

Official Transcript of Proceedings
NUCLEAR REGULATORY COMMISSION

Title: Public Meeting on Advance Notice of Proposed Rulemaking on Categorical Exclusions from Environmental Review

Docket Number: (n/a)

Location: teleconference

Date: Wednesday, June 16, 2021

Work Order No.: NRC-1545

Pages 1-37

NEAL R. GROSS AND CO., INC.
Court Reporters and Transcribers
1323 Rhode Island Avenue, N.W.
Washington, D.C. 20005
(202) 234-4433

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

UNITED STATES NUCLEAR REGULATORY COMMISSION

+ + + + +

PUBLIC MEETING ON ADVANCE NOTICE OF PROPOSED

RULEMAKING ON CATEGORICAL EXCLUSIONS FROM

ENVIRONMENTAL REVIEW

+ + + + +

WEDNESDAY

JUNE 16, 2021

+ + + + +

The Public Meeting met via webinar, at
1:00 p.m. EDT, Sarah Lopas, Meeting Facilitator,
presiding.

PRESENT

- SARAH LOPAS, Facilitator
- SHELDON CLARK, OGC
- KEVIN COYNE, NMSS
- GLENNA LAPPERT, NMSS
- NANCY MARTINEZ, NMSS
- LYNN RONEWICZ, NMSS
- ADAM SCHWARTZMAN, NMSS
- GREG TRUSSELL, NMSS
- IRENE WU, NMSS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

ALSO PRESENT
EARL FORDHAM
MILTON GORDEN
TONY LESHINSKIE
BRUCE MONTGOMERY
DANIEL SHRUM

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

C-O-N-T-E-N-T-S

Opening remarks 9

Summary of rulemaking changes 12

Question and answer session 15

Closing remarks 36

P-R-O-C-E-E-D-I-N-G-S

1:05 p.m.

MS. LOPAS: Hi, everybody. Good afternoon, and welcome to the NRC's Public Meeting for the Advance Notice of Proposed Rulemaking on Categorical Exclusions from Environment Review.

I'm going to start my video here for those of you on the WebEx. My name is Sarah Lopas, and I'm the meeting facilitator in the NRC's Office of Nuclear Material Safety.

Before I get started with the presentation, I covered some of today's logistics.

So, Lynn, if you could go to the next screen, that would be great. Next slide.

All right. One more. Sorry about that.

Okay. So if you have any colleagues that are saying they're not hearing any audio for today's WebEx, please provide them the bridge line information and pass codes. If you all are hearing me, then you're great.

So, as Danielle noted, today everybody's in listen-only mode until we get to the Q&A portion of today's meeting. At that point -- so, first, we'll have the presentation by the NRC staff. Then we'll be opening up for questions and answers. So, at that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 point, for folks on the phone (Audio interference.)
2 press star-1, and Danielle -- you'll hear a series of
3 prompts and whatnot, and Danielle will know to open up
4 your line so you can make a comment over the phone.

5 You can also submit questions at any time
6 during the NRC presentation or ask questions or ask
7 kind of technical questions in terms of meeting
8 logistics via chat. So when you send a chat, make
9 sure you're sending it to all panelists. You have to
10 be logged in to the WebEx in order to send that chat,
11 obviously.

12 Everybody's WebEx screen -- so Tony's
13 letting me know -- hello, Tony from Vermont. Good to
14 hear you. My audio is cutting out some. So I
15 apologize. I'll try to send some information (Audio
16 interference.) my audio is cutting out. But the way
17 you get to chat -- everybody's WebEx screen is a
18 little bit different. So try to find the little
19 speaking balloon or speech bubble icon. It should be
20 at the bottom, maybe right-hand side, of your WebEx
21 screen or -- yeah, your WebEx screen.

22 Click on that. That's going to open up
23 the chat panel for you. And so that's how you -- I'm
24 going to be posting some links in the chat. That's
25 how you can communicate with us. And, again, because

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 my audio is cutting out, I'm going to try to send some
2 information via chat as well.

3 Let's see. So send all your chats to all
4 panelists, please. As we mentioned, although the NRC
5 -- the NRC is not accepting comments today in this
6 meeting, but we are still transcribing this meeting.
7 So if you're asking a question over the phone, we ask
8 that you always begin with your name. Introduce
9 yourself and try to speak clearly so the court
10 reporter can get an accurate transcript.

