



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS UNITED STATES AIR FORCE
WASHINGTON DC

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USNRC

MEMORANDUM FOR SECRETARY, U.S. NUCLEAR REGULATORY COMMISSION
ATTN: Rulemakings and Adjudications Staff

September 12, 2006 (12:23pm)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

FROM: AFMOA/SGPR
110 Luke Ave, Rm 405
Bolling AFB, DC 20032-7050

SUBJECT: Proposed Rule – Requirements for Expanded Definition of Byproduct Material (Federal Register, 28 July 2006)

Thank you for the opportunity to comment on the proposed rulemaking for the expanded definition of by-product material. Upon review of the proposed rulemaking, it appears the area of largest impact to the U.S. Air Force will be in the management of dials, gauges and other instruments containing radium paint, and historical sites potentially contaminated with this material. We have several active permitted activities (self-regulating at this time) for radium decommissioning actions, and throughout the Air Force there remain a number of sites where radium is suspected to be present. Generally, these are historical radioactive waste burial sites dating back to the 1950s and 60s, and established through shallow land burial permitted under Atomic Energy Commission regulations. Questions and concerns raised in implementing the proposed rule cover the following areas:

- 1) Will historical sites that require remediation for radium contamination be under NRC jurisdiction? If so, will the NRC/EPA memorandum of understanding on decommissioning (2002) be impacted by this proposed rule?
- 2) For radium contaminated sites that have been remediated prior to this new rule going into effect, will there be any requirement for NRC review of the remediation actions already accomplished against the new ruling?
- 3) We understand that within 6 to 12 months after the new ruling goes into effect, any activities that fall under the new definition of by-product material will need to be licensed. Does this requirement extend to Master Materials Licensees having to in-turn permit (i.e. license) all sites that *may* have radium or radium contamination as a result of radium paint operations or gauge maintenance? The U.S. Air Force's current policy is to not permit sites until such time as intrusive characterization of a site is performed. Clarification is needed as to whether the proposed rulemaking will affect this approach.
- 4) For sites where 91(b) materials may be the predominant contaminant, how will the NRC review decommissioning plans and final status surveys: only with respect to AEA regulated materials (as expanded by the EPAct of 2005), or will they also encompass the 91(b) material? Is there a limit of NRC interests in these sites, for example a site containing a few radium gauges, but the contamination is predominantly 91(b) material?
- 5) For remediation of sites that predate the USAF MML and were established under AEC purview, will the NRC subsume the predominant regulatory role in the remediation?

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6) Will the NRC be proposing a de minimus value or remediation criterion for surficial and volumetric radium contamination on building structures and soil that can be generally applied to decommissioning operations.

7) Under the proposed ruling for a general license for self-luminous products containing radium 226, please provide interpretation of the rule for the following circumstances:

a) Radium dials, gauges, and buttons installed in aircraft used as static displays.

b) Radium dials, gauges, and buttons installed in aircraft used in museums, particularly where a large number of aircraft are on display.

c) Radium dials, gauges, and buttons installed in aircraft that are in storage for potential re-use as refurbished piloted aircraft, as unmanned drone aircraft (potentially used as targets), or as a source for spare parts.

d) Radium dials, gauges, buttons, and/or painted lettering or numbering that do not have a glass or crystal face covering, or for which the covering is damaged or broken.

8) Transferring dials, gauges or buttons that meet the proposed 31.12 general license requirements under the requirements of 31.12(c)(2) appears overly burdensome. It would be desirable for the rulemaking to allow transfer of the general license from one entity to another.

9) With respect to accelerator produced material (ARM), we do not anticipate a significant impact to our permitting practices. We would like to determine if the NRC views the US Air Force (or other MML) programs in managing NARM similar to how the Agreement State programs do, i.e. adequate and protecting of public health and the environment.

Again, thank you for the opportunity to comment on the proposed rulemaking, and your assistance addressing our questions. Please contact me at 202-767-4308, or mark.wrobel@pentagon.af.mil if you require additional information.



MARK C. WROBEL, Lt Col, USAF, BSC
Chief, Radiation Protection Division and
USAF Radioisotope Committee Secretariat
Air Force Medical Operations Agency
Office of the Surgeon General

cc:

AFMSA/SGP (Col Matarese)
NRC Region IV (Ms Rachel Browder)

From: "Wrobel Mark Lt Col AFMSA/SGPR" <Mark.Wrobel@pentagon.af.mil>
To: <secy@nrc.gov>
Date: Mon, Sep 11, 2006 5:40 PM
Subject: Consolidated US Air Force Comments on NRC Proposed Rulemaking, FR Vol 71, No 145, 28 Jul 06

Sir, Ma'am,

Please find attached consolidated U.S. Air Force comments on the proposed rule for an expanded definition of byproduct material. Thank you for the opportunity to comment.

V/R Lt Col Mark Wrobel
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Chief, Radiation Protection Division and
USAF Radioisotope Committee Secretariat
Air Force Medical Operations Agency
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DSN 297-4308, 202-767-4308

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CC: <lwc1@nrc.gov>, "Rachel Browder (E-mail)" <rsb3@nrc.gov>, "Matarese Margaret Col AF/SGOP" <margaret.matarese@pentagon.af.mil>

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