



# NRC Commissioner's Briefing Proposed 10 CFR Part 61 Rulemaking

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# Background

- Low-Level Radioactive Waste Policy Amendments Act of 1985 defines responsibility for waste management and disposal
  - States and interstate compacts
  - Federal government
- The U.S. Enrichment Corporation Privatization Act defines responsibility for depleted uranium disposal
  - U. S. Department of Energy is responsible; not states and interstate compacts

# Background

- New low-level waste disposal facilities needed by 2050
  - Richland, WA facility will begin closure activities in 2056
  - EnergySolutions has 30 years of licensed capacity remaining
  - Additional nuclear utilities scheduled to be decommissioned in next 20-40 years

# Purpose of Proposed Rulemaking

- NRC needs to develop regulations addressing the disposal of unanticipated waste streams such as large volumes of depleted uranium at commercial sites
- 2 commercial sites are interested in accepting large volumes of depleted uranium for disposal
  - Waste Control Specialists – Andrews County, TX
  - EnergySolutions – Clive, UT

# Future Site Development

- Site development depends on:
  - Technical analysis demonstrating low-level waste is disposed in a manner that is protective of public health and safety
  - Just as importantly it requires the public's support before initiating site development
  - Stability in regulations governing low-level waste facility operation

# Unintended Impacts of Rule

- Changes the dynamics as found in the Low-Level Radioactive Waste Policy Amendments Act regarding site development
  - Depleted uranium is not a state or compact responsibility
- Commercial sites not accepting large volumes of depleted uranium will be subject to the economic burden of implementing the rules with no economic benefit
  - Will result in increased disposal fees for low-level waste generators using the Richland, WA site

# Unintended Impacts of Rule

- Application of the rule to all commercial sites undermines the stability of regulations governing low-level waste disposal
  - States may be hesitant to support site development as the rules can change at any time to allow extremely different waste streams than those contemplated during the original public process
  - May make the public hesitant to support site development

# Unintended Impacts of Rule

- It is unlikely that a new site meeting the requirements of the proposed rule would be able to receive the public support necessary for site development
  - Such a site has never been developed and is likely un-siteable

# Reduce Unintended Impacts

- The new rule should apply only to those commercial sites seeking large volumes of depleted uranium for disposal
  - This could be accomplished through the inclusion of these requirements within a separate section or subpart of 10 CFR Part 61 that applies only to those sites seeking large volumes of depleted uranium or other long-lived radionuclides for disposal
  - All four sited states support this approach

# Benefits of Alternate Implementation

- Aligns more closely with the tenets of the Low-Level Radioactive Waste Policy Amendments Act
- Limits the economic burden to those sites that will benefit economically from the acceptance of large volumes of depleted uranium for disposal
- Maintains a higher level of stability for rules governing traditional low-level waste disposal
- Makes future site development more difficult, but much less difficult than if the rule is applied to all commercial sites