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Name: Mike Garner

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General Comment

See attached file(s)

3

Attachments

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Add= *m. Wong (MRW)*

Northwest Interstate Compact

On Low-Level Radioactive Waste Management

P.O. Box 47600. Olympia, Washington 98504-7600. (360) 407-7102. Mike Garner, Executive Director

September 14, 2014

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

Subject: Docket ID NRC-2014-0080

Dear Ms. Bladey:

The following comments are being submitted on behalf of the Northwest Interstate Compact in response to the Federal Register Notice initially issued by the U.S. Nuclear Regulatory Commission (NRC) on May 15, 2014. The notice is seeking comments that NRC will use in developing its Low-Level Radioactive Waste (LLRW) Strategic Assessment update.

The Federal Register Notice posed a number of questions and the following comments attempt to address most of these questions.

The biggest change that has occurred is the opening of the Waste Control Specialists commercial disposal facility in Andrews County, Texas. As a result of this action the following items can be removed from the 2007 "LLRW Program Tasks and Priority" list:

- Evaluate potential changes to LLRW regulatory program as a result of severe curtailment of disposal capacity
- Identify and promulgate legislative changes
- Develop acceptance criteria for LLRW disposal in uranium mill tailings impoundments

As the NRC has chosen to pursue implementation of major revisions to 10 CFR Part 61, site-specific performance assessment requirement, the following task is no longer needed:

- Identify new waste streams
 - This will be captured by the requirement for site specific performance assessments

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NRC should consider removing the following item due to concerns involving unintended consequences:

- Promulgate rule for disposal of low-activity waste
 - If this involves LLRW that is currently disposed at Part 61 facilities, NRC needs to understand that in pursuing this item it will likely result in increased disposal costs for generators that need to continue to dispose of LLRW at Part 61 facilities.
 - This would be the case for the Richland, WA facility where the site operator is provided with an annual revenue requirement. The remaining generators would have to absorb the loss of revenue from low-activity LLRW being disposed at other than Part 61 facilities.

One task on the 2007 list which was not pursued in the last seven years deserves attention. This item is, "Perform a scoping study of the need to revise/expand byproduct material financial assurance to account for life-cycle". This should capture radioactive sealed sources that pose a potential security threat to the nation as a RDD or RED event would affect the entire nuclear industry to include the development of new nuclear utilities.

- Financial assurance requirements for Category 1, 2, and 3 radioactive sealed sources should be implemented to reflect the true "life cycle" cost of ownership of sources. This should include packaging, transport, and disposal costs for sources.

Other activities warranting consideration include:

- Implementing enforceable regulations that limit the time a radioactive sealed source may be stored without use (2 years)
- Expand/improve the National Source Tracking System
- Pursue a study to identify the actions required to improve the reuse, recycling, and disposal of disused radioactive sealed sources
- Revisit guidance regarding the exemptions (10 CFR 110.2, exemptions 1 and 6) provided to sources either being returned to the manufacturer or being imported for recycle purposes to ensure disposal access is available
- Provide regulatory guidance in conjunction with sited interstate compacts as to when a radioactive sealed source become waste
 - For example, the generator of the radioactive sealed source should not change when it is transferred to a new licensee but is never put to use

There is concern regarding the potential unintended consequences of NRC's current Part 61 rulemaking on future site development. The current approach is a "one size fits all" approach as once implemented it will apply to all operating Part 61 facilities. It seems the primary purpose of the rulemaking is to create access for the disposal of large quantities of depleted uranium. However, it appears this approach may be at the expense of Part 61 facilities that have no interest in accepting large quantities of depleted uranium. For example, why should this rule apply to the Barnwell, SC facility where over 90% of the facility is in the post-closure observation period? This approach does not seem to reflect stability or predictability and could dissuade states from authorizing site development in the future as they will recognize the rules can change at any time, even when the majority of the site is in the post-closure observation period.

It seems this issue would have been better addressed by requiring those facilities that had interest in accepting large quantities of depleted uranium to conduct a performance assessment to ensure such LLRW can be properly contained by the facility (Unique Waste Stream rulemaking). This approach

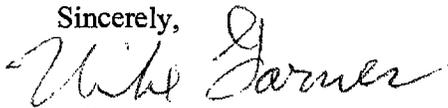
would have captured regulatory stability, predictability, and flexibility while addressing the disposal of large quantities of depleted uranium.

The short-term future looks optimistic with the opening of the Waste Control Specialists facility as disposal access should be available to generators throughout the country over the next 15-25 years.

The long-term future is less certain due in large part to the difficulty and time it takes to develop additional Part 61 disposal facilities. Only two such facilities have been developed in the last 29 years. It is a difficult task that is aided by regulatory stability, predictability, and flexibility.

The Northwest Interstate Compact would like to thank NRC staff for the opportunity to provide comments as it prepares to update its LLRW Strategic Assessment.

Sincerely,

A handwritten signature in cursive script that reads "Mike Garner".

Mike Garner, Executive Director
Northwest Interstate Compact

cc: Northwest Interstate Compact Committee Members
