RAS 10944

3 DOE RESPONSE TO COMMENTS

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NES Exhibit 114

Template = SECY-028

SECY-02

U.S. NUCLEAR REGULATORY COMMISSION
In the Matter of Louisiana Energy Services, L.P.
Docket No. 70-3103-ML Official Exhibit No. LES 114
OFFERED by: Applicant/Licensee Intervenor
NRC Staff Other
IDENTIFIED on 10/26/05 Witness/Panel LES Disposal
Action Taken: ADMITTED REJECTED WITHDRAWN
Reporter/Clerk Bethany Engel

DOCKETED
USNRC

December 21, 2005 (3:30pm)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

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Institute for Energy and Environmental Research

Comment 1

The DOE's effort to address the long-term management of the country's depleted uranium hexafluoride, specifically the realization of the importance to convert this material into a stable form is long overdue. The Draft PEIS is seriously deficient because it does not address the most environmentally appropriate option — specifically, the DOE did not include the alternative of disposing of depleted uranium according to the rules of 40 CFR 191 which govern the disposal of transuranic (TRU) wastes. The Institute for Energy and Environmental Research (IEER), in its comments (Mar 22, 1996) on DOE's Notice of Intent (Jan 25, 1996), had already noted that the proposed list of alternatives was incomplete since it did not include the option of disposal under 40 CFR 191. The DOE has rejected our comments without providing any technical or environmental explanation. Our comments of March 22, 1996 are attached. DOE should include this option in the Final PEIS.

IEER recommends that depleted uranium be classified as a waste equivalent to TRU waste for management purposes.

Response 1

Depleted UF_6 is a source material. For purposes of evaluating disposal options in the PEIS, it has been assumed that depleted UF_6 would be converted into an oxide. This oxide form would be considered to be a LLW. By definition, only waste containing more than 100 nanocuries of alpha-emitting transuranic isotopes per gram of waste, with half-lives greater than 20 years, is classified as TRU waste. Waste containing depleted uranium with no or little TRU radionuclides does not fall within this definition. Therefore, disposal of depleted uranium oxides resulting from the conversion of DOE's depleted UF_6 inventory would not be subject to the regulations specified in 40 CFR 191. The material would be classified as LLW and the disposal alternative evaluated in the PEIS considered it to be LLW.

Comment 2

IEER agrees with DOE that the no action alternative is inappropriate and should be rejected because of the dangers of UF_6 storage. For the same reason, long-term UF_6 storage in new containers should also be rejected. Overall, conversion to oxide would reduce risks. While conversion poses risks to workers and the off-site population, continued storage also poses serious risks.

IEER recommends that UF_6 be converted to an oxide form and declared a waste to be handled on a par with repository-designated TRU waste, with the possible exception of a relatively small quantity to be used for the blending down of highly enriched uranium. This should be the preferred option in the Final PEIS.