

August 31, 2026

Submitted via Regulations.gov (Federal eRulemaking Portal)

Caylee Kenny
Office of Nuclear Material Safety and Safeguards
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

RE: Docket ID NRC-2025-1140; Reforming and Modernizing the NRC's Radiation Protection Framework, 91 Fed. Reg. 43456 (July 15, 2026); RIN 3150-AL47¹

Dear Ms. Kenny:

A. Introduction and Position

The Washington State Department of Health (DOH) submits these comments on the proposed rule, *Reforming and Modernizing the NRC's Radiation Protection Framework*. DOH is the designated state radiation control agency under RCW 70A.388.040 and DOH's Office of Radiation Protection administers Washington's radioactive materials program under the Section 274b Agreement the State entered with the Atomic Energy Commission in December 1966.²

The State of Washington is also joining multistate comments submitted by the Attorneys General of Illinois and other States concerning the proposed rule. DOH agrees with the concerns expressed in those comments and submits these additional comments to supplement the multistate comments with Washington-specific information and technical considerations. Washington's experience provides concrete examples of several of the concerns identified in the multistate comments, particularly those involving radioactive air emissions, Agreement-State implementation, and the proposed changes to compatibility requirements.

DOH is concerned about (1) the lack of clarity regarding implementation of the proposed rule; (2) the failure to adequately consider Agreement States' capacity to implement the proposed changes; (3) the public health and regulatory implications of increasing the radioactive air-emission constraint; (4) the potential for alternative dosimetry methods to produce inconsistent results; and (5) the proposed reclassification of 10 C.F.R. § 20.1101(d) from Compatibility C to Category A.

B. Washington's Interest as an Agreement State

Washington has particularly substantial and longstanding interests in radiation protection and the regulation of radioactive materials. The State is home to the Hanford site, one of the nation's

¹Reforming and Modernizing the NRC's Radiation Protection Framework, 91 Fed. Reg. 43456 (proposed July 15, 2026) (to be codified at 10 C.F.R. pts. 19, 20, 34, 35, 40, 50, 53, 61, 71, 72), Docket ID NRC-2025-1140, RIN 3150-AL47, available at <https://www.federalregister.gov/documents/2026/07/15/2026-14208/reforming-and-modernizing-the-nrcs-radiation-protection-framework>

²Washington: Agreement State Information, U.S. Nuclear Regulatory Commission, available at <https://www.nrc.gov/agreement-states/washington>

largest and most complex nuclear cleanup sites, and continues to address the environmental and public health consequences of decades of nuclear materials production and waste management there. That experience has required Washington to develop significant regulatory expertise and monitoring capacity. Washington also maintains an integrated regulatory framework for radioactive air emissions administered by DOH and the Washington State Department of Ecology. These circumstances give Washington a strong interest in ensuring both that federal radiation protection standards remain adequately protective and that Agreement States retain appropriate flexibility to address state-specific conditions and public health concerns.

Washington has regulated radioactive materials under its own authority for six decades. The Legislature designated DOH as the state radiation control agency and authorized it to “formulate, adopt, promulgate, and repeal codes, rules, and regulations relating to control of sources of ionizing radiation.” Washington’s radiation protection regulations are codified across chapters 246-220 through 246-254 WAC and include requirements adopted to maintain compatibility with NRC requirements. Washington’s counterpart to 10 C.F.R. 20.1101(b) and (d) is WAC 246-221-005, which directs that a licensee “shall use, to the extent practical, procedures and engineering controls based upon sound radiation protection principles to achieve occupational doses and doses to members of the public that are as low as is reasonably achievable (ALARA).” Washington’s 10 mrem/year ambient air standard is established in chapter 173-480 WAC and implemented through chapter 246-247 WAC.

C. Specific Concerns

Lack of clarity in the proposed rules. DOH is concerned that the proposed rule does not provide sufficient detail or clarity to determine how NRC expects Agreement States to implement several of the proposed changes. First, it is unclear whether existing state licensing requirements will continue to apply. Second, it is unclear whether existing NUREGs will continue to apply, including provisions addressing technology standards, or whether NRC intends to revise that guidance. Finally, the proposed rule does not sufficiently define what NRC expects under the new “graded approach.” These uncertainties make it difficult for DOH to assess the practical consequences of the proposed rule and whether some of the concerns discussed below will ultimately apply. DOH requests clarification of these issues.

Failure of the proposed rules to consider state capacity to adopt these rules. NRC proposes an effective date 30 days after publication of a final rule. That timeline does not provide sufficient time for Washington to complete the state rulemaking process. The proposed rule could require Agreement States to make substantial revisions to their radiation protection regulations, but NRC has not adequately considered the cost of that work, the time necessary to complete it, or how state programs will operate during the transition. The issue is particularly significant in Washington because the proposed changes may implicate regulations administered by both DOH and the Washington State Department of Ecology. Washington’s 10 mrem/year ambient air standard is established in chapter 173-480 WAC and implemented through chapter 246-247 WAC. The extent to which NRC intends the proposed compatibility changes to require revisions to either regulatory chapter is unclear and itself requires clarification.