11 And your slides -- they are available in
12 ADAMS. I put a link in the chat for you to just go
13 directly to the slides and download them. They're
14 PDFs. But you'll see there the ADAMS extension number
15 is on this slide. So they're ML21145A153. So that's
16 for those of you who are on the phone.

17 So, with that, I'm going to go ahead and
18 hand the meeting over to Greg, Greg Trussell. Greg is
19 the Project Manager for this rulemaking, and he's a
20 member of the NRC's Materials Rulemaking and Project
21 Management Branch in the Office of Nuclear Material
22 Safety and Safeguards.

23 So Greg?

24 MR. TRUSSELL: Thanks, Sarah. Hopefully
25 everybody can hear me now.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Good afternoon, and welcome to the NRC's
2 public meeting on the Advance Notice of Proposed
3 Rulemaking on Categorical Exclusions from
4 Environmental Review. My name is Greg Trussell, and
5 I am the Rulemaking Project Manager, and I'll get us
6 started today.

7 Next slide, please.

8 So the purpose of our public meeting today
9 is to help facilitate public input during the comment
10 period on the advance notice of proposed rulemaking,
11 which for the balance of today's meeting, we will also
12 refer to as the ANPR.

13 An ANPR is a preliminary notice published
14 in the Federal Register announcing that the NRC is
15 considering a regulatory action. An ANPR describes
16 the general area that is subject to regulation and
17 asks for public input on the issues and options being
18 discussed.

19 NRC is using this ANPR to gather more
20 information before proceeding to another proposed
21 rulemaking. This ANPR will allow the NRC to collect
22 broader stakeholder input to reach a broader audience
23 to help inform rulemaking development.

24 Next slide, please.

25 So, as I mentioned, the purpose of our

1 meeting today is to help facilitate public input
2 during the comment period. To guide you through the
3 process, you can submit your comments using any of
4 these methods. The federal rulemaking website is
5 regulations.gov, which can be found at
6 www.regulations.gov. All you need to do is search for
7 the docket ID, NRC-2018-0300. We have provided a link
8 here to the federal rulemaking site.

9 You can also mail your comments to this
10 address attention, rulemaking and adjudication. You
11 can also email your comments to
12 rulemaking.comments@nrc.gov. Please note the comment
13 period closes on July 21st.

14 Next slide, please.

15 So here's our agenda for today's meeting.
16 We'll start off with some opening remarks. We'll
17 provide some background material on the rulemaking.
18 We'll talk about the advance notice of proposed
19 rulemaking. Then we'll get into a question and answer
20 session. We'll have some closing remarks. And then
21 I'll go over again how you can submit your comment.

22 Next slide, please.

23 So, at this time, I'd like to turn it over
24 to our Deputy Division Director, Kevin Coyne, for some
25 opening remarks.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MR. COYNE: Hey. Thank you, Greg.

2 Good afternoon, everyone. As Greg noted,
3 my name is Kevin Coyne. I'm the Deputy Director of
4 the Division of Rulemaking, Environmental, and
5 Financial Support.

6 As Greg noted, the objective of today's
7 meeting is to provide an update on the categorical
8 exclusion rulemaking activity and to aid in the
9 facilitation of public input during the advance notice
10 of proposed rulemaking comment period.

11 As you may know, the NRC is considering an
12 amendment to the regulations on categorical exclusions
13 for licensing, regulatory, and administrative action
14 that individually or cumulatively do not have a
15 significant impact on the human environment.

16 For these types of actions, an agency may
17 establish a categorical exclusion. Once a categorical
18 exclusion is established, the agency is not required
19 to prepare an environmental assessment or an
20 environmental impact statement for any action that
21 falls within the scope of the categorical exclusion
22 unless the agency finds that for a particular action
23 there are special circumstances.

24 These special circumstances include
25 unique, unusual, or controversial circumstances that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 would preclude use of the categorical exclusion. By
2 identifying those actions that do not meet the
3 threshold for an environmental assessment or an
4 environmental impact statement, the NRC is able to
5 focus on those actions with possibly new or
6 significant environmental impact.

7 I very much appreciate everyone joining us
8 this afternoon and participating in the meeting. We
9 look forward to hearing your feedback on the advance
10 notice of proposed rulemaking and during the later
11 stages in the rulemaking process.

12 With that, I'll turn it back over to Greg.

13 MR. TRUSSELL: Thanks, Kevin.

14 Moving on to background, Kevin just
15 described categories of action that do not require an
16 environmental assessment or an environmental impact
17 statement under EPA. Some examples include
18 administrative, organizational, or procedural
19 amendments of certain types of NRC regulations,
20 licenses, and certificates; minor changes related to
21 application filing procedures; certain personnel and
22 procurement activities.

