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Statement of Jennifer Opila representing the Organization of Agreement States (OAS) Board
House Energy and Commerce Subcommittee on Environment and the Economy
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Thank you Chairman Shimkus, Vice Chairman Harper, Ranking Member Tonko and distinguished members of the Subcommittee. My name is Jennifer Opila and I'm the Radiation Program Manager for the State of Colorado. I'm here on behalf of the Organization of Agreement States to discuss the OAS' views on low level radioactive waste management. The membership of OAS consists of state radiation control directors and staff from the 37 Agreement States who are responsible for implementation of their respective Agreement State programs. Agreement States are those states in the United States of America that have entered into an effective regulatory discontinuance agreement with the NRC under subsection 274b. of the Atomic Energy Act (AEA). The role of the Agreement States is to regulate most types of radioactive material in accordance with the compatibility requirements of the AEA. Under its own internal practices, the NRC periodically reviews the performance of each Agreement State to assure compatibility with NRC's regulatory standards. The purpose of the OAS is to provide a mechanism for these Agreement States to work with each other and with the United States Nuclear Regulatory Commission (NRC) on regulatory issues associated with their respective agreements.

Throughout the years, both Agreement States and non-Agreement states have had the responsibility for implementing the Low Level Radioactive Waste Policy Act of 1980. As a result of the low level radioactive waste policy act, States have formed compacts that have facilitated the safe disposal of radioactive waste. At times the compact system has been criticized because it has resulted in many states not having access to disposal facilities. However, with the recent establishment of the Waste Control Specialists (WCS) facility in Texas, the establishment of the Texas-Vermont compact and that compact allowing access to the WCS facility from out of compact facilities, this situation has been largely resolved in that all states now have access to a waste disposal facility. Additionally, the WCS facility has added much needed capacity to the overall low level waste disposal inventory. The OAS Board believes that the compact system should be maintained so that states can control the import and export of low-level radioactive waste into facilities within their jurisdiction.

Agreement States play a vital role in the regulation of low level radioactive waste disposal in the United States. All four active low-level waste sites operate in the Agreement States of Texas, Utah, South Carolina and Washington. It is these states, not the NRC, who have decades of experience in regulating low level waste disposal. These states brought this experience to the recent discussions of changes to 10 CFR Part 61, the federal rule regarding

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, Virginia, Washington, Wisconsin

low level radioactive waste disposal. The purpose of this rule change was to consider the impacts resulting from the disposal of unique waste streams, such as significant quantities of depleted uranium from the operation of a commercial uranium enrichment facility. The OAS Board has two primary objections to the current proposed amendments to Part 61. First, the Board objects to redoing the site's performance assessment unless that site opts to take significant quantities of long-lived alpha emitters (e.g., DU). Sites that are not going to be accepting these unique waste streams do not need to conform to a performance assessment process that is designed specifically for those unique waste streams. Importantly, performance assessments addressing the disposal of significant quantities of depleted uranium for two of the existing low level waste disposal facilities have either been completed or will soon be completed.

Second, the Board proposes Compatibility C designation instead of Compatibility B designation as currently proposed by NRC for the new requirements of Part 61. Many states that regulate low-level radioactive waste sites currently have state standards that are more stringent than the requirements in the proposed rule. These states should not be forced to weaken their standards to conform to the new NRC rules. Compatibility C designation would allow these states to implement standards that are acceptable to the state and the communities that host these disposal facilities as long as those standards are at least as stringent as the NRC standards.