

Policy Perspectives on Changes to the LLRW Regulatory Framework

Ralph Andersen, CHP
Nuclear Energy Institute
RIC 2010



NUCLEAR
ENERGY
INSTITUTE

Selected Policy Perspectives

- **NAS Report on Low-Activity Waste (2006)**
- **LLW Forum Discussion of Issues (2006)**
- **GAO Reports on LLRW (2004-2007)**
- **NRC LLRW Strategic Assessment (2007)**
- **NGA Position on LLRW (2008)**
- **NCSL Position on Radioactive Waste (2008)**
- **NRC Commission Direction to Staff (2009)**
- **Nuclear Industry LLRW Strategy (2009)**

Improving Regulation & Management of Low-Activity Radwaste (NAS 2006)

- Risk-informed regulation through integrated strategies in incremental steps
- Improve efforts to gain knowledge and input from stakeholders
- Harmonize regulations for consistent control based on hazard, not origin
- Greater consideration of international consensus standards

Discussion of Issues (LLW Forum 2006)

- **Commercial LLRW is currently well regulated and managed safely**
- **States and compacts should continue to work with generators to ensure that disposal access remains available in the future**
- **It is important to take into consideration political realities, economic consequences, and regulatory concerns**
- **The LLW Forum stands ready to work with stakeholders through a collaborative process**

Foreign Approaches to LLRW Management (GAO-07-221)

- **Comprehensive National LLRW database**
 - Include disposed and stored LLRW
 - Include sealed sources
 - Project future LLRW for planning
- **Other Disposition Options**
 - Central storage
 - Special disposal option for VLLRW
- **Financial Assurance Requirements**
- **National LLRW Management Plan**

Commission Direction to Staff (NRC 2009)

- **Find ways to more effectively communicate to the public risk-informed concepts related to LLRW**
- **Develop a list or catalog of important research that has been impacted and/or stopped because of lack of disposal options**
- **Propose resources to risk-inform the 10 CFR Part 61 waste classification framework**
- **Identify conforming legislation needed to support the rulemaking**

Nuclear Industry LLRW Strategy (NEI 2009)

- **Implement safe, secure and cost-effective interim storage**
- **Optimize LLRW generation and processing to facilitate safe, timely and cost-effective disposal**
- **Support reform of LLRW regulation**
- **Engage waste compacts, states and federal agencies in developing and implementing an integrated, national plan for effective and reliable low-level waste management**

Nuclear Industry LLRW Management Principles

- **Storage and disposal have been and will continue to be managed safely**
- **Timely disposal is preferable to storage**
- **Regulation should not unduly restrict safe LLRW management options**
- **States and LLRW compacts are key to enabling safe LLRW management options**
- **An open and competitive market best facilitates development of innovative and cost-effective options**

Specific Recommendations

- **Continue to consolidate and clarify staff positions on existing requirements (for example):**
 - LLRW concentration averaging & classification
 - Obtaining approval of proposed disposal procedures
 - Alternative requirements for waste classification
- **Engage stakeholders in developing a technical basis for updating and reforming 10 CFR Part 61**
- **Update and reform 10 CFR Part 61**
 - Enhance performance-based/risk-informed aspects
 - Consistency based on hazard, not origin
 - In conjunction with updating of 10 Part 20 et al