

7/08/2011
76FR 40282

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Gallagher, Carol

From: immapay@surewest.net
Sent: Friday, August 05, 2011 12:38 PM
To: Gallagher, Carol
Subject: Docket ID NRC-2011-0146, comment on, Draft NRC Regulatory Issue Summary 2011-XX; NRC Regulation of Military Operational Radium-226:

I have the following comment on the Draft NRC Regulatory Issue Summary 2011-XX; NRC Regulation of Military Operational Radium-226:

Please clarify how the expansion of 11 e (3) and (4) material to include military radium not used for military operations (MRNUMO) will effect the agreement states authority over 11 e (3) and (4) material granted in "APPROVAL OF AGREEMENT STATE GOVERNOR CERTIFICATIONS (FSME-07-107)" dated November 30, 2007 granting selected agreement states authority to regulate 11 e (3) and (4) material. Thus, for military sites in agreement states without exclusive federal jurisdiction (such as properties transferred prior to remediation and decommissioning completion), by expanding the definition of 11 e (3) and (4) material to include MRNUMO it would appear that the agreement state would be the regulatory authority rather than the NRC over such material. Thus, this regulatory guidance appears to fail the intent that agreement states desiring not to be involved in the regulation of MRNUMO would potentially have to regulate this material, since they would have such authority by default from FSME 07-107 if they already agreed to regulate 11 e (3) and (4) material in 2007. This then resulting in:

Potential for significant impacts to community redevelopment and reuse of military property undergoing remediation due to differences in state and NRC regulations regarding remediation and decommissioning;

Regulatory uncertainty and inconsistent understanding regarding NRC's and state jurisdiction (exclusive jurisdictional issues) could unnecessarily complicates military remediation;

Regulatory uncertainty regarding jurisdiction (NRC/state) over storage and decontamination of equipment and items containing radium-226.

Rather than expand the definition of 11 e (3) and (4) material to include MRNUMO, it would seem a better solution to create a new classification of material (11 e (5)?) material that would meet the definition of military radium not used for military operations, and agreement states could choose to or not choose to regulate it by modifying their agreements just like was done for 11 e (2) material.

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