

October 13, 2010

MEMORANDUM TO: R. W. Borchardt
Executive Director for Operations

FROM: Annette L. Vietti-Cook, Secretary **/RA/**

SUBJECT: STAFF REQUIREMENTS – SECY-10-0043 – BLENDING OF
LOW-LEVEL RADIOACTIVE WASTE

The Commission has approved the staff's recommended Option 2 to revise the Commission's current position on blending to be risk-informed and performance-based. As described in SECY-10-0043, Option 2 will be implemented through a combination of rulemaking and the issuance of guidance.

After the staff develops the revised Branch Technical Position regarding the circumstances under which the large scale blending described in SECY-10-0043 is acceptable, it should be reviewed by the Advisory Committee on Reactor Safeguards (ACRS). Following ACRS review, the guidance should be published for public comment.

The staff should work closely with the Agreement States to ensure maximum state flexibility in drafting the rule language and determining the appropriate compatibility category of the rule while also ensuring that the rule provides a clear requirement for a site specific analysis to ensure that blended waste is disposed of safely.

The sense of the Commission is that entities wishing to pursue large scale blending should be encouraged to wait until the revised Branch Technical Position (BTP) is published in a final form. However, until such time as the BTP revision is in final form, licensing actions received by NRC for large scale commercial blending facilities should be reviewed on a case-by-case basis. Any new policy issues that arise during this interim time period should be communicated to the Commission.

The staff should not include waste at Greater-Than-Class-C (GTCC) concentrations in the scope of this rulemaking; GTCC waste is a Federal responsibility and these volumes should not be made into a State responsibility, even if the waste has been blended into a lower classification.

The staff should develop a clear standard for determining homogeneity and should obtain stakeholder input on the approach as part of the revised BTP. The staff should evaluate homogeneity in the context of the volumes of waste an intruder could encounter in reasonably foreseeable inadvertent intruder exposure scenarios, and also evaluate it in relation to mathematical averaging. The staff should also consider whether limits on mathematical averaging are appropriate.

The staff should provide clear guidance indicating the approach that should be used in conducting performance assessments for this type of waste. The staff should also consider whether any performance assessment information should be included as part of the rule instead of being contained in guidance.

The staff should ensure that communications as part of the rule are tailored to the heightened public interest in blending and appropriately educate our stakeholders on the risks of blending. The staff should also consider additional opportunities for stakeholder involvement and education in development of the rule, such as additional public meetings or extension of the public comment period on the rule.

cc: Chairman Jaczko
Commissioner Svinicki
Commissioner Apostolakis
Commissioner Magwood
Commissioner Ostendorff
OGC
CFO
OCA
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Office Directors, Regions, ACRS, ASLBP (via E-Mail)
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