

# **LOW-LEVEL RADIOACTIVE WASTE FORUM, INC.**

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## **Public Meeting Scheduled re Part 61 Regulatory Analysis Update and Alternative Disposal Request Guidance Revision**

On October 19, 2017, the U.S. Nuclear Regulatory Commission (NRC) will hold a public meeting to discuss the regulatory analysis for the 10 CFR Part 61 final rule entitled, “Low-Level Radioactive Waste Disposal” and the revised guidance for alternative disposal requests entitled, “Guidance for the Reviews of Proposed Disposal Procedures and Transfers of Radioactive Material Under 10 CFR 20.2002 and 10 CFR 40.13(a).”

The meeting, which is scheduled from 2:00 to 5:00 p.m. EDT, will be held at the agency’s headquarters in the auditorium of NRC Two White Flint North in Rockville, Maryland.

The public is invited to participate in the NRC meeting by discussing regulatory issues with the agency at designated points identified on the agenda. Interested stakeholders will also be able to participate via conference call or webinar.

*For additional information on the NRC public meeting, please contact Gregory Suber, Chief of the Low-Level Waste Branch in the NRC’s Division of Decommissioning, Uranium Recovery and Waste Programs, at (301) 415-8748 or at [gregory.suber@nrc.gov](mailto:gregory.suber@nrc.gov).*

*A link to the meeting details, which is filed under ADAMS Accession Number ML17269A347, can be found at <https://www.nrc.gov/pmns/mtg?do=details&Code=20171203>.*

### **Public Meeting Agenda**

The following is the published agenda for the NRC public meeting:

- 1:45 – 2:00 pm: Registration
- 2:00 – 2:10 pm: Facilitator Opening Comments (NRC)
- 2:10 – 2:20 pm: NRC Welcome/Opening Remarks (NRC)
- 2:20 – 3:30 pm: Part 61 Regulatory Analysis Update and public comments/questions (NRC/Public)

- 3:30 – 5:00 pm: Alternative Disposal Request Guidance and public comments/questions (NRC/Public)
- 5:00 pm: Closing Remarks/Adjourn (NRC)

## **Background**

On September 8, 2017, NRC issued a Staff Requirements Memorandum (SRM) in response to SECY-16-0106, which sought Commission approval to publish a final rule in the *Federal Register* that would amend Title 10 of the Code of Federal Regulations (10 CFR) Parts 20, “Standards for Protection Against Radiation,” and Part 61, “Licensing Requirements for Land Disposal of Radioactive Waste.” (See related story, this issue.)

In the SRM, the Commission approved certain substantive revisions to the draft final rule and its subsequent publication as a supplemental proposed rule for a 90-day public comment period. Specifically, prior to its publication as a supplemental proposed rule, the SRM states that the draft final rule should be revised to incorporate the following changes:

1. reinstate the use of a case-by-case basis (i.e., "grandfather provision") for applying new requirements to only those sites that plan to accept large quantities of depleted uranium for disposal;
2. reinstate the 1,000 year compliance period from the proposed rule with a specific dose limit of 25 mrem/year and adopt a longer period of performance assessment—the period of which would be based on site-specific considerations and a "reasonable analysis," as defined in SRM-SECY-13-0075, “Proposed Rule: Low-Level Radioactive Waste Disposal (10 CFR Part 61) (RIN 3150-AI92))—and apply the 1,000 year compliance period to the inadvertent intruder performance objective in 10 CFR 61.42 and the site stability performance objective in 10 CFR 61.44;
3. clarify that the safety case consists of the quantitative performance assessment, as supplemented by consideration of defense-in-depth measures;
4. modify the draft final rule text addressing defense-in-depth to narrow its consideration solely to providing additional assurance in mitigating the effects of large uncertainties that are identified during the performance assessment; and,
5. be informed by broader and more fully integrated, but reasonably foreseeable, costs and benefits to the United States waste disposal system resulting from the proposed rule changes, including pass-through costs to waste generators and processors.

The SRM states that the associated guidance documents should be revised and should be made publicly available, concurrent with the comment period on the supplemental proposed rule.

The Commission also directed that the revised *Federal Register* notice prepared as a result of the direction in the SRM should be provided to the Commission for its information no later than 10 business days prior to its transmittal for publication.

Finally, the SRM notes that the timing for the staff to prepare a regulatory basis for the disposal of Greater-than- Class C (GTCC) waste as directed in SRM-SECY-15-0094, “Historical and Current Issues Related to Disposal of Greater-Than-Class C Low-Level Radioactive Waste,” should be changed from the previous direction of within six (6) months of the completion of the ongoing 10 CFR Part 61 rulemaking to six (6) months after the publication of the supplemental proposed rule.

*The SRM can be found online at <https://www.nrc.gov/docs/ML1725/ML17251B147.pdf>.*

*For additional information on the Part 61 final rule and associated documents, please contact either Gary Comfort at (301) 415-8106 or at [Gary.Comfort@nrc.gov](mailto:Gary.Comfort@nrc.gov) or Stephen Dembeck at (301) 415-2342 or at [Stephen.Dembek@nrc.gov](mailto:Stephen.Dembek@nrc.gov).*

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**October 4, 2017**

**Todd D. Lovinger, Esq.**  
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