

NUCLEAR REGULATORY COMMISSION

[NRC-20XX-XXXX]

Volume Reduction and Low-Level Radioactive Waste Management

AGENCY: Nuclear Regulatory Commission.

ACTION: Policy statement; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC or the Commission) is revising its 1981 Policy Statement on Low-Level Radioactive Waste (LLRW) Volume Reduction (Policy Statement). This statement encouraged licensees to take steps to reduce the amount of waste generated and to reduce the volume of waste once generated. The purpose of the revised statement is to recognize that progress in reducing waste volume has been achieved since the 1981 Policy Statement was published, and to acknowledge that factors other than volume reduction may be used by licensees to determine how best to manage their LLRW.

DATES: This Policy Statement is effective on **[Insert date of publication in the *Federal Register*]**.

ADDRESSES: You can access publicly available documents related to this Policy Statement using the following methods:

- **NRC's Public Document Room (PDR):** The public may examine and have copied, for a fee, publicly available documents at the NRC's PDR, O1-F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

- **NRC's Agencywide Documents Access and Management System (ADAMS):**

Publicly available documents created or received at the NRC are available online in the NRC Library at <http://www.nrc.gov/reading-rm/adams.html>. From this page, the public can gain entry into ADAMS, which provides text and image files of the NRC's public documents. If you do not have access to ADAMS or if you have problems accessing the documents located in ADAMS, contact the NRC's PDR reference staff at 1-800-397-4209, 301-415-4737, or by e-mail to pdr.resource@nrc.gov. The Policy Statement is available in ADAMS under Accession No. ML113400177.

- **Federal Rulemaking Web Site:** Supporting materials related to this Policy Statement can be found at <http://www.regulations.gov> by searching on Docket ID NRC-20XX-XXXX. Address questions about NRC dockets to Carol Gallagher, telephone: 301-492-3668; e-mail: Carol.Gallagher@nrc.gov.

FOR FURTHER INFORMATION CONTACT: Donald Lowman, Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555; telephone: 301-415-5452, e-mail: Donald.Lowman@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Background

In 1981, the NRC published a Policy Statement regarding the volume reduction of LLRW. The Policy Statement addressed:

1. the need for a volume reduction policy; and
2. the need for waste generators to minimize the quantity of waste produced.

For 30 years, this Policy Statement has effectively conveyed the Commission's expectations that generators of LLRW should reduce the volume of waste shipped for disposal at licensed commercial waste disposal facilities. The Commission uses policy statements to communicate expectations about matters relating to activities that are within NRC jurisdiction and that are of particular interest and importance to the Commission. Policy statements help to guide the activities of the NRC staff. However, they are not regulations and are not accorded the status of a regulation within the meaning of the Administrative Procedure Act. The Agreement States, which are responsible for overseeing their material licensees, cannot be required to implement the elements of a policy statement because such statements, unlike NRC regulations, are not a matter of compatibility. Additionally, policy statements cannot be considered binding upon, or enforceable against, NRC or Agreement State licensees and certificate holders.

On April 7, 2010, the NRC staff issued SECY-10-0043, "Blending of Low-Level Radioactive Waste," and referenced the Policy Statement in response to stakeholder comments that large-scale blending might not be consistent with the Policy Statement because it would enable licensees to avoid the use of an available volume reduction technology. Subsequently, the Commission directed the staff to update the Policy Statement to recognize the progress that has been achieved in waste reduction, and to acknowledge that volume reduction continues to be important, and that other risk-informed, performance-based approaches to managing waste are also appropriate for managing LLRW safely.

A revised draft of the Policy Statement, "Volume Reduction and Low-Level Radioactive Waste Management," was published in the *Federal Register* for comment on August 15, 2011 (76 FR 50500), with the comment period ending on September 14, 2011, which the NRC later extended to October 14, 2011.

The NRC received written comments on the draft Policy Statement and considered these comments when finalizing the Policy Statement. None of the comments resulted in changes to the basic principles of the Policy Statement and the changes made to the draft Policy Statement were limited. Responses to these comments can be found in ADAMS under Accession No. ML120090117.

II. Congressional Review Act

In accordance with the Congressional Review Act of 1996, the NRC has determined that this action is not a major rule and has verified this determination with the Office of Information and Regulatory Affairs of the Office of Management and Budget (OMB).

III. Policy Statement of the U.S. Nuclear Regulatory Commission on Volume Reduction and Low-Level Radioactive Waste Management

Summary

In 1981, the Commission published a Policy Statement (46 FR 51100; October 16, 1981) regarding the volume reduction of LLRW. In October 2010, the Commission approved revisions to the Policy Statement, including updating to acknowledge that volume reduction continues to be important and adding that risk-informed, performance-based approaches to managing waste are also needed to safely manage LLRW.

Policy Statement

The Commission recognizes the substantial progress made by licensees in reducing volumes of LLRW shipped for disposal since the publication of the 1981 Policy Statement. The Congress, States, LLRW Compacts and nuclear industry groups have also played a central part

in this effort by encouraging waste minimization and volume reduction practices. Widespread use of these practices has resulted in a significant reduction in the amount of LLRW generated by licensees and the volume shipped for disposal. The Commission recognizes that the high cost of LLRW disposal has been a factor, along with limitations on LLRW disposal access, incentivizing increased use of volume reduction and waste minimization techniques.

The Commission continues to believe that volume reduction is important to the management of LLRW—a continued focus on volume reduction will extend the operational lifetime of the existing commercial LLRW disposal sites and will reduce the number of waste shipments.

Safety, administrative controls, and operational enhancements are the foundation of a successful radioactive waste management program. Therefore, the Commission encourages licensees to continue to adopt procedures that will minimize the volume of waste being transferred to disposal facilities. Additionally, as currently required by Title 10 of the *Code of Federal Regulations* (10 CFR), Part 20 Section 1406, “Minimization of contamination,” license applicants, with limited exceptions, shall describe in their applications how facility design and procedures for operation will minimize, to the extent practicable, the generation of radioactive waste.

The Commission also recognizes that volume reduction is only one aspect of an effective LLRW management program. Although the Commission continues to favor the disposal of LLRW over storage, it recognizes that licensees may safely manage waste in a variety of ways, consistent with NRC regulations and guidance. In addition to ensuring public health and safety, licensees may consider operational efficiency, reductions in occupational exposures, security, and cost in determining how best to manage LLRW. As part of their LLRW management strategies, although the Commission continues to favor disposal in a licensed disposal facility, licensees should consider all means available to manage waste in a manner

that is secure and protects public health and safety, such as (in no particular order and thus not indicating any NRC preference):

- Waste minimization;
- Short-term storage and decay;
- Long-term storage;
- Use of the alternate disposal provision in 10 CFR 20.2002, "Method for obtaining approval of proposed disposal procedures;" and
- Use of waste processing technologies.

The Commission understands that limited LLRW disposal access means that many licensees will be forced to store at least some of their LLRW. Agreement State and NRC licensees must continue to ensure that waste is safely and securely managed. However, waste minimization and disposal are still considered the safest and most secure long-term LLRW management approach.

Dated at Rockville, Maryland, this day of , 2012.

FOR THE NUCLEAR REGULATORY COMMISSION

Annette L. Vietti-Cook
Secretary of the Commission