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YANKEE ATOMIC ELECTRIC COMPANY



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April 28, 1980

Mr. R. Dale Smith, Chief
Low Level Waste Licensing Branch
United States Nuclear Regulatory Commission
Mail Stop: 905 SS
Washington, D.C. 20555

Dear Mr. Smith:

On behalf of the Atomic Industrial Forum subcommittee on Low Level Waste and the Utility Nuclear Waste Management Group, Low Level Waste Working Group, we are pleased to provide comments on the November 5, 1979 draft of 10 CFR Part 61: Disposal of Low-Level Radioactive Waste and Low-Activity Bulk Solid Waste. Although we were generally pleased with the approach and content, three items proved to be distressing. In spite of several NRC studies to the contrary, the myth of waste migration through groundwater paths still exists. This occurs even though none of the limits presented in the Technical Basis is dictated by groundwater migration. The two limits are pre-disposal operations (spills) for short half-lived nuclides and intrusional scenarios for the long lived ones.

The second item is the apparent application of transport regulations to waste form criteria. If the intent is for the proposed regulations to apply transport requirements in addition to disposal requirements, it should be clearly stated. With the emphasis being placed upon volume reduction (with possible associated high capital costs) waste may be shipped from the originating site to a central processing site prior to disposal.

The third item is the requirement, with minor exceptions, that evaporator bottoms, filter sludges, resins and slurries all be immobilized by solidification. Our preliminary investigations indicate that solidification is not always required. Upon completion of our work we shall provide the NRC with the technical justification for this position.

We appreciate the opportunity to provide the attached comments and stand ready to clarify or amplify any or all of these.

Very truly yours,

E. C. Tarnuzzer
Chairman
AIF Subcommittee on Low Level Waste
Utility Nuclear Waste Mngmnt Group

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1. Section 61.14, pg. 3, "Candidate sites" - The concept of "the best" should be discouraged instead, the concept of "adequate for the intended purpose", based upon detailed analysis should be encouraged, otherwise no site will survive the intervention process.
2. Section 61.14, pg. 4, - "Disposal" modify to read "means confinement with no provisions made for subsequent retrieval." Shallow land burial will hardly meet your proposed definitions.
3. Section 61.26, pg. 13, "Notice of Intent" - We can appreciate your desire to know of anyone planning to develop a LLW facility, but we fail to see what this section will accomplish. Section 61.26 (b) appears to say that incomplete applications will be delayed three months while more complete applications will be delayed six months.
4. Section 61.26, pg. 15, part (6), 5th line. Add between "information" and "can", the words: "obtained from a reasonable investigation of alternative sites".
5. Section 61.30, pg. 19 - part (3) (ii) - Refers to diversity of sites. The emphasis again, should be on adequacy, rather than a diversity of sites.
6. Section 61.62, pg. 42, "License Renewals" - Item (1) annual reports on (a) and (b) may be more desirable. Item (c), proposed license changes on an "as required" basis and (d) and (e) at five year intervals. Item (2) on the term of a license "not to exceed five years" is not compatible with the requirement to be able to generate the perpetual care funds over the life of the site. Reasonable assurance must be provided that once a site is properly licensed and operated, that it will be able to continue to operate over its projected lifetime. It seems logical that the size of the site must be sufficient to permit burial at some defined maximum rate (like 10^6 cu ft/year) over its projected life (maybe 40 years). If this is not done, the surcharge for perpetual care will be prohibitively high. Section 61.76 will cover violators.
7. Section 61.70, pg. 47, item (5) - The funds need only "to be available" not "transferred" to sit. owner. The new owner may squander these funds quite quickly for other purposes.
8. Section 61.72, pg. 47 item (a) - Replace "or necessary" with "and reasonable" in second line.
9. Section 61.74, pg. 47, item (a) - Remove the inference that disposed of waste will be inspected. Certainly no one will advocate the digging up of previously disposed of waste.
10. Section 61.80, pg. 52, item (g) - It would appear that only one set of those records are necessary; five copies are an overkill. The registry of deeds might be the repository for these records.

11. Section 61.86, pg. 54 items (a) and (c) are applying transportation criteria to waste packages which may be irrelevant or unreasonable. Where re-usable overpacks (casks) are used, it is unreasonable to require that the disposable waste container meet the radiation dose criteria or crash resistant criteria of 10 CFR 71. On the other hand, type A packaging may not buy anything when the waste is compacted with 20 feet of cover in the trench.

Waste may, in the future, be transported to a central processing facility (incinerator or other volume reduction process), possibly located at the burial site, and processed prior to burials. These restrictions would preclude this type of operation.

12. Section 61.86, pg. 55 item (g) - This might better be the place to put the concept of a type A package and offer the trade-off activity limits (by isotope?) and definitions of high integrity container (possibly a type A container expected to last 5 years in the burial environment?) are needed.
13. Section 61.88 pg. 57 - The requirement for solidification is at cross purposes with volume reduction.
14. Section 61.96, Pg. 60, item (c) - NUREG-0456 and others have shown that migration is of no consequence. This should be dismissed on a generic basis. This fixation on migration is found in several sections.
15. Section 61.96 pg. 62 item (7) - Taken literally, this section ~~will~~^{could} preclude the location of any site in the United States for shallow land burial. All but landsliding occur so slowly as to provide sufficient time for corrective measures and should be of no concern.
16. Section 61.96 pg. 62 item (g) - As migration is not limiting, abnormal concern over these is unwarranted; they need only to be considered.
17. Section 61.102, pg. 69 - One year prior to site construction is overly restrictive; one year prior to accepting any radioactive waste on the site is more realistic.
18. Section 61.104 pg. 72 item (4) - The requirement is not possible to reasonably implement. Background must first be defined and some (albiet minor) increment must be allowed.
19. Section 61.112 pg. 74 item (a) (1) - The word "solidifying" should be omitted since, in accordance with subpart G, solidification may not be appropriate in all cases.
20. Section 61.112 pg. 75 item (a) (3) - "Assurances of Solidification" should either be omitted or followed by "where required", for above reason.