Public health impacts of increasing the radioactive air-emission constraint. The proposed rule would increase the radioactive air-emission constraint in 10 C.F.R. § 20.1101(d) from 10 mrem/year to 25 mrem/year. Increasing the constraint raises several public health and regulatory concerns for Washington.

First, the proposed changes could reduce associated controls, monitoring requirements, and annual reporting, thereby reducing the information available to DOH to evaluate facility emissions and their potential effects on public health.

Second, the proposed 25 mrem/year constraint applies on a facility-specific basis, while Washington's existing 10 mrem/year standard is an ambient air standard. This distinction matters where multiple facilities are located near one another. Dose isopleths from adjacent facilities may overlap, potentially exposing a member of the public to emissions from more than one facility. NRC should explain how its proposed facility-specific constraint is intended to interact with Washington's ambient standard and how cumulative exposure from multiple nearby facilities should be evaluated.

Third, facilities regulated under Washington's existing program are already operating well below the 10 mrem/year standard. DOH therefore questions what practical benefit would result from increasing the constraint to 25 mrem/year, particularly when implementation of the change could require Washington to incur substantial costs to revise regulations and associated regulatory documents.

Fourth, the proposed rule would allow a licensee to request approval of a constraint higher than 25 mrem/year. Such facility-specific requests could require additional technical review by state regulators, further increasing rather than reducing administrative costs.

Proposed alternative dosimetry methods creating inconsistent results. The proposed rule would allow licensees to obtain tissue weighting factor (wT) values using alternative dosimetry methods under § 20.1010. DOH is concerned that allowing facility-specific alternative dosimetry methods without clear standards could undermine the consistency and comparability of dose assessments.

Tissue weighting factors account for differences in the health risks associated with radiation exposure to different organs and tissues. Using accepted weighting factors provides a common basis for calculating effective dose and allows regulators to compare dose estimates across facilities. Allowing individual licensees to use different factors or methodologies could produce dose calculations that are not readily comparable and could introduce additional uncertainty into dose estimates.

Alternative methodologies would also impose additional costs on state regulators. DOH could be required to evaluate the scientific basis for facility-specific dosimetry calculations and any resulting changes to monitoring requirements.

DOH is also concerned about how alternative tissue weighting factors would interact with CAP88-PC, the modeling program used for regulatory compliance for radionuclide air

emissions. CAP88-PC uses specified ICRP tissue weighting factors to calculate effective dose and does not permit users simply to substitute alternative weighting factors. The CAP88-PC Version 4.1 User Guide cautions that changing the organ list or weighting factors invalidates the model's results. NRC should therefore explain how licensees and Agreement States are expected to model and evaluate doses calculated using alternative tissue weighting factors and how results produced using different methodologies can be meaningfully compared.

Proposed change in compatibility classification from Category C to Category A. The proposed compatibility table would reclassify 10 CFR Part 20, 20.1101(d) from Compatibility Category C to Category A. DOH is concerned that this change could restrict Washington's ability to maintain radioactive air-emission requirements more protective than the federal minimum.

The issue has particular significance in Washington because the State's 10 mrem/year ambient air standard is established under chapter 173-480 WAC, administered by the Washington State Department of Ecology, and implemented through DOH's radioactive air-emissions requirements in chapter 246-247 WAC. Reclassifying § 20.1101(d) therefore raises questions extending beyond a simple conforming amendment to an Agreement State regulation. NRC should explain whether it intends the Category A designation to require Washington to modify its existing ambient air standard or other state requirements and, if so, how that result is consistent with Clean Air Act provisions preserving state authority to maintain more protective radionuclide-emission standards.

The proposed change could also impose substantial administrative costs and delay on Washington. The State's existing 10 mrem/year standard was established through state regulatory processes with public participation, and Washington has developed regulations, permits, technical standards, and compliance practices around that standard. Changing the federal compatibility classification could require review and potential revision of those established requirements without a demonstrated corresponding public-health benefit.

DOH therefore recommends retaining § 20.1101(d) in a compatibility category that preserves appropriate state discretion. Before reclassifying § 20.1101(d) as Category A, NRC should explain why greater national uniformity is necessary and address the consequences for established state programs such as Washington's.

D. Recommendations and Conclusion

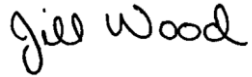
DOH recommends that the Commission:

1. Retain 10 C.F.R. 20.1101(d) in a compatibility category that preserves state discretion to maintain an ambient air emissions standard more protective than the federal minimum, rather than reclassifying it to Category A.
2. Clarify implementation of changes for Agreement States.
3. Revise the draft regulatory analysis to include the one-time cost to each Agreement State of conducting conforming rulemaking, developed from estimates supplied by the states themselves rather than derived from NRC assumptions.

4. Extend the implementation period to three years to provide Agreement States sufficient time to adopt required compatible program elements and address any necessary changes to their regulatory programs.

DOH appreciates the opportunity to comment and is prepared to provide the Commission with additional information as needed. Please contact the Office of Radiation Protection with any questions.

Sincerely,

A handwritten signature in black ink that reads "Jill Wood". The signature is written in a cursive, flowing style.

Jill D. Wood
Director, Office of Radiation Protection
Division of Environmental Public Health
Washington State Department of Health