

Federal Register Notice on Interpretation of the Definition of High-Level Radioactive Waste

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Summary-Federal Register Notice on High-Level Radioactive Waste (HLW) Interpretation

- On October 10, DOE issued for public comment in the Federal Register its interpretation of the definition of HLW.
- A 60-day comment period is in effect until December 10.
- DOE wants to get the policy right and is requesting public comment.
- DOE has not made any decisions on the waste classification or disposal options in any state or locality.
- We welcome and greatly encourage comments from the public, Regulators, state and local officials, and all other stakeholders.

- The Nuclear Waste Policy Act (NWPA) and the Atomic Energy Act (AEA) define the term “high-level radioactive waste” to mean:
 - ...the **highly radioactive** material resulting from the reprocessing of spent nuclear fuel, including liquid waste produced directly in reprocessing and any solid material derived from such liquid waste that contains **fission products in sufficient concentrations**.
- The terms “highly radioactive” and “sufficient concentrations” are not defined in the NWPA or AEA.
- Based on the statutory text, DOE interprets this to mean that waste from reprocessing should be evaluated and classified based on its radiological characteristics and the ability to meet disposal facility requirements.

What would be non-HLW?

- DOE would determine reprocessing waste is non-high-level radioactive waste if the waste:
 - I. does not exceed concentration limits, for Class C low-level radioactive waste, as specified by the Nuclear Regulatory Commission regulations (10 CFR Part 61.55);

or
 - II. does not require disposal in a deep geologic repository, and meets the performance objectives of a disposal facility, as demonstrated through a performance assessment, conducted in accordance with applicable regulatory requirements.

- At this time the Department is not making – and has not made – any decisions on the classification or disposal, of any particular waste stream.
- DOE welcomes public comment and perspectives on its interpretation.
- No implementation actions will be taken, without appropriate interactions, with affected state and local officials.
- The public's input will be considered prior to moving forward.