



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

September 8, 2017

SECRETARY

MEMORANDUM TO: Victor M. McCree  
Executive Director for Operations

FROM: Annette L. Vietti-Cook, Secretary **/RA/**

SUBJECT: STAFF REQUIREMENTS – SECY-16-0106 – FINAL RULE:  
LOW-LEVEL RADIOACTIVE WASTE DISPOSAL (10 CFR PART  
61) (RIN 3150-AI92)

The Commission has approved the following substantive revisions to the draft final rule and its subsequent publication as a supplemental proposed rule for a 90-day public comment period. The associated guidance documents should also be revised and should be made publicly available, concurrent with the comment period on the supplemental proposed rule.

Specifically, prior to its publication as a supplemental proposed rule, 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; and
- 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 U.S. waste disposal system resulting from the proposed rule changes, including pass-through costs to waste generators and processors.

The revised *Federal Register* notice prepared as a result of the direction in the staff requirements memorandum for this paper should be provided to the Commission for its information no later than 10 business days prior to its transmittal for publication.

Finally, the timing for the staff to prepare a regulatory basis for the disposal of Greater-than-Class C 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 6 months of the completion of the ongoing 10 CFR Part 61 rulemaking to 6 months after the publication of the supplemental proposed rule.

cc: Chairman Svinicki  
Commissioner Baran  
Commissioner Burns  
OGC  
CFO  
OCA  
OPA  
ODs, RAs, ACRS, ASLBP (via E-Mail)  
PDR