



Catherine E. Heigel, Director

*Promoting and protecting the health of the public and the environment*

July 28, 2015

The Honorable Stephen G. Burns, Chairman  
U.S. Nuclear Regulatory Commission  
c/o Annette Vietti-Cook, Secretary  
Washington, DC 20555-0001  
ATTN: Rulemakings and Adjudications Staff

RE: Comments on Proposed Rule 10 CFR Parts 20 and 61, Low-Level Radioactive Waste Disposal, Docket ID NRC-2011-0012 (80 FR 16082)

Dear Commissioner Burns:

Thank you for the opportunity to comment on the proposed amendments to the regulations that govern low-level radioactive waste ("LLRW") disposal. The proposed rule amends the regulations to ensure the safe disposal of previously unanticipated waste streams, including large quantities of depleted uranium, that are significantly different from the waste streams considered in the current regulations.

South Carolina is one of four states in the country that have a commercial LLRW disposal facility. This facility is located in Barnwell, South Carolina ("Barnwell Site" or "Site") and is operated by Chem-Nuclear Systems, LLC ("CNS"), a wholly owned subsidiary of EnergySolutions. The Barnwell Site occupies approximately 235 acres of land owned by the state and leased to CNS under a 99-year lease agreement. The Barnwell Site has operated since 1971 under a license to allow for near surface disposal of LLRW, and currently accepts Class A, Class B, and Class C wastes from generators in the Atlantic Compact whose members include South Carolina, New Jersey, and Connecticut. CNS accepts waste from nuclear power plants, universities, and other industries.

Eighty-six percent of the acreage at the Barnwell Site has been closed in accordance with existing regulations. Disposal operations for the remaining portion of the Site are projected to end in 2038. The Site has disposed of depleted uranium in the past but does not intend to accept large quantities of depleted uranium in the future. Those portions of the Site where depleted uranium was disposed of have been closed at considerable cost to the Decommissioning Trust Fund.

The South Carolina Department of Health and Environmental Control ("Department") is concerned that the proposed regulations will adversely impact our State. South Carolina would be subject to unnecessary economic burden from implementing the proposed regulations, which are intended for operating facilities that manage unique waste streams, not sites that have largely been closed such as the Barnwell Site.

July 24, 2015  
Page 2 of 2

If the proposed rule is implemented as currently written, it will essentially undermine the spirit of the rulemaking process, since it will in effect be changing the rules in the middle of the game. The Department believes that the current regulations ensure the adequate protection of health and the environment for traditional LLRW, as long as the waste classification system is followed.

What appears to have been a proposed rule that was limited in scope to address the acceptance of large quantities of depleted uranium and other unique waste streams has expanded into a much more complicated rule that could lead to unnecessary burdens and potentially severe consequences for the State. We ask that you reconsider this proposed rule and provide a specific exclusion for existing facilities that are not pursuing the disposal of the unique waste streams for which the proposed rule was originally intended.

Thank you for your assistance with this important matter. The Department commends the Commission and its staff for all its hard work and your commitment to protect the environment and the health of our citizens. My staff has submitted comments under a separate cover. We look forward to your response.

Sincerely,

A handwritten signature in dark ink, reading "Catherine E. Heigel". The signature is written in a cursive, flowing style with a large initial "C".

Catherine E. Heigel