

Manley, Eileen

From: Heath, Maurice
Sent: Tuesday, April 21, 2020 4:52 PM
To: Doell, Marlayna; Wong, Melanie; Schwartzman, Adam; Dembek, Stephen
Subject: FW: RE: Nuclear Regulatory Commission - Proposed interpretive rule related to very low-level radioactive waste disposal
Attachments: NRC VLLW Scoping Study FR Notice 2.14.18.pdf; VLLW Letter-Final to NRC Scoping Study.doc

Received from Southwest Compact a few minutes ago.

From: Kathy Davis <kathydavis@swllrwcc.org>
Sent: Tuesday, April 21, 2020 4:32 PM
To: Heath, Maurice <Maurice.Heath@nrc.gov>; Brian Goretzki, Vice Chair- AZ <brian.goretzki@azdhs.gov>; 'Dale Patrick, Commissioner ND' <dpatrick@nd.gov>; Donna Earley, Chair <donna@donnaearley.com>; Kathy Davis, Southwest Compact <kathydavis@swllrwcc.org>; Nick Emme, Alternate Commissioner SD <nick.emme@state.sd.us>; Peter Baldrige, Legal Counsel <pbaldrid53@hotmail.com>; Peter Brierty, Alternate Commissioner for CA <pbrierty@me.com>
Cc: Donna Earley, Chair <donna@donnaearley.com>; Dan Shrum LLW Forum <dshrum@llwforum.org>; Brandon Hurley, TX VT Compact <brandon.hurley@tllrwdcc.org>
Subject: [External_Sender] RE: Nuclear Regulatory Commission - Proposed interpretive rule related to very low-level radioactive waste disposal

Thank you Maurice. I will forward this off to my Commissioners. We did send a letter to the NRC some time ago when this issue first came up. I will attach it. I will also forward this to Dan Shrum, Executive Director of the LLW Forum. The Forum group has been discussing this subject in order to have meaningful input from all the country's Compacts and States regarding this rule.

As you remove VLLW materials and fees from the authorized LLW disposal facility (WCS) located in Texas, you do jeopardize the financial viability of the one and only LLW site that offers B & C LLW disposal for the country. Of course, I understand WCS would like to offer the option to send materials to their RCRA site. This option should be considered and how this impacts the balance of WCS operations vs. Texas funding of this site while continuing to offer adequate protection to the citizens of Texas. This would also encourage Utility Generators/Decommissioning Companies (as advocated by NEI) to send materials to the WCS RCRA facility considering it will reduce disposal fees to be spent from their decommissioning funds—certainly major “financial” considerations for both Companies. Yet, another consideration is a discussion with the State of Texas regarding their financial needs to protect the long term viability of this LLW site and still allow sensitivity to their WCS partner's financial stability.

I believe Compacts view this facility as a national asset for our Country, and as such, the NRC should seriously view the importance of this location providing a service to all of our Country. This LLW facility is a commitment to all our citizens to protect their health and safety as promised thru the leadership of the NRC. Loss of keeping this facility open could result in breaking that promise and allow B & C waste to be “stored” all across this country. This facility was specifically developed and supported by Texas and was not built under the assumption of having to divert a portion of LLW to a RCRA site for any financial benefits over health and safety benefits.

Thank you for allowing for an extension on the comment period during these difficult times. Our Compact is concerned about a number of potential impacts and hope all other Compacts will participate submitting comments on this proposed interpretive rule. I know we had hoped to have time to discuss this at our LLW Forum meeting that was scheduled earlier this month, but due to the unforeseen circumstances, we

have cancelled this event. Our next meeting is still scheduled in the fall and we are bringing forward this issue. Hope to see you there in San Antonio, Tx.

Thank you,
Kathy Davis
Executive Director

Sent: Tuesday, April 21, 2020 6:49 AM

To: kathydavis@swllrwcc.org

Subject: Nuclear Regulatory Commission - Proposed interpretive rule related to very low-level radioactive waste disposal

Kathy

Good morning to you. I am Maurice Heath and I work in Division of Decommissioning, Uranium Recovery, and Waste Programs at the Nuclear Regulatory Commission (NRC). On March 30, 2020 the NRC held a public meeting (via WebEx) to discuss the [Federal Register Notice](#) announcing a proposed interpretive rule related to very low-level radioactive waste disposal and a request for public comment.

On April 9, 2020 NRC issued a [FRN](#) extending the comment period to **July 20, 2020**. The NRC will continue to monitor the COVID-19 pandemic to determine if an additional extension may be warranted.

I am reaching out to Low-Level Waste Compacts to bring attention to NRC FRN's, provided clarification on how this could impact Compacts, and answer any questions that may arise. We would like to hear from Compacts on any potential impacts from NRC's proposed interpretive rule.

If you are available I would like to discuss the NRC's FRN with you or any interested member at Southwestern Low-Level Waste Compact. Please let me know if you are interested.

Thank you for your time and have a great day!

Maurice Heath
Division of Decommissioning, Uranium Recovery,
and Waste Programs
Office of Nuclear Material Safety and Safeguards
U.S. Nuclear Regulatory Commission
Washington, DC 20555
Office Phone: (301) 415-3137
E-mail: Maurice.Heath@nrc.gov