



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

February 1, 2019

Mr. John Price
Tri-Party Agreement Section Manager
State Environmental Policy Act Official
State of Washington
Department of Ecology
3100 Port of Benton Blvd.
Richland, WA 99354

SUBJECT: RESPONSE TO REQUEST FOR U.S. NUCLEAR REGULATORY
COMMISSION SUPPORT FOR WASHINGTON DEPARTMENT OF ECOLOGY
PUBLIC MEETING

Dear Mr. Price:

The U.S. Nuclear Regulatory Commission (NRC) received your letter dated December 18, 2018, wherein you requested an NRC representative to attend a Washington Department of Ecology (Ecology)-sponsored public meeting (Agencywide Documents Access and Management System (ADAMS) Accession No. ML19015A128), scheduled for March 13, 2019. You indicated that the purpose of the public meeting is to collect comments on the scope of a State Environmental Policy Act (SEPA) evaluation of PFNW's Dangerous Waste Regulations (DWR) permit for its mixed waste operations in Richland, Washington. I have considered your request and determined, based on budgetary constraints and in conjunction with the NRC's Office of the General Counsel, that the NRC will not be able to support staff attendance at the Ecology-sponsored public meeting. Due to Perma-Fix Northwest Richland, Inc., (PFNW) having an export license application currently pending before the Commission, NRC regulations in Subpart H of 10 C.F.R. Part 110 provide the exclusive basis for hearings or receipt of public comments on the application. Thus, to the extent that questions or comments emerge at the public meeting intended for the NRC's consideration on the decision to issue or deny PFNW's license application, NRC staff would have limited ability to engage in such discussion outside the public participation procedures codified in 10 C.F.R. Part 110.

In your letter you state that although the DWR permit is separate from the license issued by the Washington Department of Health for PFNW's low-level waste (LLW) operations, state SEPA regulations require that Ecology analyze the potential adverse environmental impacts of those separately-licensed LLW operations (including the potential impacts of international waste) as part of Ecology's environmental analysis. You thus have requested an NRC representative to attend the meeting "to be available to answer any questions about the NRC licensing of imports and exports of international waste processed at the [PFNW] facility." This followed your request for a hearing, dated November 9, 2018 (ADAMS Accession No. ML18341A145), on PFNW's export license application (XW019) seeking approval for the export of LLW waste to Mexico, which is currently pending before the Commission. NRC believes that technical areas for this meeting may well go beyond international waste whereas, additional NRC staff maybe necessary.

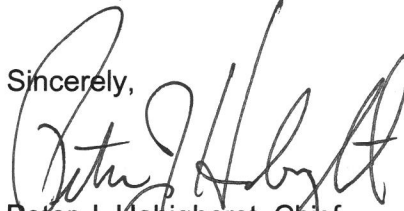
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Your letter also states that Ecology is planning on distributing information at the public meeting concerning the NRC's import/export licensing process, and that you request "assistance developing accurate and informative presentation materials and handouts." I believe this is a more efficient and cost-effective means by which multiple NRC staff can support your public meeting in lieu of live attendance. I would be happy to have my staff review, in advance, any such materials or handouts that you are planning to present or distribute concerning general information on the NRC import/export licensing process, to ensure that such information is accurate and current. I would ask that you submit any such request as soon as possible to ensure there is ample time for our review.

We appreciate your taking the time to write us and encourage you to continue to be involved in public outreach activities.

Sincerely,

A handwritten signature in dark ink, appearing to read "Peter J. Habighorst", written over the typed name.

Peter J. Habighorst, Chief
Export Controls and Nonproliferation Branch
Office of International Programs