

July 31, 2011

Honorable Gregory B. Jaczko

U.S. Nuclear Regulatory Commission
Mail Stop O-16G4
Washington, DC 20555-001

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RULES AND REGULATIONS
BRANCH
10/1/11

RE: Public Comment on NRC regulation of radium at former military sites
DOCKET ID: NRC-2011-0146

Dear Chairman Jaczko:

Recent efforts by the NRC to clarify NRC jurisdiction over radium at former military sites is useful, however, efforts by military organizations to avoid oversight by their own safety organizations that operate under NRC master materials licenses will likely get around NRC regulation to some extent. Also, a factor to be considered is that most of the former military sites are not under sole federal jurisdiction. Given this situation some organizations such as the Navy's BRAC PM West Office in San Diego have apparently chosen to avoid their own Navy radiation safety organization (RASO) and issue contracts for remediation of sites via the contractor's license. By taking this approach they have avoided use of the Navy's master materials license and have also avoided RASO review of their work plans and documents. This may be verified with RASO.

One would think that the Navy would require that all radiation work be done under the jurisdiction of their radiation safety office (RASO). The Air Force does have a policy with these requirements specified, Air Force Instruction 40-201 (<http://www.fas.org/irp/doddir/usaf/afi40-201.pdf>). Apparently the Navy has no such policy or it is not being followed. One example where this approach of avoiding RASO involvement has resulted in unsafe practices and probable contamination of additional areas is former Naval Station Treasure Island. RASO has not been significantly involved in development and review of work plans and other documents at Treasure Island. The State of California has cited the contractor for numerous violations. The practice being carried out by the BRAC PMO West office in San Diego appears to be to issue contracts to contractors with radioactive materials license for radioactive remediation work without review or approval by RASO. Also, RASO apparently does not have authority to stop work.

The purpose of this comment letter is to ask you to ensure that military policies and work instructions require the involvement of the radiation safety entity named on the NRC master materials license in all radiation related work that may fall under NRC jurisdiction or dual jurisdiction between the NRC and Agreement States. It is understood that some projects may be done under a contractor's license issued by an Agreement State or the NRC, but in that situation the radiation safety organization named on the master materials license still needs to be involved. The reason that this is important is that neither the NRC nor Agreement States have the staffing to keep up with inspection and licensing of numerous projects carried out at many military sites. As you are aware, that was a basic premise for the NRC to create the master materials license and broad scope license approach years ago. So, for NRC jurisdiction over radium at military sites to be functional, there must be policies or instructions in place to require use of the applicable safety organization under the master materials license.

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Template = ADM-013

F-RIDS = ADM-03
Add = R. Johnson (RL52)

Cc:

Governor Jerry Brown

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