

<b>Report on Waste Burial Charges</b>		
<b>NUREG-1307, Rev.18</b>		
<b>Changes in Decommissioning Waste Disposal Costs at Low-level Waste Burial Facilities</b>		
<b>Comment - Resolution Matrix</b>		
<b>Stakeholder</b>	<b>Comment</b>	<b>Staff Response</b>
Nuclear Energy Institute (NEI)	<b>Very Low Level Waste (VLLW)</b> - As we stated in our December 5, 2018 letter on Revision 17, there is a need for NRC to accurately reflect the fact that vast volumes of very low-level wastes generated during the decommissioning of nuclear facilities are currently approved by NRC and Agreement States for alternate means of disposal at a much lower cost than burial as Class A waste. As such, the current calculated decommissioning funding for waste disposal continues to be grossly over estimated. While VLLW disposal is briefly discussed on pages vii-viii of Revision 18, additional NUREG modifications are necessary to reflect this currently allowed disposal practice and thus reduce the calculated funding. Further, the NUREG might need to be modified to reflect potential future agency decisions on related ongoing regulatory initiatives, e.g., disposals pursuant to 10 CFR 20.2001 or 20.2002.	One commenter indicated that NRC should consider LLW disposal alternatives based on NRC's regulations in 10 CFR 20.2001, "General Requirements," of 10 CFR Part 20, Subpart K, "Waste Disposal," which identify the methods by which a licensee may lawfully and safely dispose of its licensed radioactive waste. One such method, set forth in 10 CFR 20.2002, "Method for obtaining approval of proposed disposal procedures," allows "alternative disposal" authorizations that are different from those already defined in the regulations, provided that doses are maintained as low as is reasonably achievable (ALARA) and within the dose limits in 10 CFR Part 20. In practice, 10 CFR 20.2002 is most often used for disposal of very low-level waste (VLLW) in hazardous or local solid waste disposal facilities that are permitted under the Resource Conservation and Recovery Act (RCRA), but it can be used for other types of disposal not already specifically defined in the regulations, such as disposal on a licensee's site or on offsite private property. In addition to the traditional LLW disposal facilities described above, staff continues to evaluate LLW disposal trends and evolving industry practices that may impact minimum decommissioning fund formula cost calculations provided for in 10 CFR 50.75. NRC is aware that some LLW disposal methods, such as the disposal of VLLW at unlicensed waste disposal facilities, e.g., RCRA facilities, and other alternatives as authorized under 10 CFR 20.2002 may be less costly than disposal at traditional LLW sites. However, these alternatives are subject to case-by-case approvals and thus, the impact on future LLW disposal practices, costs, and cost savings, is difficult to forecast and quantify. Accordingly, the final version of NUREG-1307, Revision 18, does not consider the use of alternative disposal methods or their potential impact to minimum decommissioning fund formula calculations. No revisions are being made to NUREG-1307 regarding this comment.
Nuclear Energy Institute (NEI)	<b>Inappropriate and Unsupported References to Future Shortfalls and Enforcement Action Should be Removed:</b> Page viii of Draft NUREG-1307 states that licensees with no disposal site within their designated LLW Compact "may want to set aside additional decommissioning trust funds to avoid significant future shortfalls in funding and potential enforcement actions." NEI previously commented on this same language, which was contained in the draft of Revision 17 of NUREG-1307 issued for public comment on November 5, 2018. As we pointed out in our December 5, 2018 comment letter on Revision 17, there is no support or regulatory basis for the suggestion that licensees should set aside additional funds now, in some unspecified amount, to avoid "significant future shortfalls" and "potential enforcement actions" that may arise due to unknown and unspecified changes in the availability of low-level waste disposal facilities at some unspecified point in the future. The NRC minimum funding certification amount established by 10 CFR 50.75(c) is just that—a regulatory minimum. In determining the minimum funding amount, 10 CFR 50.75(c)(2) further states that the waste burial escalation factor "is to be taken from NUREG-1307." As such, there is no "shortfall" and no basis for "enforcement action" so long as a licensee's decommissioning fund is greater than or equal to the minimum funding certification amount incorporating NUREG-1307 escalation factors. Notably, this statement was removed from footnote (c) on page 7 of the final version of Rev. 17, and a similar statement contained in the Forward to Rev. 17 was revised to remove the reference to "significant" future funding shortfalls. Given our comments on Rev. 17 and the discussion provided above, NEI respectfully requests that the following sentence beginning on line 20 and ending on line 22 of page 7 of Rev. 18 be deleted: "Accordingly, given these considerations, licensees may want to set aside additional funds to avoid significant future shortfalls in funding and any associated potential enforcement actions." This statement is completely speculative, has no regulatory basis, and inappropriately foreshadows enforcement action for future violations that have not yet materialized and that are not reasonably foreseeable.	Staff revised NUREG-1307 page vii to use the same language as was in Revision 17, which is: "Accordingly, given these considerations, licensees may want to set aside additional funds to cover associated future decommissioning costs."
Nuclear Energy Institute (NEI)	<b>Minor Edit to Exhibit A, page 6:</b> The stated "Adopted" date of February 28, 2013 should be changed to the more recent Adopted date of "October 17, 2018" which was, as correctly stated, "Amended to be Effective November 8, 2018."	Staff NUREG-1307 page A-6 to state: "Adopted October 17, 2018".
Anonymous	No NRC technical issues provided	No NRC technical issue to be commented on