

September 1, 2015

Danny Breuninger, Sr., President  
Mescalero Apache Tribe  
of the Mescalero Apache Reservation  
227 Central Avenue  
Mescalero, NM 88340

SUBJECT: ADDITIONAL OPPORTUNITY TO COMMENT ON PROPOSED AMENDMENTS  
TO LOW-LEVEL RADIOACTIVE WASTE DISPOSAL REGULATIONS, 10 CFR  
PARTS 20 AND 61 (RIN 3150-AI92) (NRC-2011-0012)

Dear President Breuninger:

As noted in my June 19, 2015, letter, the U.S. Nuclear Regulatory Commission (NRC) is proposing to amend Parts 20 and 61 of Title 10 of the *Code of Federal Regulations* (10 CFR) which establishes the licensing requirements for land disposal of low-level radioactive waste (LLW). The proposed amendments would require LLW waste disposal licensees and license applicants to prepare revised and new site-specific technical analyses. The new requirements would ensure that LLW streams that are significantly different from the LLW streams considered in the current 10 CFR Part 61 regulatory basis can also be disposed of safely and meet the performance objectives in the regulations. The amended regulations would also allow the development of site-specific criteria for the acceptance of LLW based on the result of the technical analyses. Finally, the proposed amendments would better align the requirements with current health and safety standards. Additional background information can be found at: <http://www.nrc.gov/about-nrc/regulatory/rulemaking/potential-rulemaking/uw-streams.html>

You are receiving this letter because your Tribe's Reservation land is near one of the four operating low-level waste sites that will be affected by this rule.

The proposed rule was originally published in the *Federal Register* (80 FR 16082) on March 26, 2015 and the comment period closed on July 24, 2015. However, the comment period was reopened with an August 27, 2015, *Federal Register* notice (80 FR 51964). Comments for both the proposed rule and the conforming guidance documents should be submitted by **September 21, 2015**. Comments received after this date will be considered if it is practical to do so, but the NRC is able to ensure consideration only for comments received on or before September 21, 2015. The rule is posted on the Federal eRulemaking Portal at: <http://www.regulations.gov> under Docket No. NRC-2011-0012.

D. Breuninger

- 2 -

In accordance with 10 CFR 2.390 of the NRC's "Agency Rules of Practice and Procedure," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records component of NRC's ADAMS.

Please contact me if you have any questions at [stephen.dembek@nrc.gov](mailto:stephen.dembek@nrc.gov) or by phone at 301-415-2342.

Sincerely,

*/RA/*

Stephen Dembek, Senior Project Manager  
Low-Level Waste Branch  
Division of Decommissioning, Uranium Recovery  
and Waste Programs  
Office of Nuclear Material Safety and Safeguards

Docket No.: NRC-2011-0012

D. Breuninger

- 2 -

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Stephen Dembek, Senior Project Manager  
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Docket No.: NRC-2011-0012

**ADAMS Accession No.: ML15243A040**

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