

# **Proposed Interpretive Rule: Transfer of Very Low-Level Waste (VLLW) to Exempt Persons for Disposal**

**March 30, 2020**

**The meeting will start shortly.**

**Please join the audio conference by calling:**

**1-888-452-8947 - access code 9838788#**

# Proposed Interpretive Rule: Transfer of Very Low-Level Waste (VLLW) to Exempt Persons for Disposal

March 30, 2020

Trish Holahan, Ph.D., Director

Chris McKenney, Chief, Risk and Technical Analysis Branch

Division of Decommissioning,  
Uranium Recovery, and Waste Programs

Office of Nuclear Material Safety and Safeguards

U.S. Nuclear Regulatory Commission

# Purpose of Meeting

- Highlight the NRC staff's approach to very low-level radioactive waste disposal under the proposed interpretation of 10 CFR 20.2001
- Solicit public comment on interpretative rule
- Introduce specific questions for feedback
- Stakeholder participation and involvement

# What is an Interpretive Rule?

- A rule or statement that advises the public of the NRC's construction, or interpretation, of its regulations
- Not legally binding
- The NRC uses NUREG's and other forms of guidance to document interpretive rules
- If the proposed interpretive rule is adopted, guidance documents would be revised to clarify that "authorized recipients" would include persons exempted by the NRC or Agreement States



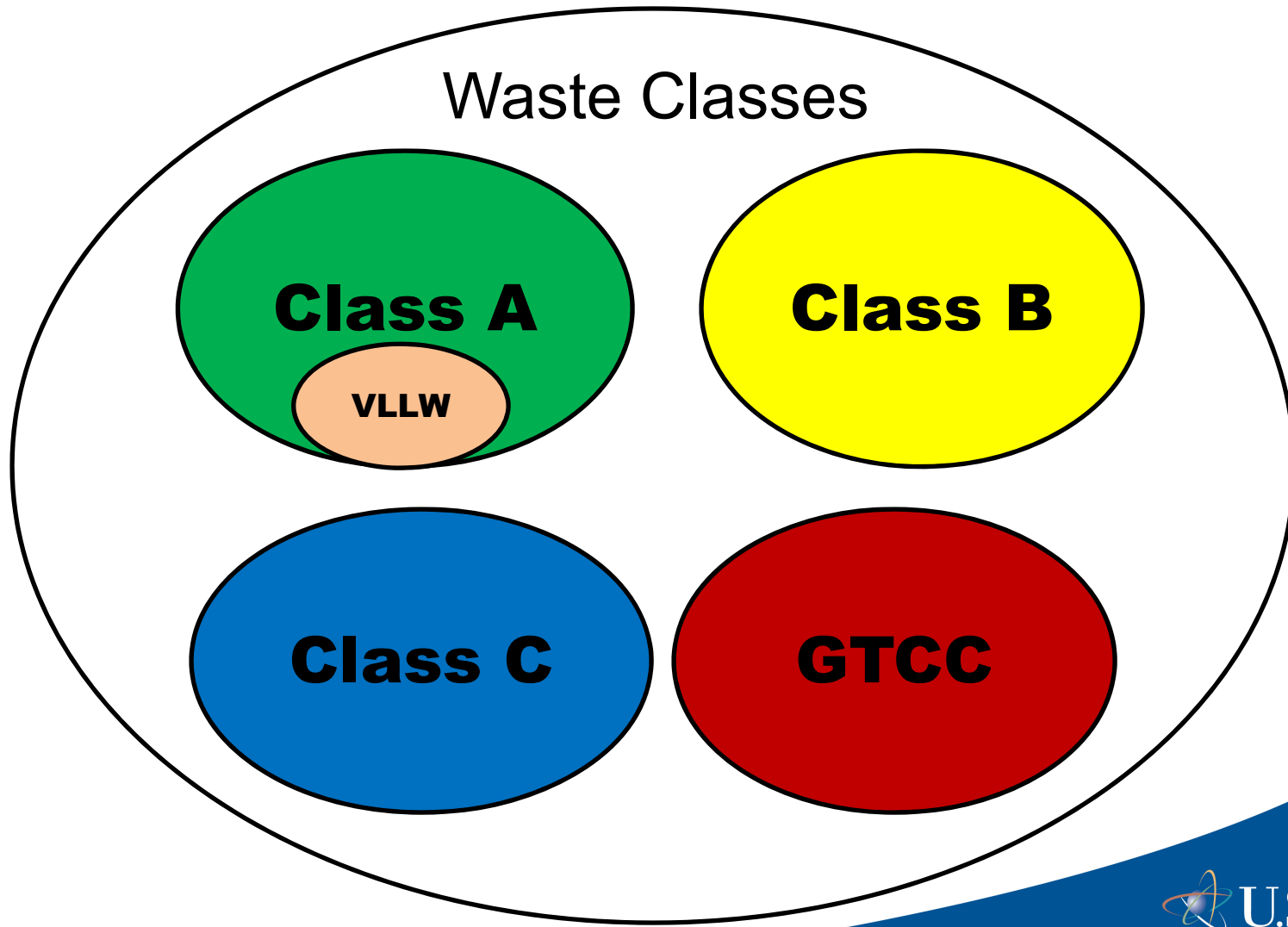
# Benefits of Proposed Interpretation

- Reflects the risk significance of VLLW disposal
- Responsive to stakeholder feedback on the VLLW regulatory framework
- Provides an efficient means by which the NRC may issue specific exemptions for disposal, and by which licensees may transfer appropriate material to these exempt facilities

