From:	SCHLUETER, Janet
To:	Vietti-Cook, Annette
Cc:	Dapas, Marc; Tappert, John; timothy.mmcartin@nrc.gov; Maupin, Cardelia
Subject:	[External_Sender] Industry Comments on Greater than Class C and Transuranic Waste Disposal (83 FR 6475; Docket ID NRC-2017-0081)
Date:	Monday, April 16, 2018 5:02:11 PM
Attachments:	04-16-18_NRC_NEI Comments on GTCC and TRU Scoping.pdf

THE ATTACHMENT CONTAINS THE COMPLETE CONTENTS OF THE LETTER

April 16, 2018

Ms. Annette Vietti-Cook
Secretary
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
ATTN: Rulemakings and Adjudication Staff

Subject: Industry Comments on Greater than Class C and Transuranic Waste Disposal (83 FR 6475; Docket ID NRC-2017-0081)

Project Number: 689

Dear Ms. Vietti-Cook:

I write to provide input from members of the Nuclear Energy Institute's (NEI)[1] Low-Level Radioactive Waste Task Force on the subject Federal Register notice regarding the disposal of Greater than Class C (GTCC) and Transuranic Wastes (TRU). Specifically, staff efforts to develop a technical basis for the permanent disposal of GTCC and TRU through means other than a deep geologic repository. We appreciate the NRC public meetings held on this topic and the opportunity to provide general comments for the staff's consideration. We look forward to future public workshops and a potential rulemaking. Industry supports NRC efforts to help establish a comprehensive national framework for the permanent disposal of all categories of radioactive waste.

If you have any questions or require additional information, please contact me at (202) 739-8098 or jrs@nei.org.

Sincerely,

Janet R. Schlueter
Senior Director, Radiation and Materials Safety

Nuclear Energy Institute
1201 F Street N.W., Suite 1100
Washington, DC 20004

[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 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.

JANET R. SCHLUETER
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NUCLEAR ENERGY INSTITUTE

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General Comments:

As I stated during the August 2015 Commission briefing on GTCC waste management, most if not all licensees work hard to not generate GTCC and--once generated--safely and securely manage it. Additionally, NRC's 2015 Branch Technical Position (BTP) on Concentration Averaging and Source Encapsulation provides a technically sound method to reduce the volume of GTCC and industry is implementing the BTP. Based on long-standing, safe industry practices for radioactive waste management and regulatory oversight, we are not aware of any public health and safety or environmental issue that

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warrants an immediate or near term regulatory action. That being said, we do believe—based in part on the jurisdictional question raised to NRC in 2015 by the Agreement State of Texas—that the time is right, if not long overdue, for the federal government to implement a predictable, comprehensive regulatory framework for the permanent disposal of all categories of wastes including GTCC and TRU. Such efforts should be informed by our nation's vast experience in safely managing such wastes and fully resolve all associated jurisdictional, legal, policy and technical issues. In that regard, we support Commission direction on SECY-15-0094 that the staff prepare a regulatory basis for GTCC disposal through means other than a deep geologic repository and add a definition of TRU to 10 CFR Part 61 for clarity and completeness. Both issues will benefit from a fully-vetted, transparent NRC decision making process. For completeness, the Department of Energy (DOE) issued a Final Environmental Impact Statement (EIS) on the Disposal of GTCC in January 2016. The EIS acknowledges that land disposal of GTCC at a commercial radioactive waste disposal facility is a viable alternative to disposal in a federal facility. The collective efforts of NRC and DOE, along with the Agreement States, will help ensure a more comprehensive radioactive waste management infrastructure for all categories of radioactive waste.

As you are aware, Waste Control Specialists (WCS) of Andrews County Texas is currently authorized by the State of Texas to dispose of federally-generated wastes in its federal waste cell on the WCS TX site. We understand that the characteristics of DOE's "GTCC-like" wastes are very similar to that of commercially-generated GTCC waste. Therefore, from a risk and technical perspective, the disposal of commercially-generated GTCC and TRU wastes at a commercial low-level waste disposal facility might be technically feasible. Additionally, as recognized by domestic low-level waste (LLW) disposal site operators and regulators, disposal of any waste stream with previously unanalyzed characteristics must be based on and bound by a site-specific performance assessment and regulatory authorization. As such, not only is it important that NRC address the Texas jurisdictional inquiry, it is equally important that NRC promulgate through the rulemaking process a set of GTCC/TRU general disposal criteria that may be adopted by an Agreement State and implemented by any LLW disposal site operator. As is the case today, NRC would provide oversight of the Agreement State-authorized LLW disposal program through its Integrated Materials Performance Evaluation Program. Therefore, regulatory oversight of such wastes would not be diminished under this scenario, in fact, it might be enhanced.

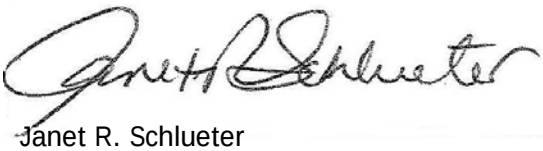
We trust that the NRC staff is reaching out to solicit specific input from radioactive waste researchers, technical experts, disposal site operators, the Agreement States, DOE and its laboratories, and others to gather detailed information to help inform development of the draft and final regulatory basis for GTCC and TRU disposal. That being said, ultimately, it is a site-by-site and individual Agreement State decision on whether to authorize the disposal of GTCC/TRU wastes in a commercial LLW disposal facility assuming that all jurisdictional, legal and policy issues are resolved. We look forward to further iterations of the regulatory basis, a potential proposed rule on this matter and a Commission decision on the Texas jurisdictional question.

In summary, industry takes great pride in its efforts to safely and securely manage radioactive wastes generated from licensed activities, and the nation and industry at large will benefit from a more

comprehensive national radioactive waste management infrastructure that addresses all categories of wastes.

If you have any questions or require additional information, please contact me at (202) 739-8098 or jrs@nei.org.

Sincerely,



Janet R. Schlueter

c: Mr. Marc Dapas, NMSS
Mr. John Tappert, NMSS/DUWP
Mr. Timothy McCartin, NMSS/DSFM
Ms. Cardelia Maupin, NMSS/DUWP/LLW