



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
ADVISORY COMMITTEE ON NUCLEAR WASTE AND MATERIALS  
WASHINGTON, D.C. 20555-0001

March 25, 2008

The Honorable Dale E. Klein  
Chairman  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001

SUBJECT: 2007 STRATEGIC ASSESSMENT OF THE LOW-LEVEL RADIOACTIVE  
WASTE REGULATORY PROGRAM

Dear Chairman Klein:

Over the last several years, external activities and initiatives have been underway that may affect the future of commercial low-level radioactive waste (LLW) management in the United States. In the May 2006 Advisory Committee on Nuclear Waste & Materials (ACNW&M) working group meeting on emerging LLW issues (170th ACNW&M meeting), the Committee asked participants to consider certain topics in the context of any future LLW strategic assessment. Following that meeting, NRC staff solicited stakeholder views on these topics by publishing a request in the *Federal Register* in July 2006. After a review of the comments received, the staff issued SECY-07-0180, "Strategic Assessment of Low-Level Radioactive Waste Regulatory Program," (the assessment) dated October 17, 2007.

As part of its 185th meeting, held on December 18, 2007, the ACNW&M received a briefing on the assessment. In this meeting, the staff described tasks intended to improve the stability and the reliability of the regulatory framework for the management of commercial LLW and the relative priority of these tasks. The Committee learned that the staff considered 20 tasks in the assessment. During the briefing, the staff emphasized that the assessment was a management tool to describe the nature and priority of the specific tasks the staff intends to undertake in the near term. The assessment also considered longer term issues; however, it reported detailed planning for seven near-term, high-priority tasks. The staff plans work on four of these tasks for 2008.

**Observation:** The Committee notes that the assessment contains no detailed plans apart from those for the 2007–2008 work activities. If management practices for LLW were to change significantly during this period, it is not clear in the assessment how the staff would reprioritize its activities. Issues that could emerge over a longer time period include the following:

- the consequences of extended (long-term) storage of LLW, particularly class B and C, at a variety of licensed facilities and the ultimate disposal of these wastes.
- the potential need to reevaluate Title 10, Part 61, "Licensing Requirements for Land Disposal of Radioactive Waste," of the *Code of Federal Regulations* (10 CFR Part 61) to account for the fact that the types, forms, and quantities of commercial LLW that are and may be generated in the foreseeable future differ significantly from those projected during the development of 10 CFR Part 61.

**Recommendation:** The next update of the assessment should consider longer range issues.

**Observation:** In a letter report dated August 16, 2006, the Committee previously recommended using the flexibility of 10 CFR 61.58, "Alternative Requirements for Waste Classification and Characteristics," to develop alternative classification approaches to take into account realistic waste concentration averaging, credit for waste form packaging, and the results of more risk-informed performance assessments while maintaining the principal protection criteria. The Committee is pleased that the 2007 LLW strategic assessment considers the development of guidance for the implementation of 10 CFR 61.58.

**Recommendation:** The Committee believes that the staff should accord a higher priority to the preparation of guidance for using 10 CFR 61.58.

**Observation:** Many tasks identified in the assessment are interdependent, and changes resulting from pursuing one task will have an impact on others. For example, Tasks 2, 7, 11, and 12<sup>1</sup> clearly overlap. Action on one or more of these tasks is likely to affect the others. The interrelationship between the proposed revision of the branch technical position on concentration averaging and the 10 CFR 61.58 task described earlier is an example.

**Recommendation:** It is clear that many of the tasks scheduled for work in 2008 and the remainder of the 20 tasks identified in the assessment are interdependent. The Committee recommends that the staff consider the interdependence of tasks identified during its work in 2008 and the impacts this interdependence may have on the priorities of future work.

**Observation:** The 2007 LLW strategic assessment is based on the current LLW management situation. However, this situation is dynamic.

**Recommendation:** The staff should update the 2007 LLW strategic assessment Commission paper approximately every 3 years.

Sincerely,

/RA/

Michael T. Ryan  
Chairman

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<sup>1</sup> Task Nos. 2, 7, 11, and 12, refer to, "Develop Internal Procedure and Standard Review Plan for Waste Import/Export License Reviews," "Develop Internal Procedure/Standard Review Plan for 10 CFR 20.2002 Requests," "Coordinate with Other Agencies on Consistency in Regulating LAW Disposal," and "Develop Guidance that Summarizes Disposition Options for End-materials and Waste," respectively.

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ACNW&M

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