

Regulatory Gap: Waste Incidental to Reprocessing

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Gap 3: Waste Incidental to Reprocessing (from NRC's Gap Analysis)



- Gap:
 - “The NRC lacks regulations defining certain waste streams resulting from spent fuel reprocessing as waste incidental to reprocessing, or incidental waste, rather than HLW.”
- Implication:
 - “If the NRC does not develop an incidental waste rule, then an applicant for a reprocessing facility would face regulatory uncertainty with regard to differentiating HLW from incidental wastes produced at its facility.”



Early WIR milestones (1970 – 1980)



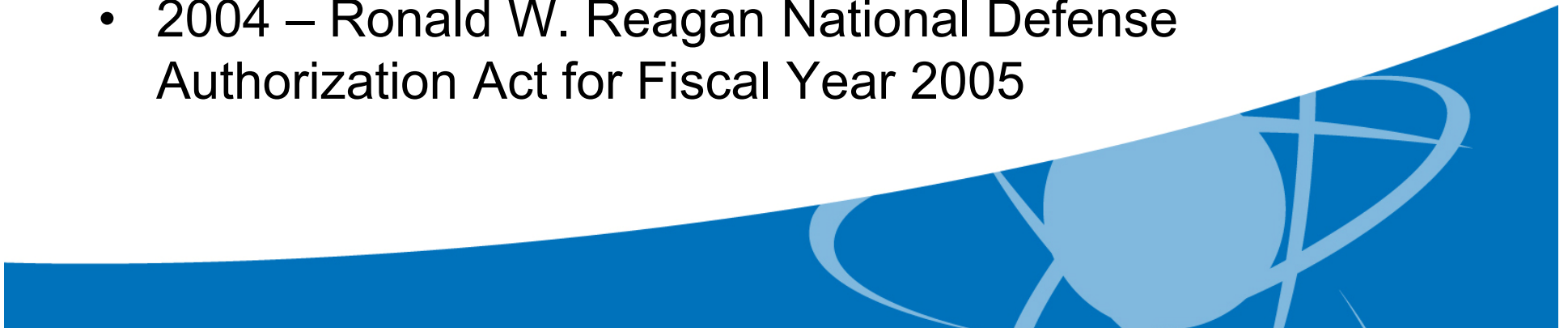
- 1970: Part 50, Appendix F – requirements for reprocessing, including waste storage and disposal
- 1972: Marine Protection, Research and Sanctuaries Act - defines HLW
- 1982: Nuclear Waste Policy Act



WIR milestones (since 1980)



- 1980 – West Valley Demonstration Project Act
- 1989 – Hanford Policy Statement (SECY-89-164)
- 1999 – DOE Order 435.1
- 2004 – Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005



WIR Criteria Example

- 1) Does not require geologic repository disposal;
- 2) Has had highly radioactive radionuclides removed to the maximum extent practical; and
- 3) --
 - A. Does not exceed Class C concentration limits, and will be disposed of in compliance with Part 61 subpart C; and is State-approved; or
 - B. Exceeds Class C concentration limits, but will be disposed of in compliance with Part 61 subpart C; is State-approved; and is pursuant to plans developed by the Secretary in consultation with the Commission

