

Ms. Annette Vietti-Cook  
Secretary  
Office of the Secretary  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001

June 13, 2010

SUBJECT: SECY-10-0043 Blending of Low-Level Radioactive Waste

Dear Ms. Vietti-Cook:

This letter is to provide my comments on issues raised in SECY-10-0043. The NRC staff has provided an excellent summary of the past practice regarding classification and disposal of low level radioactive waste. Almost thirty years ago the Commission sponsored regional workshops to provide opportunity for open dialogue on the issues in the Part 61 rulemaking. Since that time, the concepts contained in Part 61 have been adopted by other agencies and international regulatory authorities responsible for disposal and radioactive waste management. It is now time to take advantage of the lessons learned and update the regulations to modern standards.

I support the Staff's recommendation in SECY-10-0043 to adopt Option 2. However, I do not think that adopting Option 2 will be sufficient to address the current challenges pending the completion of the effort to risk inform 10 CFR Part 61. Specifying requirements for a site-specific analysis for the disposal of large quantities of depleted uranium (DU) alone is not enough in revising 10 CFR 61 in a limited scope rulemaking. A larger effort is needed to risk inform part 61. I do not think piecemeal action will be effective.

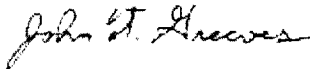
The NRC should consider the latest IAEA waste classification system and reference the latest International Committee on Radiation Protection methodology. The Part 61 classification and staff guidance was appropriate thirty years ago under a deterministic rule. However, based on the lessons learned over the last thirty years a less prescriptive, performance based approach is warranted. The NRC staff guidance for activities related to the DOE waste determinations (NUREG-1854) provides such an approach and has been proven effective. I would recommend reliance on NUREG-1854 rather than expending resources to update outdated deterministic guidance documents.

Option 2 should be expanded to require performance assessments demonstrating compliance with the performance objectives of Part 61 for all waste streams at low-level radioactive waste disposal facilities. There are a number of other changes that should also be made to risk inform Part 61. I recommend you take the necessary steps to complete a comprehensive revision to risk inform 10 CFR Part 61. Specific recommendations are identified in an October 30, 2009 letter from Talisman International which I, along with Jim Lieberman, sent to NRC.

In parallel with your effort to update Part 61, DOE is updating its requirements for managing disposal of radioactive waste. I would recommend working with DOE to insure consistency in management and disposal of this waste on a national level.

I appreciate the opportunity to provide these comments to the Commission. I would be pleased to respond to any questions or comments. I can be contacted at 301- 452- 3511 or Greevesj@aol.com.

Best Regards,



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