

**Draft LLW Forum Resolution
re Creation of a Formal Working Group on the
Consideration of Proposed Revisions to 10 CFR Part 61**

*San Francisco, California
April 23, 2012*

As the U.S. Nuclear Regulatory Commission (NRC) is considering proposed revisions to 10 Code of Federal Regulations Part 61;

As the Commission directed NRC staff on January 19, 2012 to expand the current limited-scope revision to Part 61 regarding site-specific analysis to bring a clearer risk-informed approach to Part 61 through extensive interactions with stakeholders to determine whether certain risk-informed approaches should be incorporated into the current rulemaking;

As the Commission has directed staff to provide an expanded proposed rule to the Commission within 18 months which includes the following issues, along with staff's analysis of the issues and stakeholder feedback and the pros and cons of the specific revisions:

- Allowing licensees the flexibility to use ICRP dose methodologies in a site-specific performance assessment for the disposal of all radioactive waste.
- A two tiered approach that establishes a compliance period that covers the reasonably foreseeable future and a longer period of performance that is not *a priori* and is established to evaluate the performance of the site over longer timeframes. The period of performance is developed based on the site characteristics (waste package, waste form, disposal technology, cover technology and geo-hydrology) and the peak dose to a designated receptor.
- Flexibility for disposal facilities to establish site-specific waste acceptance criteria based on the results of the site's performance assessment and intruder assessment.
- A compatibility category for the elements of the revised rule that establish the requirements for site-specific performance assessments and the development of the site-specific waste acceptance criteria that ensures alignment between the states and Federal government on safety fundamentals, while providing the states with the flexibility to determine how to implement these safety requirements.

As NRC's Office of Federal and State Materials and Environmental Management Program has announced plans to begin engaging stakeholders and members of the public on possible changes to Part 61;

As states and compacts have primary responsibility for issues related to the management and disposal of low-level radioactive waste under the Low-Level Radioactive Waste Policy Act of 1980 and its 1985 amendments;

As all current operating low-level radioactive waste disposal facilities are located in and regulated by Agreement States;

As states and compacts have a primary and vested interest in and will be directly impacted by any proposed revisions to Part 61;

Now Wherefore Be it Resolved that, upon review and consideration, the LLW Forum's Executive Committee is hereby authorized to form a working group if and when it determines that it would be appropriate to do so in order to engage in the NRC process and provide input and comment on behalf of the states and compacts,

Now Wherefore Be it Further Resolved that the LLW Forum will seek funding from NRC and/or other sources to cover costs associated with working group;

Now Wherefore Be it Further Resolved that the working group may seek input from other stakeholders including, but not limited to, federal agencies, industry associations, waste disposal facility operators, generators and brokers and processors ... although the LLW Forum's Board of Directors (state and compact officials designated by governors and LLRW compact commissions) will retain ultimate control over decision making and recommendations of the working group;

Now Wherefore Be it Further Resolved that activities of the working group will be reported to the LLW Forum's Board of Directors at the organization's semi-annual meetings.