



National Organization of Test Research and Training Reactors

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Chair**

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May 8, 2008 (1:30pm)

May 7, 2008

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

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

Subject: RIN 3150-AH45: Comments for Decommissioning Planning Rulemaking and Guidance Documents.

Dear Sir or Madam:

The National Organization of Test, Research, and Training Reactors (TRTR) submits these comments on the Nuclear Regulatory Commission's (NRC) Decommissioning Planning rulemaking.

TRTR represents research reactor facilities across the nation from government, major universities, national laboratories, and industry. TRTR's primary missions are education in the nuclear sciences, fundamental and applied research, application of technology in areas of national concern, and improving U.S. technological competitiveness around the world. TRTR membership includes managers and directors of research reactors, educators, administrators, research scientists and engineers.

The Licensees who comprise TRTR are committed to operating their facilities in a manner that protects the health and safety of the public and provides adequate funding for decommissioning.

TRTR supports the NRC's efforts to protect the public both from adverse health effects and from the burden of financial support for decommissioning abandoned and contaminated sites. However, TRTR believes the proposed regulatory changes are completely unnecessary to achieve that goal.

The proposed rulemaking contradicts the NRC's policy of risk based regulation. Each affected licensee will be required to spend hundreds of thousands of dollars on monitoring programs to address an issue that by the NRC's own evaluation has no impact on the health and safety of the public. A more reasonable approach would

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be to address subsurface contamination concerns on a risk informed basis for individual licensees by means of the existing inspection and licensing process.

The draft guidance proposing survey and monitoring requirements is applicable to all licensees, yet it appears to have been tailored for nuclear power plants, rather than addressing the broader community. The document provides very little specific guidance to a licensee who is trying to determine if a monitoring program is required. The bulk of the document is focused on the design and implementation of an elaborate three dimensional subsurface monitoring program suitable for a power plant. The draft guidance requires significant enhancement if it is intended to be used by materials licensees and non-power reactors.

The following paragraphs address specific concerns with the proposed rulemaking and draft guidance documents:

- ***“The Liquid Releases Lessons Learned Task Force Final Report dated September 1, 2006, concluded that the levels of tritium and other radionuclides measured thus far do not present a health hazard to the public ...”*** Federal Register, Section I, page 3814, first column.

Comment: NRC’s own findings indicate that none of the instances of inadvertent releases to the environment presented a threat to public health and safety; this fact suggests that the scope of the proposed rule and guidance is far more extensive than warranted by the circumstances.

- ***“...NRC estimates that a small number of materials licensees (a total of about 5 NRC and Agreement State licensees) would need to perform additional site surveys...”*** Federal Register, Section II.B page 3815 third column

Comment: Throughout the Federal Register notice, NRC acknowledges that only a few sites have identified contamination that has resulted in unexpected difficulty in site decommissioning and that these contaminated sites tend to be of one type. Despite acknowledging this circumstance in the Federal Register, NRC has proposed a rule that applies to all types of licensees, despite the inherent differences in the way each type of licensee controls radioactive material.

- ***“Although the number of licensees affected by the proposed rule is small, the cost.... to fully decommission a single legacy site is much higher than to prevent the occurrence of a legacy site through amended regulations.”*** Federal Register, Section II.B page 3815 third column.

- Comment: TRTR believes that the NRC has grossly underestimated the cost to licensees of achieving compliance. The proposed regulations and draft guidance documents appear to leave no options other than installation of a complicated subsurface monitoring system to prove that a subsurface monitoring system is not needed. Industry experience shows that these monitoring systems can cost from \$500,000 to well over \$1,000,000. In addition, the draft guidance suggests that there could be hundreds of affected licensees.
- ***“...so that it is clear to the licensees and to the staff how much characterization information is enough. The staff should only ask for limited information. Licensees should not be required to submit the equivalent of a full scale MARSSIM [Multi-Agency Radiation Survey and Site Investigation Manual] survey every year.”*** Federal Register Section I, page 3813

Comment: References are made throughout the Federal Register and draft guidance to MARSSIM for “subsurface” survey requirements, documentation and quality assurance/quality control requirements. Contrary to the Commission’s directions in SECY-03-0069, MARSSIM screening values are being established by the NRC in the proposed rule as requirements for operating licensees.

- ***“Licensees should develop procedures that ...also specify criteria for conducting prompt (e.g., <4 hours) cleanup...”*** Draft Guidance Section 2.2

Comment: The proposed definition of “prompt” with regards to clean-up of a leak or spill is unreasonable and may not be either achievable or advisable depending on the situation. Licensees should be allowed the time to formulate a response that takes into consideration ALARA, isotopes involved, activity levels and exposure pathways.

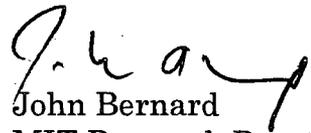
TRTR has carefully considered the proposed rule change and draft guidance document, and we believe that the guidance proposes a tremendous potential financial burden to licensees with no health and safety benefit to the public. Most, if not all, non-power reactors will be affected by the rule change and for some, the resources to effect compliance will not be available. The unintended consequence of this rule making will be to severely limit or entirely eliminate the ability of these facilities to perform their mission of research and education. This significant

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impact to the education of future nuclear professionals appears to be very short sighted in the face of a demonstrated national manpower shortage in this area.

If TRTR can provide further information that would assist in the review of the proposed regulatory change, please contact John Ernst at 573-882-5226, ernstj@missouri.edu.

Sincerely,



John Bernard
MIT Research Reactor
Chairman, TRTR