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PR 20, 30, 40, 50, 70 AND 72  
(73FR03811)

Secretary  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001  
Attn: Rulemakings and Adjudications Staff

DOCKETED  
USNRC

April 14, 2008 (4:30pm)

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

Re: RIN 3150-AH45

Dear Sir/Madam:

The Massachusetts Department of Public Health (MDPH) wishes to thank the Nuclear Regulatory Commission for the opportunity to comment on the proposed rule on decommissioning planning which includes, among other things, a requirement for licensees to design and conduct comprehensive groundwater monitoring. As an Agreement State, Massachusetts already enjoys an ongoing partnership with NRC in their efforts to protect the public health and the environment in Massachusetts from unnecessary radiation exposure.

We write in support of the proposed rulemaking for the following reasons:

1. While we agree that radioactivity that may be in the soil or groundwater under a licensed site does not necessarily present public health concerns during facility operation, such radioactivity could become released into the environment during decommissioning and become an exposure hazard. For that reason, a better understanding of environmental conditions seems warranted.
2. We agree that a lack of characterization of the subsurface residual radioactivity could lead to the need for additional decommissioning activities that were not foreseen when the site decommissioning plan was originally developed.
3. We agree that the cost of removing and disposing of any residual radioactivity in the soil and groundwater may overwhelm the currently available decommissioning funds and lead to the facility becoming a "legacy site".
4. We agree that it is particularly important for subsurface investigations to take place where it is already known that residual radioactivity exists in these areas. This will allow the extent of any existing problem to be determined, mitigating efforts to be put into place before the

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situation worsens, and revisions made to the decommissioning funding calculations, if necessary.

5. We agree with the NRC analysis that this rulemaking does not invoke the backfit rule. The requirement for waste characterization and minimization has always been there, and this rulemaking amounts to a clarification of existing requirements.
6. Finally, we agree with NRC that "...the cost to the States and Federal Government to enforce and then fully decommission a single legacy site is much higher than the cost to prevent the occurrence of a legacy site through amended regulations."

Finally, several specific questions were asked in the Federal Register notice for which NRC seeks comment. Massachusetts wishes to comment on only one: the issue of possible fee incentives for the few licensees who must do additional subsurface investigations in order to comply with these proposed regulations. We disagree with the concept of fee incentives because this would effectively transfer the financial burden of meeting the proposed requirements from licensees who have subsurface residual radioactivity to those who do not.

Thank you for the opportunity to comment on this important proposed legislation.

Sincerely,

A handwritten signature in black ink, appearing to read "Suzanne K. Condon". The signature is fluid and cursive, with a large initial 'S'.

Suzanne K. Condon, Associate Commissioner  
Director, Bureau of Environmental Health

CC: Mr. Robert Walker, Director  
Radiation Control Program