

# RIC 2011

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## A Waste Industry Perspective on NRC Regulation of Low-Level Waste

Steve Romano  
Chairman, Board of Directors  
USEcology, Inc.

USEcology, Inc.

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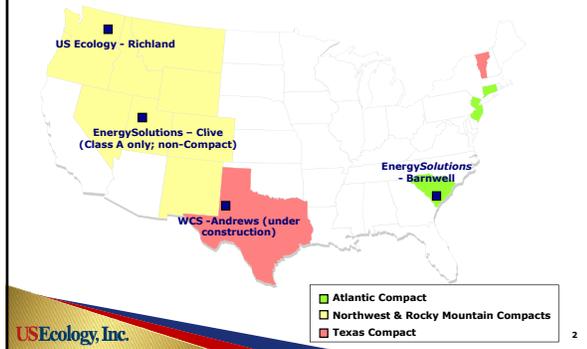
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### Current Reality

Existing Part 61 Disposal Sites Offer Ample Capacity & No New Sites are Foreseeable



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### Current Reality

High Volumes of Low Activity Waste Are Disposed at RCRA Hazardous Waste Facilities

- ▶ Materials not regulated by the NRC
  - Diffuse naturally occurring radioactive material (NORM)
  - Technologically enhanced NORM (TENORM)
  - Pre-1978 UMRCA uranium & thorium ore processing waste (U.S. Army Corps of Engineers FUSRAP sites)
- ▶ Regulated by the NRC under the Atomic Energy Act
  - Generally exempted materials, products & devices (e.g. smoke detectors, luminous dials, etc.)
  - Generally exempted source material -- "unimportant quantities" per 10 CFR Part 40.13(a) including depleted uranium (DU)
  - Alternate disposal authorizations under 10 CFR Part 20.2002
  - Diffuse accelerator produced material

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**Big Picture: How Can NRC Best Align Its Regulations with Current Reality?**

- ▶ Don't fix what's not broken!
  - Preserve Part 61 structure including classification approach
  - Part 61 provides broad flexibility for site-specific performance assessments & waste acceptance criteria without rulemaking
  - Individual licenses are not inconsistent with DOE Order approach
  - No need for international waste definition alignment
- ▶ Work early & closely with four "host" Agreement States
  - States are primary regulator for all existing Part 61 disposal sites
- ▶ Confer with States & Compacts to avoid orphan waste
- ▶ Reject approaches requiring Congressional action
- ▶ Let market forces work & don't stifle competition
  - All present disposal capacity resulted from private sector initiatives

**Guiding Principle: Don't undervalue the benefits of stability**

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**Specifics: How Can NRC Best Align Its Regulations with Current Reality?**

- ▶ Update Part 61.55 (a) classification per 2007 ICRP dosimetry
  - Integrate with waste form/packaging requirements & Part 20
- ▶ Complete rulemaking for high volume depleted uranium disposal based on site-specific application (e.g. intruder analysis)
  - Not all Part 61 sites will receive high volumes of DU
  - Evaluate other unique waste streams on same basis
- ▶ Clarify requirements for blending regulated low-level wastes
- ▶ Support expanded, risk-based use of hazardous waste disposal facilities using existing alternate disposal authorization & exemption provisions (no rule changes are needed)

**Guiding Principle: Risk-Inform Existing Regulatory Framework in Timely, Non-Disruptive Manner**

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