

# PUBLIC SUBMISSION

<b>As of:</b> 7/24/15 10:33 AM
<b>Received:</b> July 23, 2015
<b>Status:</b> Pending_Post
<b>Tracking No.</b> 1jz-8k55-v9rw
<b>Comments Due:</b> July 24, 2015
<b>Submission Type:</b> Web

**Docket:** NRC-2011-0012  
Low-Level Radioactive Waste Disposal

**Comment On:** NRC-2011-0012-0077  
Low-Level Radioactive Waste Disposal

**Document:** NRC-2011-0012-DRAFT-0123  
Comment on FR Doc # 2015-06429

---

## Submitter Information

**Name:** Kent Rosenberger

---

## General Comment

See attached

---

## Attachments

SRR-CWDA-2015-00093

JUL 23 2015

SRR-CWDA-2015-00093  
RSM Track #: 10065

U.S. Nuclear Regulatory Commission  
11555 Rockville Pike  
Rockville, MD 20852

**COMMENTS ON PROPOSED REVISION TO 10 CFR PART 61 – DOCKET ID NRC-2011-0012**

Savannah River Remediation LLC (SRR) is transmitting for your consideration the attached comments on your proposed revision to 10 CFR Part 61. SRR appreciates the opportunity to review the proposed rule and in general supports the revision especially in the area of explicit definition of a time of compliance that is consistent with that defined in existing U.S. Department of Energy requirements. This consistency is a benefit to U.S. Department of Energy contractors such as SRR which develop Performance Assessments to meet U.S. Department of Energy requirements and to meet 10 CFR Part 61 Subpart C performance objectives as required by Section 3116 of the National Defense Authorization Act for FY2005.

Please direct any questions to Kent Rosenberger at (803)557-9328 or [kent.rosenberger@srs.gov](mailto:kent.rosenberger@srs.gov).

Sincerely,



Kent H. Rosenberger  
Waste Disposal Authority

KHR/khr

c: S. R. Ross, DOE-SR, 704-S  
D. J. Ferguson, 704-S  
J. K. Fortenberry, SRR, 766-H  
V. A. Franklin, 705-1C  
S. A. Thomas, 705-1C  
T. F. England, 705-1C  
L. B. Romanowski, 705-1C  
S. P. Hommel, 705-1C  
R. R. Seitz, SRNS, 773-43A

**Savannah River Remediation LLC Comments on Proposed Revision to 10 CFR Part 61**

<b>Comment ID</b>	<b>Part 61 Section</b>	<b>Comment</b>
SRR-1	§ 61.2 <i>Compliance period</i>	The clarification of an explicit compliance period is considered an improvement to the rule and the use of 1,000 years consistent with that defined in existing U.S. Department of Energy requirements is a positive change.
SRR-2	§ 61.2 <i>Disposal unit</i>	The definition of disposal unit includes the statement “For near-surface disposal the unit is usually a trench”. This statement was specifically deleted from § 61.7(a)(2).
SRR-3	§ 61.2 <i>Inadvertent intruder</i>	An inadvertent intruder may not always be a human being. Animals and plants can also intrude upon a site. Recommend revising the term from <i>inadvertent intruder</i> to <i>inadvertent human intruder</i> in order to clarify this distinction.
SRR-4	§ 61.2 <i>Long-lived waste</i>	The definition of long-lived waste is confusing. The definition appears to be defining long-lived radionuclides. While many waste forms may contain some quantity of long-lived radionuclides, not all of these waste forms may be long-lived waste. The definition should be refined to fit the context of the use of the term in the proposed rule.
SRR-5	§ 61.2 <i>Performance assessment</i>	Item 3 in the definition states “Estimates the annual dose to <u>any</u> member of the public...”. The use of the term “any” could imply the Maximum Exposed Individual (MEI) or other such exposure context which is not consistent with evaluating exposures based on typical regional human behaviors and consumption rates. It is recommended to simply state to a member of the public versus <u>any</u> .
SRR-6	§ 61.2 <i>Performance period</i>	The definition of performance period states it is a timeframe without any end time after the protective assurance period. The definition should explicitly cite an end time such as the time of peak dose. In the absence of such an end time one could interpret the definition as a requirement to model to infinity.
SRR-7	§ 61.2 <i>Protective assurance period</i>	The clarification of an explicit protective assurance period is considered an improvement to the rule and a reasonable compromise to previous proposed revisions to the rule.
SRR-8	§ 61.2 <i>Stability</i>	The definition states that stability means structural stability. The term stability is often used in the context of the long-term stability of the closure cap which typically involves erosional impacts. While this may alter the engineered function of the closure cap it would not impact structural stability. The context for the term stability should be elaborated upon in the definition such as applying to the stability of the waste form or disposal container.
SRR-9	§ 61.7(a)(1)	The term earthen is deleted in this paragraph in the first use with protective covers but not in the second use.

