

7/24/2015

Annette L. Vietti-Cook  
Secretary of the Commission  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001  
ATTN: Rulemakings and Adjudications Staff

Subject: Comments on NRC 10 CFR PART 61 "Low-Level Radioactive Waste Disposal; Proposed Rule" (RIN 3150-AI92; Docket ID NRC-2011-0012), 80 Fed. Reg. 16081 (March 26, 2015)

Dear Ms. Vietti-Cook:

The purpose of this letter is to provide the Commission with our views concerning the Staff's approach outlined in the above Proposed Rule. We share the goal of both the Commission and the Staff, to make Part 61 a more risk-informed and performance-based rule.

The U.S. Nuclear Regulatory Commission (NRC) is proposing to amend its regulations to require new and revised site-specific technical analyses and to permit the development of criteria for LLRW acceptance based on the results of these analyses. These amendments would ensure that LLRW streams that are significantly different from those considered during the development of the current regulations (i.e., depleted uranium and other unanalyzed waste streams) can be disposed of safely and meet the performance objectives for land disposal of LLRW.

We agree the rule needs to be updated to reflect changes which have occurred since the original rule was promulgated such as development of newer dose assessment methodology, and to reflect changes in waste streams. However, the rule applies the new requirements developed to address new waste streams to all sites (both those sites desiring to accept the new waste streams and those sites which desire to continue to use the existing waste classification requirements). The rule should only apply the new requirements to sites which desire to accept the new waste streams (e.g. large quantities of depleted uranium). Therefore, we believe the final rule should clearly differentiate requirements that would be applied to sites developing specific waste acceptance criteria and accepting larger quantities of long lived material from those sites which will continue to use the existing waste classification system set out in Part 61. This is described in our detailed comments attached which propose development of a new section (61.60) to describe the additional incremental requirements which sites desiring to accept larger quantities of long lived radionuclides must meet. Existing or new sites which continue to use the existing waste classification requirements would not be subject to the new 61.60 requirements.

Our comments set out in the attachment; address 5 major areas of comment as follows:

1. We agree the rule should add and incorporate new dose assessment methodology and an explicit dose limit for the inadvertent intruder;

2. New requirements established by this rule making should be applied to existing operating sites on a case by case basis through terms and conditions of licenses similar to how requirements of the initial Part 61 rule were handled through Section 61.1. Existing sites should not automatically be subject to all of the new requirements as has been proposed by the NRC staff during the public meetings;
3. Clearly separate new requirements applicable to sites (new and existing) which desire to accept larger quantities of long lived material and develop site specific waste acceptance requirements from those sites (both existing and new) which will continue to use the existing Part 61 waste classification system. A new section 61.60 should be established to specify site specific waste acceptance requirements. Do not modify existing section 61.58. This suggested approach would also eliminate the need for a separate new rulemaking to address waste classification for waste streams containing large quantities of long lived material.
4. A two-tiered analysis should be proposed rather than a three-tiered analysis approach. A two-tiered approach would be adequate to ensure safety through a 1,000 year compliance period and analysis to peak dose for long lived radionuclides present in disposed waste; and
5. Eliminate from the proposed amendment revisions the extensive detail and unnecessary new requirements currently proposed. This would include eliminating the need for a separate safety case, the detailed defense in depth analysis, and the need for a new extensive stability analysis. Appropriate revisions to 61.7, 61.13, and the performance objective for stability should, therefore, be made accordingly.

We appreciate the opportunity to comment on the proposed amendments.

Questions regarding these comments may be directed to John Greeves at (301) 452-3511 or [greevesj@aol.com](mailto:greevesj@aol.com) and Paul Lohaus at (815) 303-8404 or [phlohaus@gmail.com](mailto:phlohaus@gmail.com).

Respectively submitted,

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Enclosure: Comments on NRC 10 CFR Part 61 "Low-Level Radioactive Waste Disposal; Proposed Rule"  
(RIN 3150-AI92; Docket ID NRC-2011-0012)

cc:  
Chairman Stephen G. Burns  
Commissioner Kristine L. Svinicki  
Commissioner William C. Ostendorff  
Commissioner Jeff Baran