

**PR 40 and 150  
(76FR28336)**

State of Washington  
Department of Health  
Comments on FSME-11-042  
Proposed Changes to Part 40

August 16, 2011

7  
DOCKETED  
USNRC

September 12, 2011 (12:15 am)

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

This came as a surprise to us. First, because FSME-11-042 did not clearly identify the impact on Agreement States. The summary in the Federal Register gave no warning; neither did the section on Agreement State Compatibility. We do not have unlimited resources so we triage the many documents sent our way. This one did not send up any warning flags.

Second, as we now scan the Federal Register Notice, there is no indication of how we, or any other Agreement State, have failed in licensing our UF6 facility. Indeed, we believe we have a long and successful history of regulating the facility in our state. We find no good argument why the NRC need take over licensing this facility now. Should we lose our licensing authority, our state is out \$11,388 in licensees fees with the loss of the radioactive materials license.

Additionally, this facility is licensed separately by our department for the radioactive air emissions issued under the state and federal clean air act. We are still then responsible as a licensing entity making mute the argument to establish the NRC as a one licensing authority for the facility involved.

Lastly, the 9 AM public meeting conference call to the East Coast is actually 6 AM local. This is not conducive to participation by West Coast Agreement States.

At this point, we do not support this rule change.

Template=SECY-067

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## Rulemaking Comments

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**From:** Lohr, Edward  
**Sent:** Monday, September 12, 2011 11:58 AM  
**To:** Rulemaking Comments  
**Subject:** FW: Comments to FSME-11-042  
**Attachments:** FSME-11-042 Aug 2011.docx

Please add this comment to the Part 40 ISA proposed rule comments in ADAMS.

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**From:** Kinneman, John  
**Sent:** Wednesday, August 31, 2011 12:46 PM  
**To:** Piccone, Josephine; Lohr, Edward  
**Subject:** FW: Comments to FSME-11-042

Of course, everyone follows instructions! At least they sent the comments.

John

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**From:** Lawrence, Craig (DOH) [<mailto:Craig.Lawrence@DOH.WA.GOV>]  
**Sent:** Wednesday, August 31, 2011 11:20 AM  
**To:** Kinneman, John  
**Cc:** Frazee, Terry (DOH); Wainhouse, Leo (DOH)  
**Subject:** Comments to FSME-11-042

Hello John,

This email is a follow-up to our discussion at the OAS conference regarding the comments we made in the public meeting phone call on FSME-11-042 and the proposed changes to Part 40. I recall that you wanted to receive the comments Terry Frazee emailed to Donald Saah on the eve of the public meeting phone call. I included along with Terry's comments, additional comments I made during the conference call in the document below.

If you need anything in addition to this, please let me know.

Best Regards,

Craig

<<FSME-11-042 Aug 2011.docx>>

*Craig Lawrence, Section Manager* ♂  
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