23 Again, neither activities or environmental
24 review by the NRC is excluded till the NRC has
25 previously determined these actions do not

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 individually or cumulatively have a significant effect
2 on the human environment. By periodically reviewing
3 category exclusions, the NRC continues to meet NEPA
4 requirements while identifying efficiencies that can
5 be made in the NRC regulatory program.

6 Next slide, please.

7 Category exclusions established by the NRC
8 are listed in 10 CFR 51.22(c). The NRC established
9 the initial list of 18 category exclusions in March of
10 1984. There have been numerous amendments to 10 CFR
11 51.22 since 1984 to both amend existing category
12 exclusions and to add new category exclusions. And
13 there are currently 25 category exclusions.

14 The NRC last evaluated and updated the
15 Agency's list of category exclusions in 2010. In
16 SECY-20-0065, the staff recommended initiating
17 rulemaking for establishing new and amending existing
18 categories of action that are excluded from the
19 requirements to prepare environmental review. And
20 also, in SECY-20-0065, the Commission directed the
21 staff to initiate rulemaking to revise category
22 exclusions.

23 This rulemaking will establish new and
24 amend existing category exclusions from licensing or
25 regulatory administrative actions which, again, do not

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 individually or cumulatively have a significant effect
2 on the human environment and to address
3 inconsistencies in the application of category
4 exclusions across licensing and regulatory programs.

5 Next slide, please.

6 The ANPR did publish on May 7th with a 75-
7 day comment period, which ends on July 21st. I again
8 want to point out that the purpose of the ANPR today
9 is to obtain public input on a regulatory issue on any
10 area of regulations that may be a candidate for
11 rulemaking.

12 That gives us some background on the
13 rulemaking. At this time, I'll turn it over to Nancy
14 Martinez. Nancy is our Lead Technical Project
15 Manager, and she's an environmental scientist who
16 works in our Environmental Review Branch -- Licensing
17 Renewal Branch.

18 Nancy?

19 MS. MARTINEZ: Thank you, Greg.

20 I will present a summary of the potential
21 rulemaking changes to 10 CFR 51.22 under consideration
22 as emphasized in the ANPR.

23 These include reorganize the list of
24 categorical exclusions to eliminate redundancy and add
25 clarity; eliminate the distinction in categorical

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 exclusions between NRC actions, such as license
2 amendments, exemptions, rulemaking, and other forms of
3 NRC actions; consolidate categorical exclusions for
4 exemptions into one category.

5 Next slide, please.

6 Categorically exclude license terminations
7 that are administrative acts. Categorically exclude
8 NRC concurrences on termination by an agreement state
9 of license for byproduct materials. Categorically
10 exclude exemptions of low-level waste disposal sites
11 for the storage and disposal of special nuclear
12 material regulated by agreement states.

13 Next slide, please.

14 Remove or clarify no-significant-hazard
15 consideration criteria in existing categorical
16 exclusions. Categorically exclude actions authorizing
17 licensees to delay limitation of certain NRC
18 requirements. Categorically exclude approvals of
19 release and alternative requests.

20 Next slide, please.

21 Categorically exclude issuances of new,
22 amended, revised, and renewed certificates of
23 compliance for task designs for storage and
24 transportation. Categorically exclude approval of
25 decommissioning funding plans. Categorically exclude

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 approval of certain long-term surveillance plans of
2 decommissioned uranium mills.

3 Next slide, please.

4 Categorically exclude authorizations to
5 revise emergency plans for administrative changes.
6 Categorically exclude approvals for alternative waste
7 disposal procedures for reactor and material licenses.
8 Categorically exclude NRC actions during
9 decommissioning that do not authorize changes to
10 physical structures. And include references to the
11 definition of construction in Part 51.

12 I will now turn it over to Greg.

13 Next slide, please.

14 MR. TRUSSELL: Thanks, Nancy.

15 This slide and the next slide list the
16 questions that we posed in the Federal Register
17 notice. And I'll go ahead and go through them really
18 quickly here.

19 Are there licensing and regulatory actions
20 that do not or have not resulted in environmental
21 impact that the NRC should consider as a category
22 exclusion? And, number two, are there any category
23 exclusions that are listed in 51.22(c) that the NRC
24 should consider modifying or clarifying? And, number
25 three, are there any current category exclusions that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 the NRC should consider removing?

