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Office of Nuclear Material Safety and Safeguards
Mail Stop T6-D59
U. S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

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ATTN: Chief, Rules and Directives Branch

**REQUEST FOR COMMENTS ON THE
NUCLEAR REGULATORY COMMISSION'S
LOW LEVEL RADIOACTIVE WASTE
PROGRAM (71 FED. REG. 38675, DATED JULY 7, 2006)**

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Virginia Electric and Power Company (Dominion), Dominion Nuclear Connecticut, Inc. (DNC), and Dominion Energy Kewaunee, Inc. (DEK) appreciate the opportunity to provide comments on the Nuclear Regulatory Commission's low level radioactive waste program as described in the subject *Federal Register* notice.

The following comments are provided in response to the questions presented in the *Federal Register* notice:

1. What are your key safety and cost drivers and/or concerns relative to LLW disposal?

Dominion believes that the disposal of LLW at a licensed disposal facility provides the highest degree of public health and safety protection. Dominion also believes that, if disposal options are not available, LLW generated by our nuclear power stations can be safely managed and stored on-site. LLW generators should not be forced to fund any future disposal facility development based on the existing Compact process failures to develop new disposal facilities. LLW processing/disposal costs should not be cost prohibitive, possibly discouraging some generators from disposing of waste.

2. What vulnerabilities or impediments, if any, are there in the current regulatory approach toward LLW waste disposal in the U.S., in terms of their effect on:
 - a. Regulatory system reliability, predictability, and adaptability;
 - b. Regulatory burden (including cost); and
 - c. Safety, security, and protection of the environment?

SUNSI Review Complete

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R. White (ARW2)

The current regulatory framework has been adequate. However, a review of the regulatory basis is warranted. Dominion endorses the recommendations in the December 27, 2005, Advisory Committee on Nuclear Waste white paper regarding opportunities in the area of low-level radioactive waste management. In particular Dominion agrees that 10CFR Part 61 should be reviewed to determine areas that could be better risk-informed. This could possibly lay down the groundwork for future rulemaking. Risk informed regulation results in more public confidence that regulations provide for enhanced public health, safety, and protection of the environment.

Regulatory actions could have the effect of enabling additional disposal options for mixed waste and some Class A LLW such as the EPA ANPR for disposal at RCRA sites, streamlining and standardizing the 20.2002 process, and issuance of a clearance rule.

3. Assuming the existing legislative and regulatory framework remains unchanged, what would you expect the future to look like with regard to the types and volumes of LLW streams and the availability of the disposal options for Class A, B, and C, and greater-than-class C (GTCC) LLW five years from now? Twenty years from now? What would more optimistic and pessimistic disposal scenarios look like compared to your "expected future"?

Dominion believes that there will be disposal options for Class A waste in the five to twenty year period. Except for LLW generators in the Atlantic and Northwest Compacts, Dominion is not optimistic that there will be disposal options for Class B and C wastes when the Barnwell facility in South Carolina closes to non-Atlantic Compact generators in 2008. We are anticipating the need for long term storage of Class B and C waste at our non-Atlantic Compact facilities. Dominion does not believe that the existing Congressional legislation and compact process will result in any new disposal facilities being developed in the future. Because of the low volumes of Class B and C waste projected to be generated in the future, private development of a new disposal facility for commercial waste only is unlikely.

Dominion expects that the generation rates for all classes of waste to remain constant or slightly decreasing depending on the future development of volume reduction technologies. However, volumes will significantly increase when power reactors begin decommissioning. In addition, volumes would increase as new power reactors become operational.

4. How might potential future disposal scenarios affect LLW storage and disposal in the U. S., in terms of:
 - a. Regulatory system reliability, predictability, and adaptability;
 - b. Regulatory burden (including cost); and
 - c. Safety, security, and protection of the environment?

The regulatory system will need to be flexible. For example, one scenario is disposal of LLW at an existing DOE facility. There should be regulatory flexibility that would permit the disposal of commercial LLW at the facility as long as DOE procedures and requirements are met. Licensing of the facility per 10CFR Part 61 requirements should not be necessary if safety, security, and protection of the environment are already ensured.

Another potential scenario involves the disposal of LLW outside the U. S. The political climate in another country may be more favorable for the development and operation of a facility. In this scenario, the regulatory system would need to be flexible in addressing the issues associated with the international transportation and disposal of LLW.

5. What actions could be taken by NRC and other federal and state authorities, as well as by private industry and national scientific and technical organizations, to optimize management of LLW and improve the future outlook? Which of the following investments are most likely to yield benefits:
 - a. Changes in regulations;
 - b. Changes in regulatory guidance;
 - c. Changes in industry practices;
 - d. Other (name).

Public and political leaders need to be better educated in understanding that long-term safety, security, and protection of the environment is best assured by the disposal of LLW at a licensed disposal facility and not storage at hundreds of scattered licensee locations. The stakeholders identified in the question along with the Compacts could assist in this process.

Private industry may consider options such as long term storage of Class B and C wastes. The NRC could provide technical support to Agreement states in the licensing of such facilities.

6. Are there actions (regulatory and/or industry initiated) that can/should be taken in regard to specific issues such as:
- a. Storage, disposal, tracking and security of GTCC waste (particularly sealed sources);
 - b. Availability and cost of disposal of Class B and C LLW;
 - c. Disposal options for depleted uranium;
 - d. Extended storage of LLW;
 - e. Disposal options for low-activity waste (LAW)/very low level waste (VLLW);
 - f. Onsite disposal of LLW;
 - g. Other (name).

Storage, disposal, tracking and security of GTCC waste should not be a problem for nuclear power licensees. This waste is typically stored in secure locations in Protected Areas or in ISFSI facilities.

10CFR Part 61 risked based regulation could result in more disposal options and help expedite the licensing of new LLW disposal facilities.

If disposal options for Class B and C waste are not available, consideration should be given to the storage of waste at a federal facility until such time that a private or federal facility is licensed and operating.

7. What unintended consequences might result from the postulated changes identified in response to questions 5 and 6?

Failure to take action to ensure long term access to disposal or secure storage for all Classes of waste could result in higher risks to public health and safety as a result of lost or stolen radioactive material.

8. Based on your observations of what works well and not-so-well, domestically and/or internationally, with regard to the management of radioactive and/or hazardous waste, what actions can the NRC and other Federal regulatory agencies take to improve their communication with affected and interested stakeholders?

Recently there have been a number of meetings with stakeholders (waste generators, compacts, state and Federal regulatory agencies, etc.). These meetings have generated good discussion on the issues associated with the management of LLW. However, no agency has stepped forward to assume leadership in working with the stakeholders to resolve the issues. Dominion believes the NRC should assume this leadership in response to the strategic assessment of its LLW regulatory program.

9. What specific actions can NRC take to improve coordination with other Federal agencies so as to obtain a more consistent treatment of radioactive wastes that possess similar or equivalent levels of biological hazard?

The NRC could assume a leadership role by heading an interagency task force to identify and review the LLW issues and develop strategies for resolution.

If you would like further information, please contact either:

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Respectfully,



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