

LOW-LEVEL RADIOACTIVE WASTE FORUM, INC.

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U.S. Nuclear Regulatory Commission (NRC)

Comment Period Reopened re Part 61 Rulemaking Initiative *Comments Now Due September 21, 2015*

On August 27, 2015, the U.S. Nuclear Regulatory Commission (NRC) published a *Federal Register* notice announcing the reopening of the comment period for the proposed rule that would amend 10 CFR Parts 20 and 61 and associated draft technical guidance document “to allow more time for members of the public to develop and submit their comments.” The comment period now expires on September 21, 2015.

A panel of state and industry representatives has been scheduled for the fall 2015 Low-Level Radioactive Waste Forum (LLW Forum) meeting to discuss stakeholder feedback on the Part 61 rulemaking initiative. The meeting will be held at the Embassy Suites Hotel in downtown Chicago, Illinois on October 22-23, 2015. Additional information about the meeting—including the meeting bulletin, registration form and agenda—can be found on the bottom of the Home Page at www.llwforum.org.

Prior to the reopening of the comment period, approximately 80 comments were submitted to NRC on the Part 61 rulemaking initiative, of which approximately 30 were submitted on behalf of stakeholder entities and approximately 50 were submitted from individuals. The LLW Forum’s Part 61 Working Group (P61WG)—which is comprised of representatives from the four sited-states of South Carolina, Texas, Utah and Washington, as well as a representative from the Commonwealth of Pennsylvania—submitted comments to the NRC on July 22, 2015.

Links to the stakeholder entity comments on the Part 61 rulemaking initiative, as well as a list of ML numbers for individual comment submissions, can be found on the P61WG web site at <http://part-61.org/resources/>.

Submitting Comments

The methods for submitting comments on the proposed rule are different from the methods for submitting comments on the draft guidance.

Proposed Rule Public comments on the proposed rule may be submitted using any of the following methods:

- via the federal government’s rulemaking web site at www.regulations.gov using Docket ID NRC-2011-0012;
- via facsimile to (301) 415-1101;
- via email to Rulemaking.Comments@nrc.gov;
- via mail to Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001, ATTN: Rulemaking and Adjudications Staff; or,

- via hand-delivery to 11555 Rockville Pike, Rockville, Maryland 20852 between 7:30 a.m. to 4:15 p.m. EDT on federal workdays.

Draft Guidance Public comments on the associated draft technical guidance may be submitted using either of the following methods:

- via the federal government's rulemaking web site at www.regulations.gov using Docket ID NRC-2015-0003; or,
- via mail to Cindy Bladey, Office of Administration, Mail Stop 3OWFN-12-H08, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001.

Questions about NRC dockets should be addressed to Carol Gallagher at (301) 415-3463 or at Carol.Gallagher@nrc.gov.

Background

NRC is proposing to amend its regulations that govern low-level radioactive waste disposal facilities to require new and revised site-specific technical analyses, to permit the development of site-specific criteria for low-level radioactive waste acceptance based on the results of these analyses, to facilitate implementation, and to better align the requirements with current health and safety standards. The proposed rule would affect low-level radioactive waste disposal licensees or license applicants that are regulated by the NRC or the Agreement States.

Proposed Rule Major provisions of the proposed rule include changes to:

- revise the existing technical analysis for protection of the general population to include a 1,000-year compliance period;
- add a new site-specific technical analysis for the protection of inadvertent intruders that would include a 1,000-year compliance period and a dose limit;
- add new analyses that would include a 10,000-year protective assurance period and annual dose minimization target;
- add a new analysis for certain long-lived low-level radioactive waste that would include a post-10,000-year performance period;
- add new analyses that would identify and describe the features of the design and site characteristics that provide defense-in-depth protections;
- add a new requirement to update the technical analyses at closure; and,
- add a new requirement to develop site-specific criteria for the future acceptance of low-level radioactive waste for disposal based on either the results of these technical analyses or the existing low-level radioactive waste classification requirements.

The proposed rule anticipates a need to dispose of large quantities of depleted uranium from newly licensed uranium enrichment facilities. "Depleted uranium actually becomes more radioactive as it decays over centuries, and the current regulations did not anticipate large quantities of it being disposed of commercially as Class A low-level waste (the least radioactive classification)," states NRC. "In addition, the industry anticipates blending some Class A waste with more-radioactive Class B and Class C wastes that currently lack a disposal path. Blending could create large quantities of Class A waste near the upper classification limit of radioactivity. The current regulations anticipated only a small amount of waste near the upper limit."

According to NRC, the proposed amendments would ensure that low-level radioactive waste 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 low-level radioactive waste. NRC believes that the proposed amendments would also increase the use of site-specific information to ensure performance objectives are met that are designed to provide protection of public health and safety.

Public Meetings NRC conducted a series of public meetings on the agency's Part 61 rulemaking initiative including in Phoenix, Arizona on March 20, 2015; in Bethesda, Maryland on April 28, 2015; in Austin, Texas on May 12, 2015; in Columbia, South Carolina on June 2, 2015; in Richland, Washington on June 9, 2015; and, in Salt Lake City, Utah on June 10, 2015. A Commissioner briefing was also held at the NRC headquarters in Rockville, Maryland on June 25, 2015.

The purpose of the meetings was to initiate a discussion on the Part 61 technical rulemaking, answer questions and solicit comments from the public, and encourage the submittal of formal comments on the proposed rulemaking. These were Category 3 meetings in which public participation was actively sought to fully engage the public in a discussion of regulatory issues.

The proposed rule to amend 10 CFR Parts 20 and 61, "Licensing Requirements for Land Disposal of Radioactive Waste," was published in the Federal Register (80 Federal Register 16,081) for public comment on May 26, 2015. NRC also published a notice of availability of associated guidance, "Guidance for Conducting Technical Analyses for Low-Level Radioactive Waste Disposal," for public comment in the Federal Register (80 Federal Register 15,930) for public comment on May 26, 2015. Links to both documents can be found on the LLW Forum's Part 61 Working Group (P61WG) web site at www.part-61.org.

For additional information, please contact either Gary Comfort or Stephen Dembek of the NRC's Low Level Waste Branch in the Division of Decommissioning, Uranium Recovery, and Waste Programs of the Office of Nuclear Material Safety and Safeguards. Gary may be reached at (301) 415-8106 or at Gary.Comfort@nrc.gov. Stephen may be reached at (301) 415-2342 or at Stephen.Dembek@nrc.gov.

August 27, 2015

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