

# LOW-LEVEL RADIOACTIVE WASTE FORUM, INC.

1619 12<sup>TH</sup> Street, N.W. – Washington, D.C. 20009  
(202) 265-7990 \* (202) 265-7995 FAX

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October 26, 2011

Mr. Larry Camper  
Director  
Division of Waste Management and Environmental Protection  
Office of Federal & State Materials & Environmental  
Management Programs  
U.S. Nuclear Regulatory Commission  
Mail Stop T-8-F-5  
Washington DC 20555

Dear Larry Camper:

At its recent meeting in Santa Fe, New Mexico, staff of the U.S. Nuclear Regulatory Commission (NRC) provided to members of the Low-Level Radioactive Waste Forum, Inc. (LLW Forum) updates on various activities and initiatives being undertaken by the agency and engaged in an interactive dialogue to receive feedback and comments from the states and compacts. On behalf of the LLW Forum, I want to express our sincere appreciation to you and your staff for the insightful presentations and productive dialogue.

In response to the NRC staff presentations and the afternoon dialogue session, the Board of Directors of the LLW Forum passed the attached resolution expressing “its appreciation to NRC staff for participating in a dedicated session with States and Compacts at the Fall 2011 LLW Forum meeting to gather specific input on the agency’s initiatives related to 10 CFR Part 61” and requesting that the NRC

- seek specific input from States and Compacts early in the process on NRC initiatives to revise 10 CFR Part 61, that may include among other things, explanation of the issues, goals and potential impacts, practical aspects of implementation, and a discussion of possible unintended consequences;
- in consideration of the unique impacts on States and Compacts, provide an advanced dedicated time interval of sufficient duration (i.e., 90 to 120 days) for states and

compacts to be able to participate and provide written comments responding to NRC proposals; and,

- assign one staff person or contract with a consultant for the purpose of collecting specific input from States and Compacts related to all aspects of the proposed revisions to 10 CFR Part 61, analyzing and understanding the input, and directly incorporating the input into the NRC revision process and working drafts.

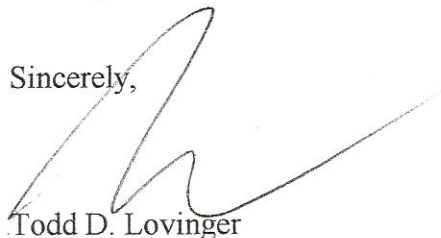
As you may know, the next LLW Forum meeting is scheduled for April 23-24, 2012 in Burlingame, California. I look forward to working with NRC staff to coordinate agency agenda topics that will further promote the spirit and intent of the attached resolution.

As always, the LLW Forum appreciates your efforts and those of other NRC officials in working toward solutions on important issues related to low-level radioactive waste management and disposal. We particularly appreciate NRC efforts to provide regular updates at LLW Forum meetings and for the ongoing consultation with state and compact representatives. We look forward to continuing a productive relationship with NRC in the future.

If you have any questions about the attached resolution or any other matters related to this issue, please feel free to call me at (202) 265-7990 or e-mail me at [LLWForumInc@aol.com](mailto:LLWForumInc@aol.com).

Thank you.

Sincerely,



Todd D. Lovinger

Executive Director  
LLW Forum, Inc.

cc Gregory Suber; Branch Chief, Low-Level Waste Branch, DWMEP, FSME  
Maurice Heath, Program Official, Low-Level Waste Branch, DWMEP, FSME,  
James Kennedy, Senior Project Manager, Low-Level Waste Branch, DWMEP,  
FSME  
Leonard Slosky, Chair, LLW Forum; Executive Director, Rocky Mountain  
Low-Level Radioactive Waste Board

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## Request for an Ombudsman with Sited States Throughout the Process of Revising 10 CFR Part 61

LLW Forum Resolution  
Santa Fe, New Mexico  
October 17, 2011

*Whereas* the U.S. Nuclear Regulatory Commission (NRC) is considering various rulemaking, guidance and position statement initiatives related to low-level radioactive waste disposal and federal regulations at Title 10, Code of Federal Regulations, Part 61 (10 CFR Part 61);

*Whereas* the Low-Level Radioactive Waste Policy Act assigns responsibility for low-level radioactive waste management to the states and compacts;

*Whereas* all licensed commercial low-level radioactive waste disposal sites in the United States are located in NRC Agreement States, where NRC has transferred their authority for regulation of sites to the respective state regulator;

*Whereas* all licensed commercial low-level radioactive waste disposal sites in the United States are located in states that are members of a compact;

*Whereas* the LLW Forum expresses its appreciation to NRC staff for participating in a dedicated session with States and Compacts at the Fall 2011 LLW Forum meeting to gather specific input on the agency's initiatives related to 10 CFR Part 61;

*Whereas* the States and Compacts believe it would be productive to continue the dialogue begun during the above-referenced dedicated session;

*Now Therefore Be it Resolved* that the LLW Forum hereby requests that the NRC:

- seek specific input from States and Compacts early in the process on NRC initiatives to revise 10 CFR Part 61, that may include among other things, explanation of the issues, goals and potential impacts, practical aspects of implementation, and a discussion of possible unintended consequences;

- in consideration of the unique impacts on States and Compacts, provide an advanced dedicated time interval of sufficient duration (i.e., 90 to 120 days) for states and compacts to be able to participate and provide written comments responding to NRC proposals; and,
- assign one staff person or contract with a consultant for the purpose of collecting specific input from States and Compacts related to all aspects of the proposed revisions to 10 CFR Part 61, analyzing and understanding the input, and directly incorporating the input into the NRC revision process and working drafts.