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Interim Staff Guidance Regarding the Environmental Report for Applications to Construct and/or Operate Medical Isotope Production Facilities

Comment On: NRC-2011-0135-0001

Interim Staff Guidance Regarding the Environmental Report for Applications to Construct and/or Operate Medical Isotope Production Facilities

Document: NRC-2011-0135-DRAFT-0002

Comment on FR Doc # 2011-15227

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General Comment

The National Organization of Test, Research and Training Reactors is please to submit the attached comments for Document ID NRC-2011-0135-0001,

Interim Staff Guidance Regarding the Environmental Report for Applications to Construct and/or Operate Medical Isotope Production Facilities

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Attachments

Response to 1537 environmental reporting comments TRTR 2011 FINAL

SUNSI Review Complete
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Add = S. Sloan (SCS4)



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3 August, 2011

To: Rulemakings and Adjudications Staff

Subject: Proposed Interim Staff Guidance (ISG) for NUREG-1537 (RTR-ISG-2011-001)

The National Organization of Test, Research, and Training Reactors (TRTR) would like to provide input on the proposed ISG for NUREG-1537 (RTR-ISG-2011-001) as listed in the Federal Register for comment June 20, 2011, in 76 FR 36922. The enclosed comments represent a summary of comments that we feel are representative of most non-power reactor (NPR) facilities, but are not inclusive of all comments.

The proposed rule was discussed at length by the Executive Committee of the National Organization of TRTR. In general, it is clear that the authors of the document do not have a clear understanding of the relative risk represented by NPRs and isotope production facilities, and defaulted to imposing the framework used to assess Nuclear Power Plants (NPP). NPP facilities have substantially larger inventories of materials that could potentially pose a threat to the public health or environment. The inventories of these materials at NPRs are many orders of magnitude smaller; therefore, the threat to the public health and environment posed by NPRs is minimal. Based on these facts, the following comments are presented for consideration:

- The S. 574--111th Congress: *Plain Writing Act* became law in 2009 requires that documents state in clear concise and unambiguous language the intent and requirements of such documents. This document fails to specify the precise intended application of this standard in all contexts, specifically, the ISG was presented as a document to aid in the assessment of isotope production facilities, it is not clearly stated as such, and could be interpreted to apply to all Research and Test Reactors (RTRs) under 2 MW applying for new operating licenses, or license renewal.
- In all cases where 50 miles is described as the zone of interest around these facilities (12.12.3.1, 12.12.3.2 and 12.12.3.7) it is more appropriate to say: in the vicinity of the site. The 50 mile zone was similar to that intended for power reactors. In contrast, Section 2.1 of Part 2 to NUREG 1537, describes a similar zone of 8 kilometers (5 miles) around RTR facilities for which detailed information must be provided.
- It appears that the draft ISG was prepared by a power reactor group with little if any input from the NPR group. They completely miss the fact that NPRs and isotope production facilities present a very low risk to the public.
- To understand the real potential impact of this ISG, it is important to see Part 2, which will describe how the NRC will review Environment Report submittals. Part 2 has not yet been issued, and there appears to be no schedule for issuing Part 2. Parts one and two should be issues simultaneously.
- Section 12.12.4.11, discusses design basis accidents. This term is no longer used for NPRs; it is a power reactor term. The Maximum Hypothetical Accident (MHA) as defined in NUREG 1537 is more appropriate for NPR facilities.
- At the present time, the majority of the existing facilities do not fall into the categories presented in the ISG; however, should an RTR undertake the development of isotope production, even if only for the purposes of proof of principle on a micro scale, it appears that a full scale assessment would be required at a radius of 50 miles. As previously stated, these facilities do not (and would not) possess large enough inventories to warrant assessments out to 50 miles.



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- The Atomic Energy Act, as amended, allows the Commission to impose the minimum regulation required to protect the public health and safety. These facilities pose little risk and the proposed addition to NUREG-1537 does not reflect the risk and therefore is in contradiction to the Act.
- Requirements that are out of proportion with the associated risk will only serve to stifle these critical activities and the development of a National isotope production capability.
- As it pertains to risk assessment, if the MHA for a typical NPR could be approximated by spilling a small glass of water; by comparison, a power reactor DBA would be the failure of the Hoover Dam. Power Reactor standards should never be applied here.

Respectfully

Stephen Miller

Chairman, National Organization of Test, Research and Training Reactors