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USNRC

May 12, 2008 (10:30am)

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

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

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

Dear Sir or Madam:

The University of Missouri Research Reactor (MURR) submits these comments on the Nuclear Regulatory Commission's (NRC) Decommissioning Planning rulemaking.

MURR is a 10 MW research reactor located on the campus of the University of Missouri in Columbia, MO. In addition to the non-power reactor license MURR also maintains a broad scope materials license. Our mission is to provide opportunities for research, education, service and economic development in the field of nuclear science with particular emphasis on radiopharmaceuticals for the detection and treatment of cancer.

MURR is committed to safety and supports the NRC's effort to protect the public both from adverse health effects and the burden of providing financial support for decommissioning contaminated sites that have been abandoned. However, MURR believes that the proposed regulatory changes are not justified by the evidence supplied by the NRC in the Federal Register notice, draft guidance documents and other referenced documents.

The proposed rulemaking contradicts the NRC's policy of risk based regulation. Each affected licensee will be required to spend an enormous amount of resources 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

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SECY-02

would 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The draft guidance to implement survey and monitoring requirements is directed towards all licensees, yet it appears to have been written specifically for nuclear power plants. Very little information is provided that would help a non-power or materials licensee determine if a subsurface monitoring program is required for their specific situation. The bulk of the document is focused on the design and implementation of an elaborate three dimensional subsurface monitoring program that should only be necessary at very large licensees. This document 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: Scope of the proposed rule and guidance is far more extensive than warranted by the circumstances and is inconsistent with the NRC’s own finding that none of the instances of inadvertent releases to the environment presented a threat to public health and safety.

- ***“...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 decommissioning the site and that they tend to be of one type. Rather than targeting the proposed rule accordingly, the scope of the proposed rule includes all types of licensees, despite the inherent differences in how each type of licensee controls radioactive material.

- ***“...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 as a requirement 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 achievable 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.

- ***“Subsurface Soil Monitoring Plan”*** Draft Guidance Section 3.3.1

Comment: This section appears to require soil monitoring for deposition of particulate material resulting from controlled releases of airborne radioactive effluents. The level of effort needed to perform this monitoring is not warranted in a risk-informed regulatory scheme and effectively means that a licensee can never stop monitoring its controlled effluents even after they have passed the radiation monitoring instrumentation. This is inconsistent with RIS 2008-03 and creates an unreasonable demand on licensees.

- ***“At the time of licensee renewal and at interval, not to exceed 3 years, the decommissioning funding plan must be resubmitted....”*** Proposed Rule Page 3837, first column, 10 CFR 30.35 (e) (2)

Comment: The frequency for resubmission of decommissioning funding plans is excessive for materials licensees. For materials licenses, resubmission could occur at the same time as license renewal.

At most university research reactors, including MURR, financial and manpower resources have finite limits. Any resources spent in an effort to implement the proposed decommissioning planning changes will not be available to pursue advances in cancer detection and therapy, and perhaps more importantly, those resources will not be available for some future project with greater impact on health and safety. MURR has carefully considered the proposed rule change and draft guidance document, and we believe that the guidance proposes a tremendous financial burden to licensees with no health and safety benefit to the public.

If MURR 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](mailto:ernstj@missouri.edu).

Sincerely,

A handwritten signature in cursive script, appearing to read "Ralph A. Butler".

Ralph A. Butler, PE  
Director, MURR