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July 20, 2020

Office of Administration
Mail Stop: TWFN-7-A60M
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

RE: Transfer of Very Low-Level Waste to Exempt Persons for Disposal– 85 FR 13076;
Docket ID NRC–2020–0065

The Executive Board of the Organization of Agreement States (Board) appreciates the opportunity to comment on this reinterpretation of a long-standing rule.

OAS does not endorse this proposed interpretation as an effort to change the regulatory practices regarding waste. A change in interpretation of a rule is unprecedented and is not a suitable way to go about significant changes in a well-established regulatory framework for disposal of Low-Level Radioactive Waste.

Also, this interpretation seems to most largely benefit the nuclear power industry who will produce large volumes of VLLW in decommissioning efforts. On the surface, this appears as a way to reduce costs and make decommissioning more economically viable.

Due to the optics of this situation it is even more necessary for the NRC to follow the Administrative Procedure Act, with more formalized rulemaking and a cost analysis. What will be the impact on materials licensees if the cost of LLW disposal is increased substantially to make up for the loss of revenue from VLLW disposal?

We appreciate the opportunity to express our views and stand ready to answer any questions you may have.

Sincerely,

Terry Derstine, Chair
Organization of Agreement States
Radiation Protection Program Manager

Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Mississippi, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, Washington, Wisconsin, Wyoming

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