

Northwest Interstate Compact

On Low-Level Radioactive Waste Management

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USNRC

RE: Docket ID NRC-2009-0346

I appreciate the opportunity to submit comments on behalf of the Northwest Interstate Compact. These comments are in response to comments the U.S. Nuclear Regulatory Commission received during its October 7, 2009 public meeting regarding the Impact of Lack of Waste Disposal Access on Hospitals and Universities.

Assured Access for Disposal of Class A, B, and C Low-Level Radioactive Waste

The Northwest Compact provides assured access for disposal of Class A, B, and C low-level wastes to its regional generators. In addition, the disposal fees regional generators charged by the operator of the Richland, Washington commercial disposal facility (Richland) are regulated by the Washington State Utilities and Transportation Commission. This is done to ensure the lowest possible disposal rates for regional generators while ensuring the economic viability of the Richland operation. There is no access issue for generators within the Northwest Compact.

Exclusionary Authority

Comments were received stating that the exclusionary authority provided to interstate compacts limited the disposal options available to our regional generators and essentially curtailed a free market approach. While the Northwest Compact has limited access to Richland to generators in the Northwest and Rocky Mountain compacts, it is important to remember that without such authority disposal options could be more limited as states may choose to close these facilities altogether. Also, without this authority it is unlikely any state would license a facility in the future.

Washington State is willing to be part of the solution and has indicated that it will provide assured access to regional generators for disposal of Class A, B, And C low-level wastes. However, it will only be part of the solution as long as Richland is not forced to accept wastes from states throughout the nation. The Richland facility accepts low-level waste from eleven states; the eight member states of the Northwest Compact and, by contract, the three member states of the Rocky Mountain Compact. This represents twenty-two percent of the nation's states. To protect itself, Washington incorporated a clause into the new sublease with US Ecology Washington, Inc. that allows the state to terminate the sublease should compacts lose their exclusionary authority. The closure of Richland would further reduce disposal options available to generators. It is important to note that Richland also accepts Naturally Occurring or Accelerator Produced Radioactive Materials and exempt wastes from states throughout the nation. This is a valuable resource for disposal of certain sealed sources that other facilities are not licensed to accept.

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Economics

There are costs associated with providing assured access. To ensure the economic viability of the operation while maintaining the lowest possible disposal fees, the fees charged by the site operator are regulated by the Washington State Utilities and Transportation Commission. This provides the site operator with an annual revenue requirement, ensuring that the operation remains economically viable. If the Northwest Compact were to allow regional generators to use other facilities the generators that continued to use Richland would be subject to higher fees. Disposal fees can only be maintained at the lowest possible cost when all regional generators use Richland.

Waste Attribution

Comments were received indicating that Northwest Compact generators were forbidden from sending their waste to the EnergySolutions' Bear Creek facility. This is not the case. In discussions with Bear Creek it was agreed the facility would stockpile low-level waste from our regional generators until a sufficient quantity was accumulated to warrant a dedicated run through the incinerator. The resulting ash would be attributed to the generators from our region and then shipped to Richland for disposal. This allows disposal fees for regional generators to remain at the lowest possible cost.

The Northwest Compact does not allow regional generators' waste, following incineration, to be classified as a secondary waste and attributed to the processor. If this is a secondary waste then what is the primary waste? This attribution practice creates concerns for compacts with operating sites as the true origin of the waste is lost. The primary benefit afforded compacts is exclusionary authority. How can a compact ensure only wastes provided access to a facility within its region if the true origin of the waste is altered?

Thank you for providing the opportunity to comment on this important issue.

Sincerely,



Mike Garner, Executive Director
Northwest Interstate Compact

cc: Northwest Compact Committee Members