

**PR 40 and 150
(76FR28336)**

State of Washington
Department of Health
Comments on FSME-11-042
Proposed Changes to Part 40

August 16, 2011

DOCKETED
USNRC

September 12, 2011 (12:15 am)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

7

This came as a surprise to us. First, because FSME-11-042 did not clearly identify the impact on Agreement States. The summary in the Federal Register gave no warning; neither did the section on Agreement State Compatibility. We do not have unlimited resources so we triage the many documents sent our way. This one did not send up any warning flags.

Second, as we now scan the Federal Register Notice, there is no indication of how we, or any other Agreement State, have failed in licensing our UF6 facility. Indeed, we believe we have a long and successful history of regulating the facility in our state. We find no good argument why the NRC need take over licensing this facility now. Should we lose our licensing authority, our state is out \$11,388 in licensees fees with the loss of the radioactive materials license.

Additionally, this facility is licensed separately by our department for the radioactive air emissions issued under the state and federal clean air act. We are still then responsible as a licensing entity making mute the argument to establish the NRC as a one licensing authority for the facility involved.

Lastly, the 9 AM public meeting conference call to the East Coast is actually 6 AM local. This is not conducive to participation by West Coast Agreement States.

At this point, we do not support this rule change.

Template = SECY-067

DS10

Rulemaking Comments

From: Lohr, Edward
Sent: Monday, September 12, 2011 11:58 AM
To: Rulemaking Comments
Subject: FW: Comments to FSME-11-042
Attachments: FSME-11-042 Aug 2011.docx

Please add this comment to the Part 40 ISA proposed rule comments in ADAMS.

From: Kinneman, John
Sent: Wednesday, August 31, 2011 12:46 PM
To: Piccone, Josephine; Lohr, Edward
Subject: FW: Comments to FSME-11-042

Of course, everyone follows instructions! At least they sent the comments.

John

From: Lawrence, Craig (DOH) [<mailto:Craig.Lawrence@DOH.WA.GOV>]
Sent: Wednesday, August 31, 2011 11:20 AM
To: Kinneman, John
Cc: Frazee, Terry (DOH); Wainhouse, Leo (DOH)
Subject: Comments to FSME-11-042

Hello John,

This email is a follow-up to our discussion at the OAS conference regarding the comments we made in the public meeting phone call on FSME-11-042 and the proposed changes to Part 40. I recall that you wanted to receive the comments Terry Frazee emailed to Donald Saah on the eve of the public meeting phone call. I included along with Terry's comments, additional comments I made during the conference call in the document below.

If you need anything in addition to this, please let me know.

Best Regards,

Craig

<<FSME-11-042 Aug 2011.docx>>

Craig Lawrence, Section Manager ♂
Radioactive Materials

Department of Health

Environmental Health Programs

Office of Radiation Protection

.360-236-3221

PO Box 47827

Olympia, WA 98504-7827

Physical address - 111 Israel Rd SE, Tumwater 98501

Public Health – Always Working for a Safer and Healthier Washington

Also, visit our Home Page at

<http://www.doh.wa.gov/ehp/rp>