

PR 20,30,31,32,33,35,50,61,62,72,110,150,170, and 171
(71FR42952)

From: "Ernst, John P." <ErnstJ@missouri.edu>
To: <SECY@nrc.gov>
Date: Mon, Sep 11, 2006 12:28 PM
Subject: RIN 3150-AH84

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September 11, 2006

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USNRC

September 11, 2006 (2:54pm)

Secretary
U.S. Nuclear Regulatory Commission
Washington, DC

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

ATTN: Rulemaking and Adjudications Staff

SUBJECT: 10 CFR Part 20, 30, 31 et al. Requirements for Expanded Definition of Byproduct Material; Proposed Rule (RIN 3150-AH84)

Dear Rulemaking and Adjudications Staff,

On behalf of the University of Missouri Research Reactor, John P. Ernst submits these comments on the Nuclear Regulatory Commission proposed rule concerning requirements for expanded definition of byproduct material (71 FR 42952, July 28, 2006). These comments are offered in support of the continued availability of accelerator-produced radionuclides for research and development, as well as for medical use.

Particle Accelerators

In response to NRC's request for comment in Section II.G.(2), the University of Missouri will be breaking ground this month on a new facility that will house a particle accelerator that will be used to intentionally produce radioactive material and to provide beams for basic research. We agree with the regulatory approach suggested in Section II.B in dealing with the incidental radioactive materials produced. The incidental radioactive materials are indistinguishable and this approach should not cause an undue burden to the licensee.

Decommissioning Issues

In response to NRC's request for comment in Section II.G.(3). We request that NRC modify its regulations in 10 CFR 30.36 to allow a longer time frame of at least 10 years for completion of decommissioning for accelerator production facilities. Decommissioning costs could be significantly impacted by the time allowed for completing the decommissioning activities. This may not be as much of an issue with self-shielded units but will certainly be a factor in unshielded units that have been in production for many years.

Derived Air Concentration Values for Oxygen-15 and Nitrogen-13

In response to NRC's request for comment in Section II.G.(4), we request that NRC include specific entries for O-15 and N-13 in 10 CFR 20 Appendix B. The use of default values in general does not allow the licensee to use a risk based approach to compliance.

License Application and Annual Fees

In response to NRC's request for comment in Section II.G.(7), we do not agree that there is need to establish the new fee category, 3.S., for the production of accelerator-produced radioactive materials. We

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believe the existing fee categories, 3.A., 3.B., 3.C., 7.B. and 7.C. can cover these production activities. The possession, use, processing, manufacturing, distribution and redistribution of accelerator-produced byproduct material are similar to that of the existing byproduct material covered by these existing fee categories.

Implementation and Transition Plan

In response to NRC's request for comment in Section II.G.(10). We request that the NRC allow as much time as possible for users to prepare for this significant regulatory change and not chance the supply disruption of PET radionuclides, drugs, and biologics by terminating all waivers at the same time, effective August 7, 2009. As pointed out by the NRC in this proposed rulemaking document, there are currently nearly as many approaches to regulating NARM as there are states. A step by step approach to terminating state waivers will likely leave unintended voids in the regulations that could disrupt the supply of Pet radionuclides.

Thank you for your consideration of these comments. If you have questions or need more information please contact John P. Ernst at (573-882-5226) or ernstj@missouri.edu.

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