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NRC Decommissioning/LLW Activities
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Low Level Waste Forum Fall 2019
Chicago, IL

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Topics

- 10 CFR Part 61 rulemaking
- Draft Regulatory Basis for Disposal of Greater-than-Class C (GTCC) and Transuranic Waste (TRU)
- Very Low-Level Waste
- NEIMA Section 108
- Decommissioning rulemaking

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10 CFR part 61 rulemaking

- February 12, 2014: Commission Approved Proposed Rule
- March 26, 2015: Proposed Rule and Associated Draft Guidance Issued
- September 15, 2016: Draft Final Rule to Commission (SECY-16-0106: ML16188A290)
- September 8, 2017: Commission Issues Staff Requirements Memorandum (SRM-SECY-16-0106: ML17251B147)

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10 CFR part 61 rulemaking (cont.)

- Adds requirement for site-specific analyses
- Introduces a compliance period of 1,000 years for traditional low-level waste
- Adds an analysis for long-lived low-level waste for a post-1,000-year performance period
- Allows flexibility for Agreement States to analyze longer timeframes
- Restores “grandfathering” provision

Draft Regulatory Basis for Disposal of Greater-than-Class C (GTCC) and Transuranic Waste (TRU)

- January 30, 2015: Texas requested clarification on Agreement State authority
- July 17, 2015: SECY-15-0094
- December 22, 2015: SRM-SECY-15-0094
- October 23, 2018: SRM-M181011
- July 22, 2019: Published Draft Regulatory Basis for comment in the Federal Register on (84 FR 35037)
- August 2019: Webinar and Public Meeting in Austin, TX
- 120-day public comment period ends November 19, 2019

Draft Regulatory Basis for Disposal of GTCC and TRU (cont.)

- Evaluated GTCC waste described in DOE's Final Environmental Impact Statement for GTCC Waste (published in 2016)
- Presented three alternatives for implementation of GTCC disposal under 10 CFR Part 61 (i.e., no regulatory change, develop new guidance, and conduct a rulemaking)
- Found the majority of GTCC waste is potentially suitable for near-surface disposal (approximately 80% by volume)
- Found that most (approximately 95%) of the potentially suitable GTCC waste could be regulated by an Agreement State

Draft Regulatory Basis for Disposal of GTCC and TRU (cont.)

- Comment period ends November 19, 2019
- Federal Register notice (84 FR 35307) provides various methods of submitting comments:
  - Federal Rulemaking Website:
  - Go to https://www.regulations.gov and search for Docket ID NRC-2017-0081
  - Email comments: Rulemaking.Comments@nrc.gov
  - Fax comments: 301-415-1101
  - Mail comments to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, ATTN: Rulemakings and Adjudications Staff
  - Hand deliver comments: 11555 Rockville Pike, Rockville, MD. 20852; between 7:30 a.m. and 4:15 p.m. (ET) on Federal workdays; telephone: 301-415-1677
- Include Docket ID NRC-2017-0081 on all correspondence

Very Low-Level Waste

- Agreement State Letter FSME-12-025 (ML12065A038)
- Regulatory Issue Summary 2016-11, “Requests to Dispose of Very Low-level Radioactive Waste Pursuant to 10 CFR 20.2002” (ML16007A488)
- South Texas Project Enforcement Issue EA 18-137 (ML18260A250)
- Nuclear Energy Institute (ML19086A320)
- Energy*Solutions* (ML19121A550)
- Waste Control Specialists (ML19206A452)

Very Low-Level Waste (cont.)

- 20.2002 two-step process
  - 1st: approval of the proposed alternate procedures
  - 2nd: approval of the disposal
- NRC to update guidance to address both review aspects
  - Develop guidance for 20.2002 review and issue for comment in early 2020
  - Incorporate lessons learned and comments to issue final guidance
  - Solicitation for comments will also include interpretation of "authorized recipient" under 20.2001(a)(1)
    - Includes entities specifically exempted (to receive and dispose of waste) in addition to licensed persons

Nuclear Energy Innovation and Modernization Act (NEIMA) Section 108

- Section 108 requires a report to Congress by July 14, 2020 identifying best practices for establishment and operation of local community advisory boards (CABs) for decommissioning nuclear power reactors, including lessons learned from such organizations.
  - Federal Register Notice soliciting requests for public meetings to discuss CAB best practices issued on March 18, 2019
  - Public meeting locations were determined in June 2019
  - Nationwide Webinar & public meetings at 11 locations August – October 2019

Nuclear Energy Innovation and Modernization Act (NEIMA) Section 108 (cont.)

- Section 108 seeks:
  - topics that could be brought before a local community advisory board
  - how such a board's input could be used to inform the decision making processes of stakeholders for various decommissioning activities
  - what interactions such a board could have with the NRC and other Federal regulatory bodies to support the board members' overall understanding of the decommissioning process and promote dialogue between the affected stakeholders and the licensee involved in decommissioning activities
  - how such a board could offer opportunities for public engagement throughout all phases of the decommissioning process

Nuclear Energy Innovation and Modernization Act (NEIMA) Section 108 (cont.)

- Report to capture best practices for:
  - CAB membership composition, selection process, terms
  - When the CAB was established and the frequency of CAB meetings
  - Specific logistics required to support the CAB
  - Other identified best practices or activities

Nuclear Energy Innovation and Modernization Act (NEIMA) Section 108 (cont.)

- Comment period ends November 15, 2019
- Fill out the NEIMA questionnaire online at: https://www.nrc.gov/waste/decommissioning/neima-local-comm-advisory-board-questionnaire.html
- Scan completed questionnaires and send to: NEIMA108.Resource@nrc.gov
- Mail completed questionnaires to:

  Kim Conway, U.S. NRC
  11545 Rockville Pike, Mail Stop T-5 A10
  Rockville, MD 20852
- Additional information located on the web site: https://www.nrc.gov/waste/decommissioning/neima-section-108.html

Decommissioning rulemaking

- Proposed rule submitted to Commission May 7, 2018 (SECY-18-0055)
  - Goals: provide for an efficient decommissioning process; reduce the need for exemptions from existing regulations; and support the principles of good regulation, including openness, clarity, and reliability
  - Fourteen technical topical areas
  - Four draft guidance documents
- Next steps:
  - Upon Commission vote, staff will publish proposed rule for 75-day public comment period
  - Public meeting during comment period
  - Public meeting to discuss implementation of rule prior to delivering the draft final rule to the Commission
  - Submit the draft final rule to the Commission

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Questions?