



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

SECRETARY

MEMORANDUM TO: Daniel H. Dorman
Executive Director for Operations

FROM: Brooke P. Clark, Secretary

SUBJECT: STAFF REQUIREMENTS – SECY-20-0098 – PATH FORWARD
AND RECOMMENDATIONS FOR CERTAIN LOW-LEVEL
RADIOACTIVE WASTE DISPOSAL RULEMAKINGS

The Commission has approved the staff's recommended Option 1, to issue a new proposed rule that consolidates and integrates criteria for licensing the disposal of greater-than-Class C (GTCC) waste and Title 10 of the *Code of Federal Regulations* (10 C.F.R.) Part 61, "Low-Level Radioactive Waste Disposal," rulemaking activities, and provides for Agreement State licensing of those GTCC waste streams that meet the regulatory requirements for near-surface disposal and do not present a hazard such that the NRC should retain disposal authority. Additionally, for GTCC waste streams containing strategic special nuclear material, the Commission has approved the staff's recommendation to explore regulatory approaches that would allow for a single regulator for an Agreement State licensee disposing of GTCC waste in a land disposal facility, including potential amendment to 10 C.F.R. §§ 150.14 and 150.15.

The staff should take another look at the technical basis for the performance objectives in Part 61 and ensure that the compliance period is based on scientific data. Rather than using the same compliance period for disposal sites containing significant amounts of depleted uranium, GTCC, or transuranic waste, the staff should consider a site-specific, graded approach based on when the peak dose is projected to occur or establish a longer compliance period for disposal sites containing significant quantities of mobile, long-lived radionuclides.

If during its development of the new proposed rule the staff determines that provisions in the final rule provided to the Commission in SECY-16-0106 are protective of public health and safety, including for long-lived radionuclides, the staff should propose those provisions to the Commission.

cc: Chairman Hanson
Commissioner Baran
Commissioner Wright
OGC
CFO
OCA
OPA
ODs, RAs, ACRS, ASLBP
PDR