

PUBLIC SUBMISSION

As of: 9/28/21 11:56 AM Received: September 20, 2021 Status: Pending_Post Tracking No. ktt-55vv-bui3 Comments Due: September 21, 2021 Submission Type: Web

Docket: NRC-2018-0300
Categorical Exclusions from Environmental Review

Comment On: NRC-2018-0300-0103
Categorical Exclusions from Environmental Review

Document: NRC-2018-0300-DRAFT-0138
Comment on FR Doc # 2021-18058

Submitter Information

Email: andrew.bixenman@urencos.com
Organization: Louisiana Energy Services, LLC (Urenco USA)

General Comment

Louisiana Energy Services, LLC, (Urenco USA) Comments on Rulemaking for Categorical Exclusions From Environmental Review. File attached.

Attachments

LES-21-137-NRC UUSA Comments on Rulemaking for Categorical Exclusions From Environmental Review

09/20/2021

Subject: UUSA Comments on Rulemaking for Categorical Exclusions From Environmental Review (Docket ID NRC–2018–0300)

On May 7, 2021, the U.S. Nuclear Regulatory Commission (NRC) requested public comment on an advance notice of proposed rulemaking to obtain input from stakeholders on the agency's plan to amend its regulations on categorical exclusions for licensing, regulatory, and administrative actions that individually or cumulatively do not have a significant effect on the human environment. The comment period for the advance notice of proposed rulemaking published on May 7, 2021 (86 FR 24514), was reopened and now closes on September 21, 2021 (86 FR 47032).

Louisiana Energy Services, LLC, dba URENCO USA (UUSA) hereby submits and requests the Commission's consideration of the following comments:

Categorical Exclusion 11 – Certain License Amendments for Fuel Cycle Plants

Categorical Exclusion 11 is for “administrative, organizational, or procedural” license amendments for fuel cycle plants, as well as those “which result in a change in process operations or equipment.” 10 CFR 51.22(c)(11). In the latter case, the proposed license amendment must meet the following criteria to be covered by Categorical Exclusion 11:

- i. there is no significant change in the types or significant increase in the amounts of any effluents that may be released offsite,
- ii. there is no significant increase in individual or cumulative occupational radiation exposure,
- iii. there is no significant construction impact, and
- iv. there is no significant increase in the potential for or consequences from radiological accidents.

UUSA requests the NRC to clarify the “no significant construction impact” criterion of Categorical Exclusion 11 based on NRC precedent, for example, to make clear that site preparation and other pre-construction work in already disturbed areas of a site would come within Categorical Exclusion 11.

Categorical Exclusion 15 – Import of Nuclear Materials

Categorical Exclusion 15 is for import of nuclear materials pursuant to Part 110, except for import of spent nuclear fuel. 10 CFR 51.22(c)(15).

UUSA recommends the NRC expand this Categorical Exclusion to include exports of nuclear material as well as imports. In contrast to the NRC, DOE has a Categorical Exclusion for import and export of special nuclear material (Categorical Exclusion B7.2 of 10 CFR 1021, Subpart D, App. B). Thus, the NRC may be inclined to expand its Categorical Exclusion 15 to include exports of nuclear material similar to the exclusions for import that exist in DOE categorical exclusions.

Cleanup and Radioactive Waste Disposal

A potential new area that may be appropriate for a Categorical Exclusion is environmental/radiological cleanup and radioactive waste disposal. The NRC has a Categorical Exclusion for “decommissioning” of sites (Categorical Exclusion 20 in 10 CFR 51.22(c)(20)), but it is limited to sites that have only small quantities of radioactive materials.

In contrast, DOE has a broader Categorical Exclusion for site “cleanup” activities. DOE’s Categorical Exclusion B6.1, “Cleanup Actions,” covers “[s]mall-scale, short-term cleanup actions, under [the Resource Conservation and Recovery Act], Atomic Energy Act, or other authorities, less than approximately 10 million dollars in cost (in 2011 dollars).” The Categorical Exclusion is geared towards activities that “reduce risk to human health or the environment from the release or threat of release of a hazardous substance” and includes “disposal of wastes at existing facilities currently handling the type of waste involved in the action.” This DOE Categorical Exclusion is a strong indicator that DOE views waste disposal projects under \$10 million in cost (2011 dollars) to be of low to no environmental impact.

UUSA recommends the NRC adopt a similar Categorical Exclusion that would cover site cleanup and radioactive waste disposal actions within certain limits (e.g. equivalent to DOE’s threshold of \$10M (2011 dollars)). Such a new Categorical Exclusion could help facilitate small-scale cleanup actions, e.g., disposition of limited quantities of DU, without the need for NEPA reviews.

UUSA appreciates this opportunity to comment on the subject proposed rulemaking. Should there be any questions related to this response, please contact Wyatt Padgett, Compliance and Licensing Manager, at (575) 394-5257.

Respectfully,



Digitally signed by
P. Paul Lorskulsint
Date: 2021.09.20
14:54:54 -06'00'

Paul Lorskulsint
Chief Nuclear Officer