

From: [Dahmen, Lois \(ECY\)](#)
To: [RulemakingComments Resource](#)
Cc: [Howell, Theresa \(ECY\)](#); [McDonald, Dan \(ECY\)](#); [Price, John \(ECY\)](#); [Smith, Alex \(ECY\)](#)
Subject: [External_Sender] Corrected Docket ID - Docket ID NRC-2017-0081, Greater-Than-Class-C and Transuranic - Comments on Draft Regulatory Basis
Date: Wednesday, November 20, 2019 12:27:15 PM
Attachments: [GTTC Comments from Washington State 11-19-2019 - corrected docket ID.pdf](#)

I realize the November 19 deadline has passed, but hope you will accept this reissued letter with the **corrected Docket ID NRC-2017-0081**. The original email and letter cited Docket ID **NCR-2017-0081**.

[Lois K. Dahmen](#)
Program Administrative Assistant
Nuclear Waste Program
Washington State Department of Ecology
(509) 372-7893

From: Dahmen, Lois (ECY)
Sent: Tuesday, November 19, 2019 1:32 PM
To: 'Rulemaking.comments@nrc.gov' <Rulemaking.comments@nrc.gov>
Subject: Docket ID NRC-2017-0081, Greater-Than-Class-C and Transuranic - Comments on Draft Regulatory Basis

Attached is a letter submitting comments from the Washington State Department of Ecology on a draft regulatory basis to support the development of a rulemaking for the disposal of certain types of greater-than-Class-C waste in a low-level radioactive waste land disposal facility.

[Lois K. Dahmen](#)
Program Administrative Assistant
Nuclear Waste Program
Washington State Department of Ecology
(509) 372-7893



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

3100 Port of Benton Blvd • Richland, WA 99354 • (509) 372-7950
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November 19, 2019

19-NWP-187 - Reissue

Secretary
U.S. Nuclear Regulatory Commission
Rulemaking.comments@nrc.gov

Re: **Docket ID NRC-2017-0081**, Federal Register Notice, Vol. 84, No. 140, July 22, 2019,
Nuclear Regulatory Commission Request for Comment on Draft Regulatory Basis for
Potential New Regulations Governing the Near-Surface Disposal of Certain Low-Level
Radioactive Waste

Dear Secretary:

This letter is being reissued to correct the Docket ID in the re: line. The original letter cited Docket ID **NCR-2017-0081**, rather than **NRC**.

Thank you for the opportunity to comment on a Draft Regulatory Basis for Disposal of Greater-Than-Class-C (GTCC) and Transuranic Waste. The Washington State Department of Ecology (Ecology) has particular interest in 10 CFR Part 61 as a state agency with an obligation to ensure the safe, effective management of mixed waste (i.e., waste with both hazardous and radioactive components).

Ecology believes that a 10 CFR Part 61 rule change to accommodate a “generic” pathway for near-surface disposal of GTCC waste is not necessary. A regulatory path for land disposal of GTCC waste already exists pursuant to Part 61. 10 CFR 61.55 states, GTCC waste “must be disposed of in a geologic repository unless a proposal for disposal of such waste in a land disposal facility licensed under 10 CFR Part 61 is approved by the Commission.” Moreover, there is no “generic” GTCC waste; each waste stream is comprised of specific constituents of concern in various combinations, requiring site-specific analysis and decision-making. Ecology additionally believes it is critical to maintain distinction between GTCC (commercial) and GTCC-like (defense) waste.

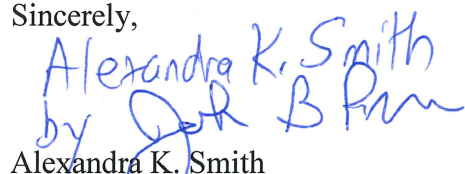
Throughout the Draft Regulatory Basis, reference is made to the Waste Control Specialists, LLC Low-Level Radioactive Waste facility in Andrews County, Texas. Ecology notes that Andrews County is distinguishable from other potential GTCC disposal locations due to its unique hydrogeology, stratigraphy, and other physical features that may make it appropriate for near-surface disposal of GTCC waste. Ecology believes that site-specific analysis on a case-by-case basis is appropriate to determine whether near-surface disposal of GTCC waste is appropriate at any given location.

Should the Nuclear Regulatory Commission choose to move forward to rulemaking, Ecology asserts that an environmental impact statement would be required to consider the full lifecycle impacts of any potential rule change. The National Environmental Policy Act of 1969, Section 102, requires that federal agencies “incorporate environmental considerations in their planning and decision-making through a systematic interdisciplinary approach. Specifically, all federal agencies are to prepare detailed statements assessing the environmental impact of and alternatives to major federal actions significantly affecting the environment.” A rule change to generically allow for the near-surface disposal of GTCC waste would be a major federal action significantly affecting the environment.

Ecology requests that there be adequate peer review of the Draft Regulatory Basis provided for the public and regulating agencies. Washington State disagrees with the statement on page 49 that the Draft Regulatory Basis document does not contain influential scientific information. Particularly, if the Nuclear Regulatory Commission proceeds with rulemaking to allow for near-surface disposal of GTCC on a generic basis, such a change would represent a significant departure from the status quo that would require ample explanation and technical support.

Thank you for your consideration of Washington State’s comments on this Draft Regulatory Basis. If you have any questions, you may contact me at alex.smith@ecy.wa.gov.

Sincerely,



Alexandra K. Smith
Program Manager
Nuclear Waste Program
Washington State Department of Ecology