

PR-061
84FR35037

PUBLIC SUBMISSION

As of: 11/20/19 8:45 AM Received: November 19, 2019 Status: Pending_Post Tracking No. 1k3-9dem-wnjz Comments Due: November 19, 2019 Submission Type: Web

Docket: NRC-2017-0081
Greater-than-Class-C and Transuranic Waste

Comment On: NRC-2017-0081-0027
Greater-than-Class-C and Transuranic Waste; Extension of Comment Period

Document: NRC-2017-0081-DRAFT-0050
Comment on FR Doc # 2019-19645

Submitter Information

Name: Earl Fordham
Address:
309 Bradley Blvd
Suite 201
Richland, WA, 99352
Email: earl.fordham@doh.wa.gov

General Comment

On behalf of the state of Washington Department of Health, we provide the attached comments on the Draft Regulatory Basis for the Disposal of Greater-than-Class C (GTCC) and Transuranic Waste (TRU). As a sited state with jurisdictional authority over an existing Low-Level Radioactive Waste (LLRW) disposal facility, we believe it is important to emphasize current LLRW disposal standards and requirements are in place and serve as the foundation for ensuring the protection of public health and safety and the environmental for LLRW disposal. We further assert that the sited states in their role and responsibility as Agreement States have the expertise and technical resources to determine the acceptability of GTCC or TRU wastes for disposal in Part 61 sites.

Attachments

State of Washington comments on Draft Regulatory Basis for Disposal of GTCC and TRU
Waste_November 2019



STATE OF WASHINGTON
DEPARTMENT OF HEALTH

OFFICE OF RADIATION PROTECTION

309 Bradley Blvd., Suite 201 • Richland, Washington 99352

TDD Relay Service: 1-800-833-6388

November 19, 2019

Secretary

U.S. Nuclear Regulatory Commission (NRC)

Washington, DC 20555-0001,

ATTN: Rulemakings and Adjudications Staff

Docket ID No.: NRC-2017-0081

Re: Comments on the Draft Regulatory Basis for the Disposal of Greater-than-Class C (GTCC) and Transuranic Waste (TRU) (RIN number: 3150-AK00)

Dear Secretary:

On behalf of the State of Washington Department of Health (DOH), we appreciate the opportunity to provide comments on the subject document.

On July 22, 2019, the U.S. NRC published the Draft Regulatory Basis for the Disposal of GTCC and TRU waste (84 FR 35037, July 22, 2019). In response to various requests from interested stakeholders, including the Low-Level Radioactive Waste Forum (LLRW), to extend the comment period, the U.S. Nuclear Regulatory Commission (NRC) published on September 13, 2019, a subsequent notice in the *Federal Register* extending the comment period until November 19, 2019. We express our appreciation to the NRC for extending the comment period.

As a result of the NRC's July *Federal Register Notice (FRN)*, the State of Washington DOH performed an in-depth review of the draft document and FRN. We have reviewed the Draft Regulatory Basis and offer the following comments for the NRC's consideration. Comments offered in this letter are intended to supplement and not conflict with or duplicate earlier comments provided for the Department of Energy's (DOE) 2011 Draft Environmental Impact Statement (DEIS) for GTCC and GTCC-life waste management. This is important to note because the State of Washington previously commented on the DOE's 2011 DEIS for GTCC and GTCC-like waste management.

First, we note that the Executive Summary of the Draft Regulatory Basis document clearly reaffirms the Commission's direction that the NRC staff prepare such a document for stakeholder review and comment. During the recent public meetings, some commenters expressed concerns regarding the management of radioactive waste that is more properly characterized as high-level radioactive waste and essentially outside the scope of the Draft Regulatory Basis for the Disposal of GTCC and TRU wastes. We appreciate the NRC staff's



efforts during the public meetings to clarify the purpose and scope of the draft regulatory basis for GTCC and TRU waste disposal. While the future need and importance of a national solution to the proper management of high-level radioactive waste is critical to the commercial nuclear power industry, we believe the scope of the GTCC and TRU waste discussion should not be overshadowed by such out-of-scope matters and that the final regulatory basis remains within the scope intended by the Commission. However, in order to provide added clarity, and in deference to the various comments offered during the recent public meetings, the NRC should provide in its supplemental information the context or relationship of high-level radioactive waste management matters. This information would clarify that such matters as those associated with potential interim storage facilities are beyond the Commission's direction to staff with respect to GTCC and TRU waste disposal options and are therefore beyond the purpose and scope of the subject regulatory basis.

As a sited state that has the jurisdictional authority over an existing LLRW disposal facility, we believe it is important to emphasize current LLRW disposal standards and requirements are in place and serve as the foundation for ensuring the protection of public health and safety and the environment for LLRW disposal. We remain committed to this important role and responsibility and believe the regulatory basis for GTCC and TRU waste disposal should continue to reaffirm this. We note that the sited states in their role and responsibility as Agreement States have the expertise and technical resources to determine the acceptability of GTCC or TRU wastes for disposal in facilities meeting Part 61 requirements.

A final regulatory basis for GTCC and TRU waste disposal should be consistent with the need to promote access for LLRW waste balanced with the need for flexibility for individual compacts and sited states to determine the acceptability of GTCC and TRU waste disposal with respect to state policy, site-specific conditions, and existing waste acceptance criteria, consistent with Part 61 requirements.

We support the Commission's direction in SRM-SECY-15-0094 for the need to harmonize the definition of TRU waste in 10 CFR Part 61 with the statutory definition found in current federal law and, as a matter of making the Part 61 regulations consistent with existing federal law.

As stated in the Draft Regulatory Basis, NRC rulemaking would be necessary to establish the relevant criteria and requirements for a LLRW disposal facility licensed under Part 61 by an Agreement State to accept and dispose of GTCC and/or TRU waste. For purposes of providing regulatory consistency and added flexibility for an Agreement State, we support the need for rulemaking, particularly one that is not overly cumbersome or lengthy. Following completion of the regulatory basis, we encourage the NRC staff to not delay in providing the Commission with a rulemaking proposal for the disposal of GTCC and TRU waste under Part 61. Washington believes the GTCC rulemaking should be folded into the proposed Part 61 rulemaking as a single rulemaking because of the inherent benefit of integrating both rulemaking efforts. This could also serve to ensure that compacts and sited states can address the Part 61 changes in a single, more coordinated and consolidated effort. This would also allow a sited state to address specific

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state policy considerations regarding such unique wastes in a similar manner, while maintaining regulatory compatibility.

Again, we appreciate the opportunity to provide comments on the Draft Regulatory Basis for the Disposal of GTCC and TRU waste and look forward to your consideration of our comments.

Should you have any questions or require additional information, please feel free to contact me at (509) 946-0234 or earl.fordham@doh.wa.gov.

Sincerely,

A handwritten signature in cursive script, reading "Earl Fordham". The signature is written in dark ink and is positioned below the word "Sincerely,".

Earl Fordham, Deputy Director
Office of Radiation Protection