

**LLW Forum Resolution
re Enhanced Consideration of Sited States' Comments
on Proposed Revisions to 10 CFR Part 61**

*Park City, Utah
October 23, 2013*

As the U.S. Nuclear Regulatory Commission (NRC) is considering proposed revisions that would amend Part 61 of Title 10 of the *Code of Federal Regulations* (10 CFR), "Licensing Requirements for Land Disposal of Radioactive Waste;"

As, on January 19, 2012, the Commission directed NRC staff 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, on July 18, 2013, NRC staff requested Commission approval to publish a proposed rule to amend 10 CFR Part 61 in the *Federal Register* that, among other things:

- requires low-level radioactive waste disposal licensees and license applicants to conduct updated and new site-specific analyses and to permit the development of criteria for future low-level radioactive waste acceptance based on the results of these analyses;
- updates the existing technical analysis requirements for protection of the general population (i.e., performance assessment) to include a 10,000-year compliance period; adds a new site-specific technical analysis for the protection of inadvertent intruders (i.e., intruder assessment) that would include a 10,000-year compliance period and a dose limit; adds a new analysis for certain long-lived low-level radioactive waste (i.e., performance period analysis) that would include a post-10,000 year performance period; and, revises the technical analyses required at closure;
- adds a new requirement to develop criteria for the acceptance of low-level radioactive waste for disposal based on either the results of these technical analyses or on the existing low-level radioactive waste classification requirements in order to facilitate consideration of whether a particular disposal site is suitable for future disposal of depleted uranium (DU), blended low-level radioactive waste, or any other previously unanalyzed low-level radioactive waste stream; and,
- proposes amendments to facilitate implementation and better align the requirements with current health and safety standards;

As, upon publication of a proposed rule to amend 10 CFR Part 61, NRC's Office of Federal and State Materials and Environmental Management Program plans to continue 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 the LLW Forum encourages NRC to directly communicate with and seek feedback specifically from representatives of the sited states on the proposed revisions to 10 CFR Part 61, and

Now Wherefore Be it Further Resolved that the LLW Forum encourages NRC to give enhanced consideration to feedback from representatives of the sited states on the proposed revisions to 10 CFR Part 61.