

LOW-LEVEL RADIOACTIVE WASTE FORUM, INC.

2657 Bayview Drive – Ft. Lauderdale, F.L. 33306
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November 5, 2013

Larry Camper
Director
Division of Waste Management
Office of Federal & State Materials &
Environmental Management Programs
U.S. Nuclear Regulatory Commission
Mail Stop T-8-F-5
Washington, D.C. 20555

Dear Mr. Camper:

As you are aware, as a result of the recent government shutdown, U.S. Nuclear Regulatory Commission staff was unable to attend the fall 2013 meeting of the Low-Level Radioactive Waste Forum, Inc. (LLW Forum) in Park City, Utah. Nonetheless, the LLW Forum was able to successfully coordinate with NRC to allow agency staff to participate and provide scheduled presentations remotely via bridge line conference call. On behalf of the organization, I would like to express our sincere appreciation to NRC staff for their participation in the meeting. The presentations were informative and insightful and of significant interest to our membership and the other stakeholders in attendance.

One of the NRC presentations focused on the agency's proposed rule language on implementing the requirements for a site-specific analysis for near-surface disposal of low-level radioactive waste. As you are aware, this is an issue of significant interest to the states and compacts. Indeed, the LLW Forum has formed a Part 61 Working Group which includes, among others, participation by representatives of all four of the states with operating low-level radioactive waste disposal facilities.

Given the interest of LLW Forum members on the Part 61 rulemaking initiative, members engaged in considerable discussion following the NRC presentation. At the conclusion of the discussion, the LLW Forum's Board of Directors unanimously passed the attached resolution which, among other things, encourages NRC to give enhanced consideration to feedback from representatives of the states with operating low-level

radioactive waste disposal facilities and to conduct a public comment period for a minimum of 90 days for the proposed revisions to 10 CFR Part 61.

If you have any questions about the attached resolution or any other matters related to this issue, please feel free to contact me at (754) 779-7551/office or at (202) 423-6920/cell or at LLWForumInc@aol.com.

Thank you.

Sincerely,



Todd D. Lovinger, Esq.
Executive Director
LLW Forum, Inc.

Enclosure

cc Mike Garner, Chair of the LLW Forum
Part 61 Working Group Members
Christopher Grossman, FSMEMP, NRC
Maurice Heath, FSMEMP, NRC
Janelle Jessie, FSMEMP, NRC
James Kennedy, FSMEMP, NRC
Aby Mohseni, FSMEMP, NRC
Gregory Suber, FSMEMP, NRC

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Resolution re Enhanced Consideration of Sited States' Comments on Proposed Revisions to 10 CFR Part 61

Park City, Utah
October 23, 2013

As the U.S. Nuclear Regulatory Commission (NRC) is considering proposed revisions that would amend Part 61 of Title 10 of the *Code of Federal Regulations* (10 CFR), "Licensing Requirements for Land Disposal of Radioactive Waste;"

As, on January 19, 2012, the Commission directed NRC staff to expand the current limited-scope revision to Part 61 regarding site-specific analysis to bring a clearer risk-informed approach to Part 61 through extensive interactions with stakeholders to determine whether certain risk-informed approaches should be incorporated into the current rulemaking;

As, on July 18, 2013, NRC staff requested Commission approval to publish a proposed rule to amend 10 CFR Part 61 in the *Federal Register* that, among other things:

- requires low-level radioactive waste disposal licensees and license applicants to conduct updated and new site-specific analyses and to permit the development of criteria for future low-level radioactive waste acceptance based on the results of these analyses;
- updates the existing technical analysis requirements for protection of the general population (i.e., performance assessment) to include a 10,000-year compliance period; adds a new site-specific technical analysis for the protection of inadvertent intruders (i.e., intruder assessment) that would include a 10,000-year compliance period and a dose limit; adds a new analysis for certain long-lived low-level radioactive waste (i.e., performance period analysis) that would include a post-10,000 year performance period; and, revises the technical analyses required at closure;
- adds a new requirement to develop criteria for the acceptance of low-level radioactive waste for disposal based on either the results of these technical analyses or on the existing low-level radioactive waste classification requirements in order to facilitate consideration of whether a particular disposal site is suitable for future disposal of depleted uranium (DU), blended low-level radioactive

waste, or any other previously unanalyzed low-level radioactive waste stream;
and,

- proposes amendments to facilitate implementation and better align the requirements with current health and safety standards;

As, upon publication of a proposed rule to amend 10 CFR Part 61, NRC's Office of Federal and State Materials and Environmental Management Program plans to continue engaging stakeholders and members of the public on possible changes to Part 61;

As states and compacts have primary responsibility for issues related to the management and disposal of low-level radioactive waste under the Low-Level Radioactive Waste Policy Act of 1980 and its 1985 amendments;

As all current operating low-level radioactive waste disposal facilities are located in and regulated by Agreement States;

As states and compacts have a primary and vested interest in and will be directly impacted by any proposed revisions to Part 61;

Now Wherefore Be it Resolved that the LLW Forum encourages NRC to directly communicate with and seek feedback specifically from representatives of the states with operating low-level radioactive waste disposal facilities on the proposed revisions to 10 CFR Part 61, and

Now Wherefore Be it Further Resolved that the LLW Forum encourages NRC to give enhanced consideration to feedback from representatives of the states with operating low-level radioactive waste disposal facilities on the proposed revisions to 10 CFR Part 61, and

Now Wherefore Be it Further Resolved that the LLW Forum encourages NRC to conduct a public comment period for a minimum of 90 days for the proposed revisions to 10 CFR Part 61.