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NUCLEAR ENERGY INSTITUTE

3/13/2015
80FR 13451

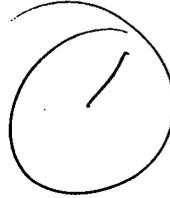
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April 13, 2015

Ms. Cindy Bladey
Office of Administration
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001



Subject: Request for Comments on Draft Programmatic Assessment Results for the Nuclear Regulatory Commission's Low-Level Radioactive Waste Program (80 Fed. Reg. 13451, dated March 13, 2015) [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 Register 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 Assessment) that included NEI and other stakeholders. In follow-up to the workshop, the NRC published a request for public comments on the Assessment (79 Fed. Reg. 27772, dated May 15, 2014). NEI provided input at the public workshop and submitted written comments in response to NRC's request for comments, including suggestions for enhancing the strategic assessment, our view on potential changes in the LLRW area, and our perspective on issues that should receive a high priority for action by the NRC.

Our comments herein are intended to build upon our previous input and comments and more specifically, to provide our views on the questions posed in the subject Federal Register notice:

1. Are there possible unintended consequences in finalizing the proposed task list?
2. Are there tasks that NRC did not adequately consider?

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.

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Add = S. Dermbek (SKD)

m. Wong (mchw)

In regard to the first question, we have not identified any specific potential unintended consequences associated with finalizing the proposed Assessment results –i.e., in setting the priorities and general scope for the listed tasks. However, we note that several of the tasks, when carried out in the form of proposed rulemaking or draft guidance, may reveal potential unintended consequences arising from the specific details of the proposed regulatory action. For example, Task 2 on updating the waste classification tables has drawn comments when discussed in previous NRC public meetings and workshops regarding potential unintended consequences associated with implementation of changed values in the waste classification tables.

In regard to the second question, it is our view that with one exception, noted below, the NRC has adequately considered and appropriately combined and prioritized potential tasks that support NRC's stated objective for the Assessment:

"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."

As noted by the NRC in the subject Federal Register notice,

"...there also were conflicting comments (e.g., some commenters wanted the NRC to make it easier to dispose of Low Activity Waste (LAW) at Resource Conservation and Recovery Act sites or other disposal facilities not licensed in accordance with the NRC's regulations in 10 CFR part 61; other commenters wanted the NRC to require that disposal of LAW be done only at licensed LLW sites)."

In the proposed Assessment results, the NRC has delineated four (4) related issues associated with disposal of low-activity waste with an assigned "Medium" priority, i.e., task nos. 8, 10, 11, and 13. Reflecting on the scale and nature of efforts expended by the NRC and stakeholders over the past decades, we fully acknowledge and appreciate the extent of time and resources needed to move forward in addressing this difficult set of issues. Nevertheless, we believe that, consistent with the stated objective for the Assessment, the NRC should consolidate the four related issues into a single activity to undertake the necessary scoping and planning with full stakeholder engagement as a pre-requisite to timely consideration of potential rulemaking. We suggest that an Advance Notice of Proposed Rulemaking (ANPR) would provide an appropriate means for this activity and that the priority should be "High," given the importance for homeland security and the continued domestic use of nuclear energy and technology.

Ms. Cindy Bladey

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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,

A handwritten signature in black ink that reads "Ralph Andersen". The signature is written in a cursive, flowing style.

Ralph L. Andersen