# Current VLLW Disposal Practices

- Part 61 Land Disposal Facilities
  - License required to “receive, possess, and dispose of radioactive waste” at a land disposal facility
- Part 20, Subpart K, “Waste Disposal”
  - § 20.2001(a)(1) allows transfer for disposal to an “authorized recipient”
  - § 20.2002 provides an alternate method for obtaining approval of proposed disposal procedures
- Proposed interpretive rule would not replace use of the current disposal practices

# Part 61 Low Level Waste Disposal



# Background

- One approved method of disposal listed in 10 CFR 20.2001(a)(1) is “transfer to an authorized recipient”
- The current guidance on § 20.2001 in NUREG-1736 limits “authorized recipient” to only persons licensed under the parts listed



## Background (continued)

- Parts 30, 40, and 70 of 10 CFR contain provisions that authorize the transfer of licensed material to any person exempt from licensing requirements, to the extent permitted under the exemption
  - Interpretive rule would not apply to exemptions issued under other parts of 10 CFR
  - This interpretive rule would not apply to exemptions issued under § 61.6, because no provision in Part 61 permits the transfer of licensed material to exempt persons.

# Proposed Interpretative Rule

- The proposed interpretive rule would:
  - modify the current guidance that states that § 20.2001 only allows the transfer of licensed material for disposal to licensed persons
  - allow the transfer of licensed material to persons who hold specific exemptions, if those exemptions are for the purpose of disposal
  - provide that exemptions could be issued by the NRC or Agreement State regulatory authority, as appropriate to the disposal facility

# Proposed Interpretative Rule (continued)

- The proposed rule would classify exempted persons as “authorized recipients”
- This interpretation would not replace any disposal method currently authorized under the NRC’s regulations, including § 20.2002 approvals
- Intended to apply to the transfer of VLLW to persons who hold specific exemptions for **disposal of VLLW by land burial**

# Proposed Interpretative Rule (continued)

- The new interpretation would apply:
  - to persons who hold specific exemptions from the licensing requirements of the Atomic Energy Act and the regulations in 10 CFR Parts 30, 40, or 70
  - only apply to the transfer of licensed material to persons who hold specific exemptions for **disposal**
- Transfer of material would only be allowed to the extent permitted under the exemption

# Proposed Interpretative Rule (continued)

- Would permit NRC licensees to transfer licensed materials to persons who hold specific exemptions (or similar regulatory approvals) for disposal issued by Agreement States
- Licensees must verify that the exemption holder is authorized to receive the licensed material for disposal, in accordance with the provisions of the specific exemption

# Proposed Interpretative Rule (continued)

- Ensures that the disposals safely isolate waste from people and the environment
- Technical and dose considerations will be addressed for each exempted facility
- Intent is that only the least hazardous level of waste may be disposed of in exempt facilities

# Proposed Exemption Considerations

- The NRC would consider approval of an exemption if the cumulative dose from all disposals were to be maintained below 25 millirem per year
  - Agreement States may issue exemptions subject to different criteria, consistent with their adequate and compatible programs
- Exemption requests should explain why the requested exemption is authorized by law, will not endanger life or property or the common defense and security, and is otherwise in the public interest

# Exemption Considerations (continued)

- Requests should include a safety analysis containing:
  - a description of the proposed method of land burial at the disposal facility
  - a description of the source term
  - a description of the proposed disposal site including procedures, recordkeeping, and their current RCRA permit
  - a discussion regarding the conceptual and mathematical models and parameters used in the dose assessment related to proposed disposal
  - site-specific dose assessments or sensitivity and uncertainty analyses when performing the dose assessments to estimate the radiological impacts to members of the public



# For Additional Information

- Federal Rulemaking Website:  
Go to <https://www.regulations.gov> and search for Docket ID **NRC-2020-0065**
- NRC's Public Web Site for VLLW:  
<https://www.nrc.gov/waste/llw-disposal/very-llw.html>
- NRC Contacts:
  - Marlayna Doell – Project Manager  
301-415-3178; [Marlayna.Doell@nrc.gov](mailto:Marlayna.Doell@nrc.gov)
  - Adam Schwartzman – Risk Analyst  
301-415-8172; [Adam.Schwartzman@nrc.gov](mailto:Adam.Schwartzman@nrc.gov)

# How to Provide Comments

- *Federal Register* notice (FRN) (85 FR 13076) provides various methods of submitting comments
- Include Docket ID **NRC-2020-0065** on all correspondence
- Current comment period ends April 20, 2020
  - The NRC is currently considering extending the comment period by 45 days
  - Extension will be published via FRN

# Receive NRC LLW Information

- Sign-up for the LLW email distribution (ListServ) using the following steps:
  - go to the NRC's public website and select “Public Meetings & Involvement”
  - select “Subscribe to Email Updates”
  - select “Lyris Subscription Services” and check the box for “LLW Distribution”
  - enter the email address through which you want to receive the NRC Listserv emails
  - click on “Subscribe”

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**Public Feedback and Comments**

**Additional Questions Welcome**

# Five Public Feedback Questions

1. Is case-by-case review and approval of VLLW transfers to holders of specific exemptions for disposal necessary?
2. What issues associated with transboundary (i.e., interstate) transfer of VLLW should be considered with this interpretive rule?
3. Should the exempt persons authorized to dispose of certain VLLW that would be considered § 20.2001 “authorized recipients” under this proposed interpretive rule be required to use Uniform Waste Manifests (consistent with § 20.2006) for waste transferred to the exempted disposal facility?
4. Are there other criteria that should be considered during the review of a request for a specific disposal exemption?
5. In light of this proposed interpretive rule, does the Agreement State compatibility designation of § 20.2001 raise issues that the NRC should consider?