

Perspective on Part 61 Rulemaking and Low-Level Radioactive Waste Disposal

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Summary

- The current regulations “ensure public health and safety are protected in the operation of any commercial LLRW disposal facility”
- Proposed rule goes well beyond addressing safe disposal of “LLRW streams that are significantly different from [those] considered in the current 10 CFR Part 61 regulatory basis...”
- Will introduce unnecessary burden and unintended consequences

Current Adequate Protection

- Integrated systems approach (current rule) implicitly similar to more explicit defense-in-depth approach (proposed rule)
- Emphasis on passive systems reduces reliance on long-term institutional controls
- LLRW disposal performance objectives are consistent with radiation protection standards employed throughout NRC regulations

Significantly Different LLRW Streams (adapted from NRC staff presentations)

- Depleted Uranium
- LLRW from DOE operations
- Waste Forms/Volumes
- Blended LLRW
- LLRW streams generated from new technologies

Intent of Proposed Rule

- Prepare a safety case and perform new site-specific analyses ~~to address safe disposal of significantly different LLRW streams~~
- Identify additional prudent site-specific measures for continued LLRW disposal
- Develop site-specific LLRW acceptance criteria

Potential Unnecessary Burden and Unintended Consequences

- Required for all existing and new facilities – whether or not for disposal of significantly different LLRW streams
- Subordinates the existing waste classification criteria
- Implementation of a new approach introduces new uncertainties for present and future business decisions

Preliminary Comments (Work in Progress)

- Provide for excluding existing facilities not pursuing disposal of significantly different LLRW streams
- Allow for use of site-specific waste acceptance criteria (e.g., for disposal of significantly different LLRW streams) and/or continued use of existing LLRW classification requirements
- Compatibility level implications should be more fully explored in regard to state- and site-specific issues
- Consider other changes in progress (e.g., LLRW branch technical position and regulatory issue summary on LLRW manifest reporting)
- Implications for possible future updating of the Waste Classification tables should be addressed prior to issuance of a final rule