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PROPOSED RULE PR 40
(61FR55175)



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STATE OF WASHINGTON

DEPARTMENT OF HEALTH
DIVISION OF RADIATION PROTECTION

7171 Cleanwater Lane, Bldg. 5 • P.O. Box 47827 • Olympia, Washington 98504-7827
TDD Relay 1-800-833-6368

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November 13, 2002 (10.10AM)

Secretary
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Attn: Rulemakings and Adjudications Staff

To Whom It May Concern:

While we generally agree with the proposal to have better control of the transfer of large amounts of source material to non-licensees in order to protect public health and safety, we have the following comments and suggestions to improve the process:

- Most importantly, we are concerned that transfers resulting in a dose in excess of 25 mrem and even 100 mrem are being considered. As a state with an operating low-level waste site, it is difficult to understand how NRC can justify the apparent discrepancies between 10 CFR Part 61.41 (which restricts public radiation doses to 25 mrem/yr) and this proposal (which could allow doses that exceed 100 mrem/yr to be disposed at facilities not regulated by the NRC or Agreement States). Similarly, the proposal is not consistent with 10 CFR Part 20.1402, which specifies a limit of 25 mrem/yr for unrestricted release at license termination.
- We would like to see the criteria that would be used for this allowance, and a listing of the restrictions to be put in place, should it be allowed. Without such information, it is difficult to even to support the 25mR/yr, and we believe that the transfers of unregulated materials should be limited to those situations in which it can be demonstrated that doses are significantly below 25 mrem/yr. It is very unlikely that transfer/disposal resulting in greater than 25 mrem to a member of the public would ever be allowed in Washington State, and we therefore are interested in knowing what level of compatibility will be established for this amendment.
- This ruling appears to also deal mainly with disposal of large amounts of source material. Section 2.2, Option 2: Proposed Rule states that "NRC staff would expect to approve transfers under this provision, for the purpose of direct disposal...". One question this brings to mind is, what if material is transferred for some other use or activity listed in 10 CFR 40.13(a)? This should be addressed. In addition, we suggest that an exemption remain in place for transfers of small amounts (by weight) of source material so we are

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not expending our resources and those of our licensees to review a transfer that does not impact health and safety. To this end, perhaps a table showing ranges of weight versus the potential doses would be useful. Alternatively, setting a weight limit would work as well.

- As stated in the analysis, this would result in extra costs to the Agreement States that will be conducting reviews and performing dose assessments.

I want to thank you for giving us the opportunity to comment on this document. This is a very important document that will ultimately impact the public and our state, and we want to stay involved in this process.

Sincerely,


Gary Robertson, Director
Division of Radiation Protection