



Department of Energy

Washington, DC 20585

FEB 09 2017

The Honorable Kristine L. Svinicki
Chairman
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Dear Ms. Chairman:

The U.S. Department of Energy (DOE) commends the U.S. Nuclear Regulatory Commission (NRC) on the efforts to produce the proposed final rule 10 CFR Part 61 and appreciates that NRC staff have addressed many of the comments and recommendations provided by DOE, other stakeholders, and members of the public. However, as previously expressed in our comments on the draft proposed revisions and proposed final rule¹, we have reservations with some of the provisions of the proposed final rule and would like to meet with the Commission staff to address them before the final rule is issued.

First, one issue of concern is that the draft final rule would effectively impose a default compliance period of 10,000 years with a 0.25 mSv annual dose limit. The compliance time period for DOE low-level radioactive waste disposal is 1,000 years, which is consistent with the Commission's previous direction to staff.² Second, the Department is equally concerned about the inclusion of radon in dose calculations, treatment of inadvertent intrusion, and the requirements for separate analyses on site suitability, among other issues.

I respectfully request that you not issue the final rule in its current form and suggest that our agencies continue to work together. As currently drafted, the rule would directly impact DOE's Waste Incidental to Reprocessing (WIR) evaluations as well as the WIR determinations made by the Secretary of Energy, in consultation with NRC, pursuant to Section 3116 of the 2005 National Defense Authorization Act. Additional time for review of the updated draft guidance, NUREG 2175, and discussion of our concerns, would provide valuable information for the Commission's consideration of 10 CFR Part 61.

Thank you for your consideration of this matter.

Sincerely,

Susan M. Cange
Acting Assistant Secretary
for Environmental Management

cc: Commissioner Stephen Burns, NRC
Commissioner Jeff Baran, NRC
Chairman Dennis C. Bley, ACRS

¹ DOE provided extensive comments on the draft proposed revisions to 10 CFR Part 61 in July 2015. Additionally, DOE provided short oral comments on the proposed final rule at the Advisory Committee on Reactor Safeguards (ACRS) subcommittee meeting on October 18, 2016, and the full ACRS committee meeting on November 3, 2016.

² SRM-SECY-13-0075.

