

From: Lewis, Robert
Sent: Thursday, November 04, 2010 10:08 AM
To: Meyer, Karen; Schneider, Kathleen
Subject: FW: Response to September 2010, NRC letter

From: Butner, Gary (CDPH-RHB) [<mailto:Gary.Butner@cdph.ca.gov>]
Sent: Wednesday, November 03, 2010 6:36 PM
To: Lewis, Robert
Cc: Erickson, Randy; Schlag, Robert (CDPH-CEH); Sapunor, Peter (CDPH-EXEC-OLS)
Subject: Response to September 2010, NRC letter

Dear Mr. Lewis,

This is in response to your letter dated September 14, 2010, referencing concerns that had been raised previously with regard to language in California Health and Safety Code section 115261. That statute provides that the California Department of Public Health may dispose of LLRW “only if the department determines there is a preponderance of scientific evidence that there is not a hydrologic pathway whereby the Colorado River or any other agricultural or drinking water source could be contaminated with radioactive waste and harm public health or the environment.” You indicate that this is incompatible with and more restrictive than the standard set out in 10 CFR 61.41, which requires that “reasonable effort should be made to maintain releases of radioactivity in effluents to the general environment as low as is reasonably achievable.”

You also noted as incompatible “continual monitoring” language contained in HSC 115261, which language you indicate appears to be descriptive of a storage facility rather than a LLRW disposal facility.

As you know, we’ll be undergoing a change in gubernatorial administrations shortly. We would appreciate some additional time being allowed by the NRC to address your concerns, so that the Department can assess the practical potential for seeking revisions with members of the incoming administration, rather than the outgoing administration.

Thank you,

Gary Butner, Chief
Radiologic Health Branch
CDPH

E-mail Properties

Mail Envelope Properties (C37FF65A70772549ACB9C5B6AD2BA05C0AC1A59B4F)

Subject: FW: Response to September 2010, NRC letter
Sent Date: 11/4/2010 10:07:58 AM
Received Date: 11/4/2010 10:07:58 AM
From: Lewis, Robert

Created By: Robert.Lewis@nrc.gov

Recipients:

Karen.Meyer@nrc.gov (Meyer, Karen)

Tracking Status: None

Kathleen.Schneider@nrc.gov (Schneider, Kathleen)

Tracking Status: None

Post Office:

HQCLSTR02.nrc.gov

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MESSAGE	11758	11/4/2010

Options

Expiration Date:

Priority: olImportanceNormal

ReplyRequested: False

Return Notification: False

Sensitivity: olNormal

Recipients received: