



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

April 21, 2020

MEMORANDUM TO: Stephen Koenick, Chief  
Low-Level Waste and Projects Branch  
Division of Decommissioning, Uranium Recovery  
and Waste Programs  
Office of Nuclear Material Safety and Safeguards

FROM: Stephen Dembek, Senior Project Manager *Stephen Dembek*  
Low-Level Waste and Projects Branch  
Division of Decommissioning, Uranium Recovery  
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Office of Nuclear Material Safety and Safeguards

SUBJECT: SUMMARY OF MARCH 30, 2020, PUBLIC WEBINAR ON  
PROPOSED INTERPRETIVE RULE, "TRANSFER OF VERY  
LOW-LEVEL WASTE TO EXEMPT PERSONS FOR DISPOSAL"  
(DOCKET ID NRC-2020-0065)

On March 30, 2020, a Category 3 public webinar was held by the U.S. Nuclear Regulatory Commission (NRC). The webinar was noticed on the NRC's public website and the notice is available in the NRC's Agencywide Documents Access and Management System (ADAMS) at Accession No. ML20090C538. The meeting agenda was included as part of the meeting notice. The meeting slides are available at ADAMS Accession No. ML20087F607.

The webinar was held to gather stakeholder feedback on a proposed interpretation of the low-level radioactive waste disposal regulations in Section 20.2001, "General requirements," of Subpart K, "Waste Disposal," to Part 20, "Standards for Protection Against Radiation," of Title 10 of the *Code of Federal Regulations* (10 CFR). The proposed interpretation would permit licensees to dispose of waste by transfer to persons holding specific exemptions (in addition to licenses) for the purpose of disposal. This is a potential alternative pathway for certain disposal proposals that would otherwise require individual disposal requests on a case-by-case basis in accordance with the requirements in 10 CFR 20.2002, "Method for obtaining approval of proposed disposal procedures." The NRC would consider requests for specific exemptions for the purpose of disposal if they are for disposal by land burial (e.g., in Resource Conservation and Recovery Act (RCRA) sites) consistent with existing guidance in NUREG-1757.

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## SUMMARY OF NRC PRESENTATION

Marlayna Doell, Project Manager, Low Level Waste and Projects Branch, opened the meeting for the NRC by providing an introduction to the topics being discussed and describing the format of the meeting. Ms. Doell then introduced the next speaker, Patricia Holahan, Director, Division of Decommissioning, Uranium Recovery and Waste Programs. Ms. Holahan discussed slides on the purpose of the meeting, the description of an interpretive rule, the benefits of the proposed interpretation, and the current very low-level waste (VLLW) disposal practices. Ms. Holahan then turned the presentation over to Chris McKenney, Branch Chief, Risk and Technical Analysis Branch. Mr. McKenney discussed slides on the details of the proposed interpretive rule, the proposed exemption considerations, and the five public feedback questions. Mr. McKenney noted that an exemption to be an authorized recipient will only be granted for disposal of VLLW by land burial. Mr. McKenney also noted that the proposed interpretive rule would not provide a generic approval for disposal pursuant to an exemption. Each specific exemption request would be reviewed on an individual, case-by-case basis and approved with specific requirements for the types and quantities of VLLW that can be accepted under the exemption. Ms. Doell then discussed the methods for submitting comments and opened the public feedback portion of the meeting.

## PUBLIC COMMENT OVERVIEW

Participants from States, industry, and individuals representing groups or themselves made comments either in writing through the webinar software or by phone. The meeting was transcribed (ADAMS Accession No. ML20112F441); therefore, the individual comments can be read in the transcript starting on page 20. Additionally, transcripts of the written questions and chat comments received using the webinar software are available at ADAMS Accession Nos. ML20099B338 and ML20099B339, respectively. An overview of the comments follows.

There were many comments asking for an extension of the comment period due to the public health emergency (PHE) caused by the COVID-19 PHE. Many commenters stated that the comment period should be extended until after the COVID-19 PHE was over. Most commenters were against the NRC's proposed interpretation for the disposal of VLLW and they requested that the NRC stop this proposed interpretive rule. Some commenters requested the NRC create an email address for submitting comments in addition to using either regulations.gov or letters to submit comments. Some commenters expressed concerns about the dangers of low-level radiation. Some were concerned that the proposed 25 mrem per year cumulative dose limit was too high. Some commenters were concerned about the absence of public notification requirements regarding the possible use of disposal sites near them. Some were concerned about radioactive wastes contaminating ground water at these unlicensed disposal facilities. Other commenters asked clarifying questions on portions of the rule including concerns about the definition of very low-level waste, tracking and inspection of these disposals, calculating cumulative doses - including radioactive material from previous disposals and from sources such as fracking, and potential impacts on Low-Level Waste Compacts and Agreement States.

When participants were finished providing their questions and comments, Ms. Holahan thanked everyone for participating. She noted that the NRC staff will not be responding specifically to any questions or comments during this meeting, but that the NRC staff will consider them before the agency makes a decision regarding next steps for the proposed interpretive rule. She also noted the NRC staff was considering an extension of the public comment period. Subsequently, on April 9, 2020, the NRC published a notice in the *Federal Register* (85 FR 19907) extending the comment period for the proposed interpretive rule from April 20 to July 20, 2020.

In addition, in response to comments received during the meeting the NRC staff has established an email address for interested parties to submit comments on the proposed interpretive rule before the end of the extended July 20, 2020, comment period. The email address for providing comments is [VLLWTransferComments.Resource@nrc.gov](mailto:VLLWTransferComments.Resource@nrc.gov) and is available to accept feedback throughout the comment period.

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**DATE April 21, 2020**

**ADAMS Accession No.: ML20092G874**

**\* via email**

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