

STATE OF MISSOURI
DEPARTMENT OF NATURAL RESOURCES

Matt Blunt, Governor • Doyle Childers, Director

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March 21, 2008

Nuclear Regulatory Commission
Dennis K. Rathbun, Director
Division of Intergovernmental Liaison and Rulemaking
Office of Federal and State Materials and
Environmental Management Programs
Washington, D.C. 20555-0001

RE: Nuclear Regulatory Commission Information Notice – Extended Interim Storage
of Low-Level Radioactive Waste by Fuel Cycle and Materials Licensees

Dear Mr. Rathbun:

The Missouri Department of Natural Resources (department) appreciates the opportunity to comment on the Information Notice (IN), dated February 18, 2008, regarding the Extended Interim Storage of Low-Level Radioactive Waste (LLRW) by Fuel Cycle and Materials Licensees. With the loss of access to the Barnwell, South Carolina facility, your agency's draft information does provide the Nuclear Regulatory Commission (NRC) license holders here in Missouri with reasonable regulatory flexibility and guidance to address the management of LLRW.

Overall, the department agrees with the premise detailed in the IN and believes that the approach proposed by NRC for this extended interim storage is justified. Specifically, the department strongly supports the visual inspections, with documentation, at least quarterly, as shown under item 4 (page 3 of IN 90-09, Rev. 1) and the potential development of a storage plan as discussed under item 7 that details various alternative disposition pathways, package dose rates and other As Low As Reasonably Achievable (ALARA) considerations. We suggest the licensees be required to share these analyses with their respective states, to be used for emergency response planning purposes and to assure the public that reasonable precautions are being taken. This suggestion appears to be in line with the comment given in the third paragraph of Item 9 - "Licensees are also encouraged to maintain communication with the regional compact and/or unaffiliated state and territorial officials regarding LLRW disposal options and change in disposal availability circumstances".

Regarding the discussion on "Storage of Hazardous Waste and Mixed Waste" on page 4, the department recognizes that this extended interim storage would apply to Low Level Mixed Waste (LLMW) under NRC regulations (via the mixed waste exemption

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contained at 40 CFR Part 266 Subpart N), and that for solely hazardous waste storage the state retains full Resource Conservation and Recovery Act (RCRA) authority. In accordance with the previously mentioned 40 CFR Part 266 Subpart N - Conditional Exemption for Low-Level Mixed Waste Storage, Treatment, Transportation and Disposal, the criteria listed under 40 CFR 266.230 need to be maintained at these facilities to continue to meet this hazardous waste exemption. The department believes that the information detailed in any NRC amendment approvals for Missouri-based facilities associated with this Information Notice is important to our organization in assessing these operating conditions. Therefore, we request that the NRC require licensees to send notice to their respective state regulatory agencies (especially in non-agreement states) of any NRC granted extended LLMW storage timeframes and conditions.

The department requests that the NRC strengthen the language in the Information Notice, to require rather than recommend that the licensee consider establishing a formal agreement with local emergency response providers where there is an extended interim storage of LLRW. This would assure discussion between the licensee and local emergency response providers regarding materials being stored, and appropriate emergency responses.

Again, the department supports finalization of the draft information notice and issuance to the licensees. We appreciate the opportunity to provide comments on the Information Notice. If you have any questions or need clarification, please contact me or Ms. Jane Beetem, phone number 573-751-3195. Her address for correspondence is Department of Natural Resources, P.O. Box 176, Jefferson City, MO 65102. Thank you.

Sincerely,

DEPARTMENT OF NATURAL RESOURCES



H. Floyd Gilzow
Deputy Director for Policy

HFG:jb