



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

December 22, 2015

SECRETARY

MEMORANDUM TO: Victor M. McCree
Executive Director for Operations

FROM: Annette L. Vietti-Cook, Secretary **/RA/**

SUBJECT: STAFF REQUIREMENTS – SECY-15-0094 – HISTORICAL AND
CURRENT ISSUES RELATED TO DISPOSAL OF GREATER-
THAN-CLASS C LOW-LEVEL RADIOACTIVE WASTE

The staff should prepare a draft response, for processing as Commission correspondence but to be signed by the Director of NMSS, to the Texas Commission on Environmental Quality (TCEQ) in response to TCEQ's letter to the NRC dated January 30, 2015. The draft response should include a description of the regulatory basis directed below, explain that this regulatory basis will inform our answer to TCEQ's jurisdictional questions about disposal of GTCC waste, and invite TCEQ staff to provide input to the regulatory basis during the course of its development.

Within six months of the completion of the ongoing 10 CFR Part 61 rulemaking, the staff should prepare a regulatory basis for the disposal of GTCC waste through means other than deep geologic disposal, including near-surface disposal, and provide this regulatory basis to the Commission for information. The regulatory basis should analyze whether, in accordance with section 274c.(4) of the Atomic Energy Act, disposal of GTCC waste presents a hazard such that the NRC should retain authority over its disposal. If the staff concludes, as a result of its analysis, that some or all GTCC waste is potentially suitable for near-surface disposal, the staff should proceed with the development of a proposed rule to include disposal criteria for licensing the disposal of such waste under 10 CFR Part 61. The staff should also conduct a public workshop during the development of the regulatory basis to receive input from the State of Texas and any other interested stakeholders. The Commission affirms that the case-by-case review contemplated in 10 CFR 61.55(a)(2)(iv) is available to parties who seek to dispose of GTCC waste in the near term.

The Commission approves the staff's recommendation to address transuranic waste in 10 CFR section 61.2.

cc: Chairman Burns
Commissioner Svinicki
Commissioner Ostendorff
Commissioner Baran
OGC
CFO
OCA
OPA
Office Directors, Regions, ACRS, ASLBP (via E-Mail)
PDR