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RULES AND DIRECTIVES

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From: Miller, Clint <CCM1@pge.com>
Sent: Thursday, April 25, 2013 1:28 PM
To: Lowman, Donald
Subject: RE: NUREG BR-0402 comments
Attachments: Use of ULLRW Manifest-MIMS for RG 1.21.doc

2013 SEP - 9 PM 1:41

Don,

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I believe ASME has submitted written comments following up on the Public meeting on March 1, 2013. I think EPRI will submit similar comments, if they haven't already. Both touch on the attribution issue.

I gave Chip the attached write up on the attribution issue at the Public Meeting and asked that it be put in the record. Do you know if it was?

I understand that a separate meeting would be needed to discuss attribution as State stakeholders would need to be present and it involves RG 1.21 Rev 2 issues and Appendix G definitions in Part 20.

Thanks,
Clint

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Add= D. Lowman (OBL1)

Use of Uniform LLRW Manifest information to Complete Solid Radwaste Portion of Annual Rad Effluents Reports (RG 1.21)

Envision an end state where the information entered into the Uniform LLRW Manifest collected by commercial disposal sites and transfer to the DOE to populate the National Manifest Information Management System (MIMS) **is used** by licensees to submit their Solid Radwaste portion of the RG 1.21 report electronically from MIMS.

Several barriers prevent this vision, which would comply with the paperwork reduction act, from happening.

Background

RG 1.21 Rev 1 was written prior to the advent of off site waste processors. It requires reporting solid waste shipments from the site in D.1 and solid waste shipped off-site for Burial or Disposal in Table 3 A. With the advent of off-site waste processors in the 1990's, confusion over whether to include shipments from the plant to waste processors or the shipments from the processor to the disposal site arose.

NRC HP Position 291 guidance Item 1 states "*information reported in the annual report should be the volume and activity of the low level waste leaving the reactor site that the licensee believes will be sent... to a licensed disposal site.*" However, several plants had Tech Spec that required reporting the Waste Class be listed in their RG 1.21 report. 10 CFR 20 .311 (d) requires a Uniform LLRW manifest be used for shipments to waste processor and NRC HP Position 291 Item 2 state "*the regulations do not require a generator to classify waste being sent to a processor.*" Since waste going to a processor is not in final form packaged for disposal Classification cannot be conducted. Plants required to report waste class include shipments from waste processor to the disposal site in their RG 1.21 reports.

Comments by industry on the draft revision to RG 1.21 (DG-1186) were submitted by NEI Feb 3, 2009 identifying the opportunity to reduce unnecessary regulatory burden by adopting the end state described above by conceding that disposal is the subject of the reporting rather than shipments to waste processors. Rev 2 of RG 1.21 when issued continued to require shipments to waste processors be reported. An attempt to clarify which shipments to waste processors should be included was made in a paragraph on page 32 by listing types of shipments that need not be reported. RG 1.12 Rev 2 also added a new requirement to list the shipments by waste class. Since it is improper to Classify waste going to processors, few plants have adopted Rev 2 to RG 1.21.

Confusion still exists over which shipments should be included in the RG 1.12 report. Regional inspectors have indicated that plants not committed to Rev 2 cannot exclude the shipments listed there from their reports. The topic was discussed at the Boston meeting in 2012. Industry believes NRC will revise RG 1.12 again to correct the embedded conflict within Rev 2.

1-We suggest that NRC revise RG 1.21 to require shipments from waste processor to disposal sites be reported and not those to waste processors. Let the Waste Processors do their job. Then the whole question of "when is waste a waste" is avoided. The quantities and waste class can be reported for those shipments going to a licensed disposal site.

Assuming this change is made to RG 1.21, enhanced guidance on completing Form 542 for Waste Generator attribution maybe required.

Waste generator attribution is not consistent due limited guidance in NUREG/BR-0204 and the broad definition of *Residual Waste* in App G of 10 CFR part 20. Shouldn't the waste Generator be the source where the nuclides originated versus where the final waste form was created ?

The current Residual waste definition states: *Residual waste means LLRW resulting from processing or decontamination activities that cannot be easily separated into distinct batches attributable to specific waste generators. This waste is attributable to the processor or decontamination facility, as applicable.*

Historically, the above definition was used for grit blast media, laundry sludge and ventilation filters at off-site decontamination or waste processing facilities. The residue from off site thermal processes was originally attributed to waste generators (even though comingled) and manifested as such on Form 542. Calculations were used to determine the proportion of waste attributable to each generator. Several years back, thermal residue from most processors began being listed as the processor's waste under the *Residual Waste* definition above. The processor alone is now listed on the 542 Form.

This attribution to the processor is a cause of concern for some stake holders including Compacts and Disposal site Host States. Attribution reports that mimic the 542 Form are being used to address these concerns.

2-If the waste generator is to be the origin of the nuclides, then the existing guidance for completing the Form 542 should be changed.