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September 15, 2014

Ms. Cindy Bladey
Office of Administration
Mail Stop: 3WFN-06-44M
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Subject: Request for Comments on the Nuclear Regulatory Commission's Low-Level Radioactive Waste Program Strategic Program Assessment Update (79 Fed. Reg. 27772, dated May 15, 2014) [Docket NRC-2014-0080]

Project Number: 689

Dear: Ms. Bladey

The Nuclear Energy Institute (NEI)¹ appreciates the opportunity to provide comments on behalf of the nuclear energy industry on the subject Federal Registration notice. These comments were developed with input from nuclear energy industry personnel responsible for management of low-level radioactive waste (LLRW).

On March 7, 2014, the NRC held a public workshop on the agency's LLRW Program strategic assessment update (hereafter referred to as the Update) that included NEI and other stakeholders. NEI provided comments at the workshop, including suggestions for enhancing the strategic assessment, our view on potential changes in the LLRW area, and other comments on the current LLRW disposal regulatory system that broadly address specific questions that are posed in the subject Federal Register notice. Our comments herein are intended to build upon our comments provided at the workshop and focus on specific suggestions for regulatory actions that we believe will enhance the stability, reliability and adaptability of NRC's regulatory framework –consistent with NRC's stated objective for the Update:

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Template = ADM – 013
E-RIDS= ADM-03
Add= M. Wong (MOW)

¹ The Nuclear Energy Institute (NEI) is the organization responsible for establishing unified industry policy on matters affecting the nuclear energy industry, including the regulatory aspects of generic operational and technical issues. NEI's members include all entities licensed to operate commercial nuclear power plants in the United States, nuclear plant designers, major architect/engineering firms, fuel cycle facilities, nuclear materials licensees, and other organizations and entities involved in the nuclear energy industry.

“The objective of this assessment is to identify and prioritize activities that the staff can undertake to ensure a stable, reliable and adaptable regulatory framework for effective LLRW management, while also considering future needs and changes that may occur in the nation’s LLRW management system.”

This objective carries over from the initial LLRW program strategic assessment conducted by NRC staff in 2007 that supported regulatory actions that enhance the stability, reliability and adaptability of the NRC regulatory program. Several of the actions arising from the initial strategic assessment remain currently in progress and should retain the priority and resources needed for effective and timely completion, notwithstanding new priority activities that are identified during the Update. Such actions include the following:

- Revision to the Branch Technical Position on Concentration Averaging and Encapsulation
- Limited Rulemaking to 10 CFR Part 61 (Site-Specific Analysis Rulemaking)
- Regulatory Issue Summary on Reporting of H-3, C-14, Tc-99, and I-129 on the Uniform Waste Manifest

We suggest that each of the following items be brought forward in the Update as high priority actions:

1. Disposition of Very Low-Level Waste (VLLW): Develop a plan for enhancing the regulatory framework for safe and secure disposition of VLLW consistent with international standards and reflecting domestic experience with 10 CFR 20.2002 and related state regulations. This should include consideration of guidance on acceptable alternative disposal options for VLLW, coordinated actions with other federal and state agencies to enable disposal of low-activity waste at hazardous waste sites and other suitable waste disposal facilities, and rulemaking to establish national standards for disposition of VLLW in alignment with international standards. This issue will become increasingly important as more licensed facilities (nuclear and non-nuclear) enter into decommissioning.
2. Revisions to regulatory guidance on LLRW tracking and reporting: Regulatory guidance for LLRW tracking and reporting should be revised to achieve alignment with other federal agencies and clarify LLRW attribution and the conditions under which radioactive material becomes classified as LLRW. This would enhance efficiency and consistency in regard to the processing of LLRW by secondary LLRW processors and allow for use of the Department of Energy (DOE) Manifest Information Management System for complying with NRC reporting requirements, resulting in burden reduction. Related regulatory documents include NRC Regulatory Guide 1.21 and NUREG BR-0204.

3. Rulemaking to the Part 61 Waste Classification Tables: The concentration limits in the Part 61 Waste Classification tables should be updated to reflect a more current technical basis consistent with International Commission on Radiological Protection (ICRP) Publication 103. Updating the criteria to reflect contemporary radiation dosimetry would enhance the risk-informed underpinnings of the rule, improve transparency, and achieve a greater consistency with international norms. If NRC proceeds with a similar updating to 10 CFR Part 20, NRC should leverage the related technical analyses to improve efficiencies and conserve resources.
4. Rulemaking to create a regulatory framework for licensing disposal of Greater-Than-Class-C (GTCC) radioactive waste: GTCC radioactive waste is presently safely and securely stored at nuclear energy facilities because an established disposal option does not exist. The DOE is expected to publish proposed plans for disposal of GTCC radioactive waste in the near future and at least one existing disposal site is assessing possible disposal of GTCC radioactive waste, so rulemaking in this regard is timely. At the same time, NRC should consider how updating the technical basis for the Waste Classification tables (see Item No. 3, above) might affect the criteria for defining GTCC radioactive waste.

We appreciate the opportunity to provide our input into the Update process and look forward to opportunities for public interaction to discuss our suggestions in more detail. If you have any questions regarding our comments, please contact me at (202)739-8111 or rla@nei.org.

Sincerely,



Ralph L. Andersen