

Report on Waste Burial Charges

Draft NUREG-1307, Rev.19

Changes in Decommissioning Waste Disposal Costs at Low-level Waste Burial Facilities

Comment - Resolution Matrix, Jan 2023

Stakeholder	Comment ML	Comment	Staff Response
Janet Schlueter, Nuclear Energy Institute (NEI)		<p>Very Low Level Waste (VLLW) - Mrs. Schlueter states: "It is important to recognize that the safe management and disposal of all radioactive waste generated as a result of licensed operations and activities is of the utmost import to the nuclear industry. It is in this context that we offer the comment below which is repeated from our December 2018 and December 2020 letters and remains highly if not even more relevant today. While the concept of very low-level waste (VLLW) is briefly discussed in the draft NUREG, additional language is needed to accurately reflect currently allowed disposal practices thus reducing the calculated decommissioning funding amounts. Vast volumes of VLLW generated during the decommissioning of nuclear facilities (and other activities as well) are currently approved by NRC and individual Agreement States for alternate means of disposal at a significantly lower cost than burial as Class A waste in a licensed LLW disposal facility. While the concept of very low-level waste (VLLW) is briefly discussed in the draft NUREG, additional language is needed to accurately reflect currently allowed disposal practices thus reducing the calculated decommissioning funding amounts. Vast volumes of VLLW generated during the decommissioning of nuclear facilities (and other activities as well) are currently approved by NRC and individual Agreement States for alternate means of disposal at a significantly lower cost than burial as Class A waste in a licensed LLW disposal facility. As such, we disagree with the statement on page viii that VLLW is difficult to quantify and forecast. Licensed facilities often estimate and collect such data as part of a radioactive waste management and decommissioning program. In fact, one NRC-licensed facility estimates that approximately 72% of its bulk Class A waste generated during decommissioning could be disposed of at a Resource Conservation and Recovery Act hazardous waste facility. And, if that same waste was disposed of as Class A, the disposal cost would increase 250%. NRC should also consider reviewing EPRI report 1024844 (available at EPRI.com) which contains information related to the development of a basis for VLLW as well as tables that provide VLLW volume estimates (i.e., Tables 8-3, 9-2, 9-3).</p> <p>Finally, NRC acknowledges that the calculated decommissioning funding for waste disposal continues to be grossly over estimated. See the statement on page viii "...Revision 19 does not consider the use of alternate disposal methods of their potential impact to minimum decommissioning fund formula calculations." Therefore, we respectfully request that NRC correct its decommissioning fund formula calculations to reflect current NRC and Agreement State approvals that allow for VLLW disposals in permitted (non-LLW) facilities. If this action requires that NRC collect additional data and information from a sample of its licensees or Agreement States, NRC should proceed to do so."</p>	<p>NRC has considered 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, based on a draft study conducted for the NRC (ML13063A190), which considered alternative lower cost disposition pathways for decommissioning waste, the NRC staff determined that the decommissioning fund formula is not overpredicting the costs of decommissioning and therefore concludes that incorporating VLLW disposal as an alternative is not necessary at this time. Accordingly, the final version of NUREG-1307, Revision 19, 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.</p>