

Association of State and Territorial
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Solid Waste Management Officials

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USNRC

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June 17, 2011

June 20, 2011 (11:15 am)

Secretary
U.S. Nuclear Regulatory Commission
ATTN: Rulemakings and Adjudication Staff
Washington, DC 20555-0001

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Re: Docket ID No. NRC-2011-0012
10 CFR Part 61: Site Specific Analyses For Demonstrating Compliance With
Subpart C Performance Objectives

Dear Madam/Sir:

The Association of State and Territorial Solid Waste Management Officials (ASTSWMO) Radiation Focus Group is forwarding the attached comments to U.S. Nuclear Regulatory Commission's (NRC's) proposed amendment to 10 CFR Part 61: Site Specific Analyses for Demonstrating Compliance With Subpart C Performance Objectives, published in the Federal Register on May 3, 2011 (76 FR 24831)

ASTSWMO is an association representing the waste management and remediation programs of the 50 States, five Territories and the District of Columbia (States). Our membership includes program experts in the management and regulation of hazardous and solid wastes. The enclosed comments reflect the analyses and input provided by the ASTSWMO Radiation Focus Group. These comments have not been reviewed or adopted by the ASTSWMO Board of Directors or Program Subcommittees. In addition, individual State or Territorial programs may also provide comments based on their own State perspectives and experiences.

Should you have any questions or require additional information, you may contact me at (865) 481-0995 or dale.rector@tn.gov.

Sincerely,



Dale Rector, Chair
ASTSWMO Radiation Focus Group

Enclosure

CC: ASTSWMO Radiation Focus Group
Millie Garcia-Serrano, Massachusetts Department of Environmental Protection
Charles Reyes, ASTSWMO
Dania Rodriguez, ASTSWMO
Mary Zdanowicz, ASTSWMO

**ASTSWMO Comments to 10 CFR Part 61: Site Specific Analyses For Demonstrating
Compliance With Subpart C Performance Objectives (May 2011)¹
Docket ID NRC-2011-0012**

§ 61.2 Intruder Assessment: Either the expected assessment compliance period (20,000 years) should be stated in the assessment definition or a definition for “compliance period” should be added.

§ 61.2 Performance Assessment: The assessment time period should be stated in the definition.

§ 61.7(a)(1) "While there may not yet be detailed technical criteria established for all kinds of land disposal that might be proposed, alternative methods of disposal can be approved on a case-by-case basis as needed."

This is wordy, and “may” should be used instead of “can”. Proposed language: ~~“While there may not yet be detailed technical criteria established for all kinds of land disposal that might be proposed,~~ Alternative methods of disposal may be approved on a case-by-case basis as needed."

§ 61.7(c)(2) This section is confusing and could be shortened and clarified by removing ambiguous phrases like “could be a problem”.

The first sentence should be written more clearly: “A cornerstone of the system is stability—stability of the waste and the disposal site which minimizes the access of water to waste that has been emplaced and covered.”

“Limiting the access of water to the waste minimizes the migration of radionuclides, which avoids the need for long-term active maintenance and reduces the potential for inadvertent intruders to be exposed to the waste.” This sentence does not appear to be technically correct. Limiting water migration alone (e.g. HDPE, clay layer) does not stop the need for active maintenance, things like erosion controls are also critical in reducing active maintenance. Limiting water infiltration is not the primary mechanism to reduce intruder exposure to waste, though it may reduce intruder exposure to contaminated water.

“While stability is desirable; it isn’t necessary from a health and safety standpoint for most low-level waste because the waste doesn’t contain sufficient radionuclides to be of concern.” The section header states that stability is the cornerstone of the system which seems to disagree with the statement stability is desirable though not necessary. Perhaps this should read: “While stability is desirable it isn’t necessary from a health and safety standpoint for most Class A low-level waste because the waste doesn’t contain sufficient activity to be of concern.”

“This low-activity waste (e.g., ordinary trash-type waste) tends to be unstable, which can become a problem if it is mixed with higher activity waste. If lower activity waste is mixed with the higher activity waste, the deterioration of the unstable waste could lead to the failure of the system and could permit water to penetrate the disposal unit, which could cause problems with the higher activity waste.” This section is confusing and

¹ All comments provided herein are from members of the ASTSWMO Radiation Focus Group and do not reflect an official position by the ASTSWMO Board of Directors.

should be simplified and written more clearly. Statement like “can become a problem if mixed with higher activity waste” (what kind of “problem”? explosion, airborne release, etc?) and “could cause problems with the higher activity waste” (what kind of “problem”? explosion, airborne release, etc?) are confusing, vague, do not offer any technical insight, and are not useful in a regulatory sense.

§ 61.13(e)(1) This section is very vague and ambiguous and should be removed, as it should be more of a good practice than a regulatory requirement. Facilities are designed and closed in accordance with the criteria in Subpart C that provides specific dose criteria and compliance time frames. This proposed language introduces ambiguous regulations like: “potential long-term radiological impacts” and “design and site characteristics that will reduce long-term impacts”. Does “long-term” imply up to 20,000 years?

§ 61.13(e)(2) Again, Subpart C that provides specific dose criteria and compliance time frames. This proposed language is vague and ambiguous and should be removed, as it should be more of a good practice than a regulatory requirement. The intent of this requirement is not clear, nor are the actions that will be expected/imposed if doses are greater than the dose limits in Subpart C.

Rulemaking Comments

From: Charles Reyes [charlesr@astswmo.org]
Sent: Monday, June 20, 2011 9:14 AM
To: Rulemaking Comments
Subject: Comments to NRC-2011-0012, Site-Specific Analyses for Demonstrating Compliance With Subpart C Performance Objectives
Attachments: 2011.06_ASTSWMO_Comments_NRC-2011-0012.pdf

Dear Sir/Madam,

Attached are comments to Docket ID NRC-2011-0012 from the Association of State and Territorial Solid Waste Management Officials (ASTSWMO) Radiation Focus Group. I attempted to send on Friday, June 17, 2011, but it was returned to me marked undeliverable.

Thanks you for considering our comments.

Sincerely,

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