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James Shaffner
Division of Intergovernmental Liaison and Rulemaking
Office of Federal and State Materials
and Environmental Management Programs
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

SUBJECT: Draft NRC Information Notice 90-09 (REV.1)

Dear Mr. Shaffner,

Staff of the New York State Energy Research and Development Authority (NYSERDA) radioactive waste policy program and the New York State Department of Environmental Conservation (NYSDEC) radiation control program have reviewed draft NRC Information Notice 90-09 (REV.1) *Extended Interim Storage of Low-Level Radioactive Waste By Fuel Cycle and Materials Licensees*. We offer the following comments for NRC's consideration.

This draft Information Notice is directed at fuel cycle and materials licensees of the NRC. To our knowledge, in New York State, there is only one fuel cycle licensee. The technical specifications for that license are currently in abeyance. NRC materials licensees in New York State are primarily medical facilities operated by the US Veterans Administration, certain installations of the US Army, and a few commercial and industrial licensees.

1. **Page 2, Discussion, first paragraph** - The text discusses the potential for licensees to need a license amendment to allow onsite LLRW storage, extended interim storage, increased possession limits, or other modifications in anticipation of their expected loss of access to the Barnwell, South Carolina disposal facility. This loss of disposal access only applies to Class B and C waste and certain Class A waste streams that do not meet the waste acceptance criteria for the Clive, Utah site. Therefore, the text should be revised to make clear that license amendments issued to accommodate extended interim storage needs will only apply to waste streams for which there is no off-site storage or disposal option. Class A waste streams that meet the waste acceptance criteria for the Clive, Utah site should not be eligible for extended interim storage.
2. **Page 2, Paragraph (1)** - The second sentence in this paragraph states that low-level radioactive waste (LLRW) should be stored only when disposal capacity is unavailable. Before relying on extended storage, licensees should be encouraged to evaluate and implement measures to minimize production of waste for which there is no disposal route. We suggest adding that advice to this paragraph.

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3. **Page 3, Paragraph (3)** - This paragraph discusses the need to protect the waste packages from the elements, and refers to the possibility that circumstances could make it “impractical” to provide such protection. In that case, the NRC suggests only that the licensee determine how it will maintain package integrity and prevent the release of stored LLRW. Licensees should be required to justify a decision to leave packages of Class B and C waste exposed to the elements. Licensees should also be required to provide a plan and timeline for obtaining storage capacity that is protected from the elements. In addition, overpacking should be a requirement when outside storage is the only option. Storing the waste in the environment should be a last resort, and an option only when there are significant health and safety, operational, financial, or environmental impacts to storing it indoors. We suggest rewording the paragraph accordingly.
4. **Page 3, Paragraph (4)** - This paragraph discusses the need for periodic inspections of the stored wastes, and suggests the licensee “consider a real-time tracking system that allows the location of specific packages or accumulations of packages during an emergency.” This is a good idea, but with or without a real-time tracking system, the licensee should be able to locate the waste during an emergency. We suggest rewording the sentence to read, “In addition to existing measures to locate waste during an emergency, the licensee should consider a real-time waste tracking system that allows the location of specific packages or accumulations of packages.”
5. **Page 3, Paragraph (5)** - This paragraph reads, “Depending on the specific waste involved, licensees may need to have procedures and equipment in place or readily available to repackage the waste if necessary.” We suggest rewording it to read, “Licensees should evaluate the potential for package deterioration and determine whether procedures and equipment may be needed to repackage the waste in the future. If so, the licensees should have the same in place or readily available.”
6. **Page 3, Paragraph (7)** - With reference to minimizing potential exposures to workers, the Information Notice advises, “Licensees should consider possible alternative disposition pathways . . .” It is not clear what this refers to. Presumably, if the licensee is storing the waste, no alternative disposition pathways exist.
7. **Page 3, Paragraph (8)** - The first sentence reads:

Stored waste should be located in a restricted area or managed in accordance with Commission regulations in 10 CFR 20.1801, “Security of Stored Material,” and 10 CFR 20.1802, “Control of Material not in Storage” (underlining added)

Perhaps this makes sense to parties who are familiar with the referenced regulations, but to the uninitiated, the underlined language appears to be contradictory.

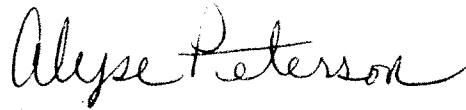
8. **Enclosure 1, Page 1** - Item 1.b. requires the licensee to “identify the estimated maximum amount of LLRW to be stored, both in terms of volume and activity, by radionuclide.” In those cases where the licensee produces a Class B and C waste stream as part of normal operations, the maximum amount of waste to be stored will depend on when, if ever, a Class B and/or C disposal facility becomes available. We suggest adding some explanation of how

the licensee should account for that uncertainty in estimating the maximum amount of waste to be stored.

9. **Enclosure 1, Page 1** - Item 1.c(1) requires characterization of the LLRW to be stored by volume of waste by class (A, B, C, or greater than Class C). We suggest that the LLRW to be stored should also be characterized by activity of waste by class, and by radionuclide.
10. **Enclosure 1, Page 1** - Item 1.c(3) requires description of any processing of the waste (volume reduction, solidification, or other treatment). We suggest that licensees should specify whether such processing is done onsite or offsite (with subsequent return of waste to the licensee for storage).

If you have any questions you may contact me at (518) 862-1090 ext. 3274.

Sincerely,



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