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RULES REVIEW & DIRECTIVES BRANCH
USNRC

61FR 68066
Dec. 26, 1996
Morgan, Lewis
& Bockius LLP
COUNSELORS AT LAW

(1)

January 23, 1997

Mr. David L. Meyer,
Chief, Rules Review and Directives Branch,
Division of Freedom of Information and Publications Services,
Office of Administration,
U.S. Nuclear Regulatory Commission
Washington D.C. 20555-0001

**COMMENT ON PROPOSED AGREEMENT WITH
THE COMMONWEALTH OF MASSACHUSETTS**

Dear Mr. Meyer:

These comments are being filed in response to the December 26, 1996, Nuclear Regulatory Commission (NRC) "notice of proposed agreement with the Commonwealth of Massachusetts," 61 Fed. Reg. 68066. The comments are being filed on behalf of Texas Instruments Incorporated (TI).

The proposed agreement would result in the Commonwealth of Massachusetts (Commonwealth) becoming an Agreement State and entities that are NRC licensees in the Commonwealth on the effective date of the agreement becoming licensees of the Commonwealth. TI requests that, in the event that the agreement becomes effective before the termination of TI's NRC license for its Attleboro Massachusetts facility, the NRC retain jurisdiction over the Attleboro facility or take other similar action to permit an orderly and efficient completion of the NRC license termination process. This would assure that the public interest continues to be protected without imposing on the Commonwealth the burden of duplicating reviews already completed by the NRC, or delaying license termination.

NRC license SNM-23 authorizes TI to possess special nuclear material at its facility in Attleboro, Massachusetts. In August 1992, the NRC approved the TI decommissioning plan for the Attleboro facility, and TI began site remediation. Since then TI has conducted extensive site remediation, and submitted numerous reports to the NRC concerning the progress of remediation activities. The NRC has tracked the progress of Attleboro site remediation through the Site Decommissioning Management Plan and conducted inspections of the remediation activities.

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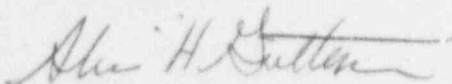
Since TI began communications with the NRC concerning site remediation and license termination, TI has submitted approximately a dozen extensive reports, and received various NRC approvals of remediation plans.

On October 31, 1996, TI wrote to the NRC to: 1) notify it that the Attleboro remediation was complete; 2) submit reports of the final termination surveys; and 3) request termination of its NRC license. The NRC is now reviewing TI's request. TI understands that the NRC plans to complete its review and terminate TI's Attleboro license before the proposed agreement with the Commonwealth becomes effective. If the proposed agreement only becomes effective after NRC terminates the Attleboro license, it should have no undue impact on TI. However, if the agreement goes into effect before the NRC terminates TI's license, under the proposed terms of the agreement TI will automatically become a Commonwealth licensee, and we understand that it may become necessary for the Commonwealth to consider TI's request for termination of its Attleboro license.

Transfer to the Commonwealth of responsibility for termination of the Attleboro license would be likely require the Commonwealth to duplicate much of the review already accomplished by the NRC. This would not only be a significant burden to the Commonwealth, but would also result in a significant undue impact on TI. The Commonwealth staff would likely have to familiarize itself with the status of the facility and the extensive documentation of the site remediation, and require additional information and site inspections, duplicating activities the NRC already has conducted. A delay in license termination also could be expected. Such a process would result in a significant undue expense both to the Commonwealth and TI, without any benefit to the public.

If the NRC retains jurisdiction over the Attleboro facility until it completes its review and terminates TI's license, this expense to the Commonwealth and TI would be avoided or significantly reduced while the public interest continues to be protected. Accordingly, TI requests that the proposed agreement be modified, or other arrangements made, to provide for the NRC to complete the additional steps necessary to terminate TI's Special Nuclear Materials license for the Attleboro facility.

Respectfully submitted,



Alvin H. Gutterman
Attorney for Texas Instruments Incorporated

cc: Frank S. Veale, Esq.