



The Commonwealth of Massachusetts
 Executive Office of Health and Human Services
 Department of Public Health
 Bureau of Environmental Health
 250 Washington Street, Boston, MA 02108-4619
 Phone: 617-624-5757 Fax: 617-624-5777
 TTY: 617-624-5286

DEVAL L. PATRICK
 GOVERNOR
 TIMOTHY P. MURRAY
 LIEUTENANT GOVERNOR
 JUDYANN BIGBY, M.D.
 SECRETARY
 JOHN AUERBACH
 COMMISSIONER

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

DOCKETED
 USNRC

May 16, 2008 (10:30am)

OFFICE OF SECRETARY
 RULEMAKINGS AND
 ADJUDICATIONS STAFF

May 6, 2008

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

Re: RIN 3150-AH45

Dear Sir/Madam:

The comments provided in this letter are supplemental to those sent in early April, 2008 regarding the proposed decommissioning planning rule. The Massachusetts Department of Public Health (MDPH) wishes to submit additional comments regarding that proposed rulemaking.

NRC states on page 3821 of the Federal Register Notice "NRC's expectation is that no additional surveys will be required of power reactor licensees and fuel cycle facilities." NRC further states on the same page "But, it may be necessary for such licensees to take these actions if, for example, significant residual radioactivity is identified at a power reactor site at a level higher than had been previously identified. In any such situations, the need for additional monitoring would be determined on a case-by-case basis."

The language in the proposed rule clearly states that the licensee "shall make or cause to be made, surveys of areas, including the subsurface, that.....are reasonable under the circumstances to evaluate....the magnitude and extent of radiation levels....[and] the potential radiological hazards of the radiation levels and residual radioactivity." However, the explanatory text quoted earlier in this letter seems to indicate that it may be optional for licensees to undertake additional monitoring when significant residual radioactivity is identified. This requirement should be clarified. In addition, the term "significant" is not defined and may be open to wide interpretation by licensees and others. MDPH feels that, once residual radioactivity arising from licensed operations is determined to have migrated into the soil or groundwater under a site, its nature and extent must be determined by additional monitoring in order to ensure that adequate funding will be available for its removal at decommissioning.

Template = SE21-067

SE61-02

It is our hope that these additional comments are useful in NRC clarifying the directives associated with this new rulemaking.

Sincerely,

A handwritten signature in cursive script, appearing to read "Suzanne K. Condon". The signature is written in black ink and is positioned above the typed name.

Suzanne K. Condon, Associate Commissioner
Bureau of Environmental Health