

UNIQUE WASTE STREAM RULEMAKING

FSME/DWMEP

Depleted uranium is a source material, in accordance with [10 CFR Part 40](#), "Domestic Licensing of Source Material," and if treated as a waste would fall under the definition of a low-level radioactive waste per [10 CFR 61.55\(a\)](#). The Commission reaffirmed this waste classification in [Memorandum and Order CLI-05-20](#) dated October 19, 2005. Consistent with Commission policy to increase the use of risk assessment technology in all regulatory matters, the NRC staff considered in a screening analysis ([SECY-08-0147](#)), dated October 7, 2008, whether quantities of depleted uranium at issue in the waste stream from commercial uranium enrichment facilities warrant amending [10 CFR 61.55\(a\)\(6\)](#) or [10 CFR 61.55\(a\)](#) waste classification tables.

The Commission directed the staff in a Staff Requirements Memorandum ([SRM-SECY-08-0147](#)), dated March 18, 2009, to pursue a limited rulemaking to specify a requirement for a site-specific analysis and associated technical requirements for unique waste streams including, but not limited to, the disposal of significant quantities of depleted uranium. In pursuing this limited rulemaking, the NRC is not proposing to alter the waste classification scheme. However, for unique waste streams including, but not limited to, significant quantities of depleted uranium, there may be a need to place additional criteria on its disposal at a specific facility or deny such disposal based on unique site characteristics. Those restrictions would be determined via a site-specific analysis, which satisfies the requirements, developed through the rulemaking process.

On June 24, 2009, the NRC announced in the [Federal Register](#) [EXIT](#), 74 FR 30175, that it is seeking early public input on major issues associated with potential rulemaking for land disposal of unique waste streams including, but not limited to, significant quantities of depleted uranium in near-surface, low-level radioactive waste facilities. NRC staff will host public workshops in Rockville, Maryland on September 2-3, 2009, and in Salt Lake City, Utah on September 23-24, 2009 to discuss issues associated with rulemaking.

After the public workshops, the staff will begin development of the technical basis for the draft rulemaking. The technical basis will consider the input from the stakeholders at the workshops and provided to the docket. After the technical basis is complete, the draft rule will be developed and issued for public comment. After the public comments, the final rule will be provided to the Commission for approval.

Project Considerations: none.

Selected Major Milestones and Schedules

Major Milestones	Original Target Date	Revised Date	Completion Date	NRC Responsibility
Hold Public Meetings in Rockville, MD and Salt Lake City, UT	September 2009			FSME/DWMEP
Develop Technical Basis for Rulemaking	September 2010			FSME/DWMEP
Develop Draft Rulemaking Package	TBD			FSME/DILR
Develop Final Rulemaking Package	TBD			FSME/DILR