



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

July 30, 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

7/30/2020

FROM: Marlayna Vaaler Doell, Project Manager
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Office of Nuclear Material Safety and Safeguards

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Signed by: NRC-PIV

SUBJECT: SUMMARY OF JULY 1, 2020, SECOND PUBLIC WEBINAR ON
PROPOSED INTERPRETIVE RULE, "TRANSFER OF VERY
LOW-LEVEL WASTE TO EXEMPT PERSONS FOR DISPOSAL"
(DOCKET ID NRC-2020-0065)

On July 1, 2020, the U.S. Nuclear Regulatory Commission (NRC) held a Category 3 public webinar related to its proposed interpretive rule, "Transfer of Very Low-Level Waste to Exempt Persons for Disposal" (Docket ID NRC-2020-0065). The webinar was noticed on the NRC's public website on June 16, 2020, and the notice is available in the NRC's Agencywide Documents Access and Management System (ADAMS) at Accession No. ML20182A827. The meeting agenda was included as part of the meeting notice, and the meeting slides are available at ADAMS Accession No. ML20182A163.

The webinar was the second meeting to gather stakeholder feedback on the 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 for the purpose of disposal. 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) facilities). The first public webinar on this topic was held on March 30, 2020; the public comment period for the proposed interpretive rule was reopened on July 30, 2020 (85 FR 45809), and now ends on October 21, 2020.

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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 introducing 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 the purpose of the meeting, the steps that have been taken to address stakeholder feedback during the COVID-19 public health emergency (PHE), and the current very low-level waste (VLLW) disposal practices. 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.

Ms. Holahan also presented information on what the proposed interpretive rule is, and is not, proposing to change, based on the feedback received so far. Specifically, she noted that the proposed change will not release the nation's radioactive waste from regulatory oversight, or allow waste to be disposed of in an unregulated facility, or permit any disposed VLLW from being reused in any way. Disposals under this proposal would be permanent, and the change would create an alternate procedure for the disposal of VLLW, while protecting public health and safety and the environment.

Ms. Holahan then turned the presentation over to Adam Schwartzman, Risk Analyst, Risk and Technical Analysis Branch. Mr. Schwartzman discussed the details of the proposed interpretive rule, the proposed exemption considerations, and the method the NRC staff could use to evaluate requests for specific exemptions for the purpose of disposal. Mr. Schwartzman emphasized that an exemption for a disposal facility to be an authorized recipient would only be granted for disposal of VLLW by land burial. Mr. Schwartzman also noted that each exemption request for a specific facility would be reviewed on an individual basis, and approved with specific criteria that would bound the types and amounts of VLLW that could be accepted at the exempted facility. Finally, Mr. Schwartzman noted that one of the reasons for the NRC public meetings is to solicit feedback on the particular issues that the agency should focus on when developing the criteria used to perform specific exemption reviews, as well as to gain insight on any implementation questions the NRC should consider as part of the overall decisionmaking process on moving forward with the proposed interpretive rule.

Mr. Schwartzman then turned the presentation back to Ms. Doell, who discussed the five specific requests for comment in the *Federal Register* notice of the proposed interpretive rule (85 FR 13076; March 6, 2020), as well as the methods for submitting comments. Ms. Doell then introduced Brett Klukan, Facilitator, Region I, who made general comments on the ground rules for the open portion of the meeting, as well as methods for submitting or making comments, and then 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. ML20195A122); therefore, the individual comments can be read in the transcript starting on page 31. Additionally, transcripts of the written questions and chat comments received using the webinar software are available at ADAMS Accession Nos. ML20195A125 and ML20195A124, respectively. An overview of the comments is provided in the following paragraph.

The majority of commenters, which included nuclear industry representatives, environmental and other public interest group representatives, and individuals, opposed the NRC's proposed interpretive rule. Some commenters expressed concerns about the dangers of low-level radiation. Some were concerned that the proposed 25 mrem/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 defining VLLW; tracking and inspecting these disposals; evaluating the environmental impact of the disposal, especially the impact on low-income and minority populations; calculating cumulative doses, including radioactive material from previous disposals; and potential impacts on Low-Level Waste Compacts and Agreement States. Some commenters stated that the process used to effectuate the change in the VLLW disposal program—a proposed interpretive rule—is contrary to law.

When participants were finished providing their questions and comments, Ms. Holahan thanked everyone for participating.

Ms. Doell then ended the webinar.

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Date: July 30, 2020

ADAMS Accession No.: ML20195A123

***via email**

OFFICE	DUWP/LLWPB	DUWP/LLWPB	DUWP/RTAB	OGC-NLO	DUWP/LLWPB
NAME	SDembek*	MDoell	ASchwartzman*	EHouseman*	MWong*
DATE	7/13/20	7/12/20	7/13/20	7/27/20	7/29/20

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