

**Status Update on the
NRC Proposed Rule to Amend
10 CFR Part 61**

Part 61 Rulemaking: Background

- Part 61 was originally implemented in 1983
- Agreement States have been responsible for the regulation of commercial LLRW sites
- Need for change is driven by new or unanticipated waste streams
 - Large quantity of depleted uranium (DOE's use of commercial facilities)
 - Blended waste
 - Possible new waste streams associated with new technology or processes
- Opportunity to integrate ICRP recommendations

*ICRP – International Commission on Radiological Protection

Part 61 Rulemaking

New Staff Requirements Memoranda (SRM) SECY-13-0075

- Commission issued new SRM-13-0075 on Feb. 12, 2014
- Approved publication of the proposed rule and draft guidance for public comment subject to several changes involving:
 - Period of Performance
 - Intruder Assessment
 - Agreement State Compatibility
 - Defense-in-Depth (DID)
 - Outreach

Part 61 Rulemaking – Significant Comments

- Three-tiered approach is too complicated
- Recommended moving to Compatibility Category C for many of the primary rule changes
- Proposed rule should not apply to sites that don't plan to accept new unanalyzed waste
- Re-classification of depleted uranium should be done before the current rule is finalized
- Backfit analysis should be developed

Part 61 Final Rule

- On October 3, 2016, NRC staff released SECY-16-0106, which seeks Commission approval to publish the final rule
- Major provisions of the final rule:
 - Specifies a compliance period of either 1,000 years or 10,000 years depending on the quantities of long-lived radionuclides
 - Adds a new technical analysis for the protection of inadvertent intruders
 - Adds a new post 10,000-year performance period analysis for sites that have significant quantity of long-lived LLRW
 - Adds a new requirement to develop site-specific waste acceptance criteria (WAC) for the future acceptance of LLRW for disposal

Part 61 Final Rule

- Adds a new requirement to identify and describe the features of the design and site characteristics that provide defense-in-depth protections
 - Adds a new requirement to update the technical analysis at site closure
- Other changes include:
- Adding new definitions to section 61.2, “Definitions”
 - Implementing changes to 10 CFR Part 20, Appendix G to conform to proposed WAC
 - Updating the dose methodology used in 10 CFR Part 61

Part 61 Final Rule - Implementation

➤ NRC Licensees

- The rule is effective one year after the final rule is published in the Federal Register

➤ Agreement States

- Sited States (SC, TX, UT, WA) - Compatibility with the new Part 61 would be required three years from the effective date of the final rule
- Non-Sited States - Compatibility with the new Part 61 would not be required if there are no plans for the development of a LLRW disposal facility