul 18, 2007 5:15 PM
From: "Jack Sprat" <dorset06@gmail.com>

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Recipients

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Files	Size	Date & Time
MESSAGE	16	Wednesday, July 18, 2007 5:15 PM
TEXT.htm	16	
PA Agreement State Questions.pdf		17523
Mime.822	26704	

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To: NRCREP@NRC.GOV

July 18, 2007

Re: Federal Register Monday July 9, 2007 Vol 72 No. 30 Pg 37268
Notice of a proposed agreement with the Commonwealth of Pennsylvania

Comments to the proposed agreement and supporting documentation in ADAMS

I would like to start off stating I support Pennsylvania's application for Agreement State. Reading about the use of radioactive materials in Pennsylvania one is impressed by the scope of the role Pennsylvania has played in the development and use of radioactive materials. The downside that follows that distinction is the legion of legacy issues described which follow from the residuals left behind from the use of the materials. Some have been resolved at great cost, but remediation efforts for many others are either ongoing or have yet to start and the responsibility to follow through will be Pennsylvania's. In that future one can only expect more legacy issues to be uncovered at a time when the cost of remediation will grow substantially higher coupled with the likelihood of inadequate financial assurance. It is of some comfort to expect that putting Pennsylvania in control as an Agreement State will make the process more responsive to the local interests of Pennsylvania as these kind of problems were generated while NRC was in charge.

We must ensure that Pennsylvania is not set up to fail in its mission. To that end I have a couple of fundamental questions about the application that I think should be clarified.

First, looking at the biographies of the licensing staff who have real experience, it is apparent that they are either already over the age of eligibility for normal retirement or will be very shortly after becoming an Agreement State. Also as we have just seen, Pennsylvania is chronically subject to the impact of statewide budget negotiations. New staff will be hired with Agreement State. They will have the least seniority and subject to bumping during furloughs. In fact, even experienced personnel could be furloughed if they are not considered essential. Does Pennsylvania have a contingency plan or adequate depth to assure continuity of quality service and absorb the loss of several experienced key personnel in a short time frame as will likely happen?

Second, the availability of funding. As indicated in the application an enormous amount of effort will be needed to follow through on the decommissioning of sites left behind by the NRC. It appears the decommissioning section within the Bureau of Radiation Protection has no dedicated source of funding. In fact, assuming there is anyone to bill for efforts made to clean up contaminated legacy sites, their current professional hourly rate is less than a quarter of the NRC's for 2007-2008. Given the important role, and extensive effort and responsibility the decommissioning section will likely have under agreement state, what assurance is there that there will be an adequate source of funding when the agreement goes into effect?

Third, the financial resources issue in general. The application states that 2 million dollars in revenue is expected from transferred NRC licenses. The implication is that this

is sufficient to fund personnel needed for Agreement State. However, it was just released that Pennsylvania is proposing a substantial increase to all radioactive material licensing fees. It is a time consuming process to get new fees approved. What assurance is there that the Pennsylvania program will have adequate funding in place for the licensing and inspection program when the agreement takes effect?

Fourth, the application indicates that in the event the Department of Environmental Protection's Quehanna license is not terminated before the effective date of the agreement, it will be transferred to the Department of Conservation and Natural Resources in order to avoid a conflict of interest. Given the history and costs and problems associated with the cleanup of Quehanna, what guarantee is there that DCNR would agree to that transfer and be subject to ensuing potential liabilities in the future? Is there any assurance the governor would direct DCNR to do so?

Thank you for your consideration of these questions.