<b>Comment ID</b>	<b>Part 61 Section</b>	<b>Comment</b>
SRR-10	§ 61.7(a)(2)	This paragraph indicates disposal site characteristics should be considered for at least a 500-year timeframe which appears inconsistent with other considerations of changing site conditions over longer time periods. Please clarify the context of the 500-year timeframe use in this paragraph.
SRR-11	§ 61.7(c)(5)	Allowing for the use of “updated factors incorporated by the U.S. Environmental Protection Agency” and “the most current scientific models and methodologies” for the implementation of the dose methodology is considered an improvement to the rule.
SRR-12	§ 61.7(c)(5)	It is not clear when the 100-year institutional control period begins. Does it begin today, at the time of waste emplacement or at the time that the facility is closed? For relatively short-lived radionuclides (such as Sr-90 or Cs-137) the implications could be significant. Additional clarification would be helpful for avoiding conflicts that may arise from this ambiguity.
SRR-13	§ 61.12(b)	The context and timeframe of consideration for geomorphological and climatologic features should be defined.
SRR-14	§ 61.13(a)(1)	Some features, events, and processes (FEPs) are difficult to provide technical bases for inclusion or exclusion; either because studying the FEP is very expensive and/or timely, or the very nature of the FEP is difficult to observe under real conditions or has an extreme element of uncertainty (e.g., impact of long term climate change on various man-made materials that have not yet existed for a long period of time). Requiring a technical justification for every FEP may, therefore, be an unrealistic expectation. Rather than requiring a technical basis/justification for inclusion or exclusion of every FEP, it may be more feasible/conducive to require a documented justification instead. A documented justification does not have to be technical but still requires the applicant to put an appropriate level of thought into each FEP.
SRR-15	§ 61.13(a)(4)	This paragraph implies that items such as climate change may not be necessary to evaluate if either the peak dose occurs within the compliance period or protective assurance period if evidence of climatic change for the disposal site is not expected in these timeframes. Please clarify if this was the intent of the revision.
SRR-16	§ 61.13(b)(3)(i)	“Normal” activities might not always include all of these activities. Recommend revising the middle of this section to read “... and engages in normal activities which may include ...”
SRR-17	§ 61.13(b)(3)(iii)	This statement is ambiguous and could benefit from additional clarification, such as examples of how uncertainty can be accounted for.
SRR-18	§ 61.13(e) Table A	The definition of “Average Concentrations” should be provided. Is this the average of the waste package, disposal unit, disposal site, etc.? Without a definition it may have an unintended consequence in which sites may feel encouraged to mix their waste with “clean” material to dilute the waste concentration.

<b>Comment ID</b>	<b>Part 61 Section</b>	<b>Comment</b>
SRR-19	§ 61.13(e) Table A	The term long-lived alpha-emitting nuclides should be defined such as done in § 61.55 Table 1 which indicates a half-life greater than 5 years.
SRR-20	§ 61.23(c)	The term “individual” should be deleted from individual inadvertent intruders to be consistent with other uses of inadvertent intruder.
SRR-21	§ 61.41(a)	This paragraph refers to dose “to <u>any</u> member of the public...”. The use of the term “any” could imply the Maximum Exposed Individual (MEI) or other such exposure context which is not consistent with evaluating exposures based on typical regional human behaviors and consumption rates. It is recommended to simply state to a member of the public versus any.
SRR-22	§ 61.42(a)	This paragraph refers to dose “to <u>any</u> inadvertent intruder...”. The use of the term “any” could imply the Maximum Exposed Individual (MEI) or other such exposure context which is not consistent with evaluating exposures based on typical regional human behaviors and consumption rates. It is recommended to simply state to an inadvertent intruder versus any.
SRR-23	§ 61.50(2)(iii)	The language could be interpreted as excluding humid sites as a suitable location for waste disposal due to the shallow water table. This requirement should be revised or removed. It is reasonable to assume humid sites may require more engineered features and technical justification than arid sites but the requirement should be that the performance objectives of Subpart C of the rule must be met.
SRR-24	§ 61.57	This requirement seems to only apply if waste is being transported between facilities. Please clarify how to address these requirements for waste that is generated and disposed on site and is not transported from a different location given that requiring workers to apply labels to waste that will not be transported off site poses a health risk to the workers.