

# **NRC 10 CFR 61 Update on Low-Level Waste Management**

**2018 Health Physics Society Midyear Meeting  
& Exhibition**

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# 10 CFR Part 61 Rulemaking

# Why Are We Revising 10 CFR Part 61?

**To require low-level waste disposal licensees or license applicants to ensure that low-level waste streams that are significantly different from the low-level waste streams considered in the current Part 61 regulatory basis can be disposed of safely**



# Recent Commission Direction to Staff

- The staff received direction from the Commission in Staff Requirements – SECY-16-0106 – Final Rule: Low-Level Radioactive Waste Disposal (10 CFR PART 61).
- The Commission directed the staff to make substantive revisions and republish it as a supplemental proposed rule.
- Specifically, the Commission directed the staff to:
  - 1) Reinstate the use of a case-by-case basis (i.e., "grandfather provision") for applying new requirements;
  - 2) Reinstate the 1,000 year compliance period from the proposed rule and adopt a longer period of performance assessment;
  - 3) Clarify that the safety case consists of the quantitative performance assessment, as supplemented by consideration of defense-in-depth measures; and

# Recent Commission Direction to Staff (cont.)

- Specifically, the Commission directed the staff to:
  - 4) Modify the text addressing defense-in-depth to solely providing additional assurance in mitigating the effects of large uncertainties; and
  - 5) Be informed by broader and more fully integrated, costs and benefits resulting from the proposed rule changes, including pass-through costs to waste generators and processors.
    - Issued Federal Register Notice (82 FR 48283) on October 17, 2017 requesting public input
    - Had public meeting on October 19, 2017
    - Comments can be seen at: <https://www.regulations.gov/docket?D=NRC-2011-0012>
    - Staff is evaluating these comments

# Planned Amendments to 10 CFR Part 61

- Adds requirement for site-specific analyses
- Introduces a compliance period of 1,000 years for traditional low-level waste
- Adds an analysis for long-lived low-level waste for a post-1,000-year performance period
- Allows flexibility for Agreement States to analyze longer timeframes
- Stresses the use of defense-in-depth to mitigate uncertainties in technical analyses
- Restores “grandfathering” provision

# Next Steps

- Staff is developing revised rule language
- Staff will present supplemental proposed rule to Commission
- Staff will issue supplemental proposed rule for 90-day comment period
- Staff will consider comments and develop draft final rule for Commission's consideration

# Questions?

