

October 30, 2009

Mr. Joseph DiCamillo
General Counsel
Studsvik, Inc.
5605 Glenridge Dr., Suite 705
Atlanta, GA 30342

Dear Mr. DiCamillo:

I am writing in response to your letter of August 7, 2009, to U.S. Nuclear Regulatory Commission (NRC) Chairman Gregory B. Jaczko in which you provided Studsvik's comments on blending of low-level radioactive waste (LLW). On September 4, 2009, I provided an interim response to your letter stating that I would respond in more detail at a later time.

Your letter raises concerns with blending of LLW which results in a lower waste classification, and states that you believe this practice would be contrary to Commission policy. You provide a number of statements contained in NRC guidance that discourage blending of different types of waste. We have addressed each of these statements in the attached enclosure. Some of the statements are incorrect interpretations of staff positions, and others are taken out of context, (i.e., they are from different programs within NRC and do not apply to LLW disposal). In fact, some blending to lower the classification of waste under certain conditions is addressed in our LLW guidance.

My August 27, 2009, letter to Thomas E. Magette of EnergySolutions, which I enclosed with the September 4, 2009, interim response, summarizes NRC's current regulations and staff guidance on LLW blending and states the following:

- Blending is not prohibited nor explicitly addressed in NRC regulations.
- While the staff has stated that wastes should not be mixed *solely* [emphasis added] to lower the waste classification, NRC guidance acknowledges that blending, including some blending that may lower the waste classification, may be appropriate under certain circumstances.
- Waste classification is related to safety of the disposed waste, and NRC regulations do not require waste to be classified prior to its shipment for disposal.
- The acceptability of any specific blending proposal would have to be evaluated by the appropriate regulatory authority, and NRC's guidance would be one way for a licensee to demonstrate compliance with the regulations. Other approaches may also be found acceptable.

Further, on October 8, 2009, Chairman Jaczko directed the staff to prepare a vote paper on blending for Commission consideration. This paper will address, among other things, any policy issues associated with blending. Because of the significant stakeholder interest in this topic, we will seek stakeholder input on blending before the paper is completed, as well as consider the views already expressed by stakeholders, including Studsvik, on this topic.

If you have any questions, please contact me at (301) 415-7437.

Sincerely,

/RA/

Larry W. Camper, Director
Division of Waste Management
and Environmental Protection
Office of Federal and State Materials
and Environmental Management Programs

Enclosure:
NRC Staff Analysis of Studsvik's
August 7, 2009, Comments
on Blending

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