2 Next slide, please.

3 Question number four is, are there aspects
4 of NRC authorized changes to previously approved
5 programs, such as emergency plans, cybersecurity
6 programs, quality assurance programs, radiation
7 protection programs, or materials control and
8 accounting programs that the NRC should consider
9 category excluding? And, question five, is there
10 anything else that the NRC should consider regarding
11 its regulation of category exclusions?

12 Next slide, please.

13 Now we're moving on to the question and
14 answer session of today's public meeting. At this
15 time, I'll turn it back over to Sarah.

16 MS. LOPAS: Okay, everybody. I'm going to
17 do my best. I know my cell phone quality is not
18 great, so please bear with me. But here are the
19 instructions. You have the instructions here on the
20 slide, so hopefully you won't need me too much. But
21 you can go ahead and ask your questions in any way you
22 want.

23 So you can go ahead and press star-1, and
24 Danielle will know to unmute your phone line. And so
25 I'll check in on the phone line in just a minute. And

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 just go ahead and please submit any questions you have
2 to all panelists. So make sure that that is what is
3 selected when you go ahead and send a question via the
4 chat function in WebEx.

5 And, again, if you don't know how to show
6 the chat panel on WebEx, you have to click on the
7 little chat speech balloon bubble icon. It should be
8 somewhere in the lower right-hand corner of your WebEx
9 screen. So you have to click on that in order to open
10 up the chat panel.

11 So we'll just go ahead and wait, and I
12 will read aloud your questions when they come in in
13 chat.

14 So, Danielle, just let me know when you
15 get any star-1s and we can start with the phone,
16 because I'm not seeing any chat questions at the
17 moment.

18 OPERATOR: Thank you. And as a reminder,
19 as we begin the question and answer session, if you
20 would like to ask a question over the phone, you'll
21 press star-1, unmute your phone, and record your name
22 when prompted. Your name is just required so we can
23 introduce your question. If you need to cancel your
24 question over the phone for any reason, you can dial
25 star-2. But, again, if you'd like to ask a question

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 over the phone, dial star-1. Thank you.

2 MS. LOPAS: Okay. So Tony Leshinskie
3 submitted a question via the chat. He's asking, are
4 any of the decommissioning-related exclusions new?

5 So let me know if that came through, NRC
6 staff, clearly. And, NRC staff, you all can open the
7 chat panel, and you all should be able to see Tony's
8 question as well. So, if any point I go out, you all
9 should be able to also see the chat.

10 So are any of the new -- any of the
11 decommissioning-related exclusions new?

12 MS. MARTINEZ: Hi. This is Nancy
13 Martinez. Are you referring to, just for
14 clarification, decommissioning-related categorical
15 exclusions? If you're referring to categorical
16 exclusions, yes. Those that we presented in the
17 slide, such as excluding approvals of the
18 decommissioning funding plans, excluding approvals of
19 certain long-term surveillance plans of decommissioned
20 uranium mills, those are new categorical exclusions
21 for a potential rulemaking.

22 MS. LOPAS: All right.

23 Tony, if that didn't -- if you have a
24 follow-up question, Tony, feel free to submit it via
25 chat or go ahead and press star-1.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 All right. No, Tony said that did it.

2 Okay. So another question in the chat
3 here is from Daniel Shrum. Regarding bullet --
4 categorically excluded exemptions of low-level waste
5 disposal sites for the storage and disposal of special
6 nuclear material regulated by agreement states, what
7 special nuclear materials are regulated by agreement
8 states? I thought all special nuclear material was
9 regulated by the NRC.

10 So I'm wondering if a NRC staff member can
11 clarify what special nuclear materials are regulated
12 by the agreement states.

13 MS. MARTINEZ: This is Nancy Martinez
14 again, and I can provide some clarity to that one
15 specifically. This one is actually related to waste
16 disposal sites for which there's an NRC order that
17 allows them to possess special nuclear material
18 without an NRC license. And that order specifies a
19 specific quantity that they're allowed for, and there
20 are times that they come for amendments to the NRC,
21 and that's what this specific categorical -- proposed
22 potential categorical exclusion is referring to.

23 MS. LOPAS: Okay. NRC staff, I'm
24 wondering if it would be helpful to go back to that
25 one slide so we can take a look at that slide.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Lynn, are you able, maybe, to go back to
2 some of the NRC slides? Let's see. Just so that
3 those slides are up.

4 Let me know, Nancy, when it is here.

5 So, sorry, go forward again, Lynn. I
6 apologize.

7 MS. RONEWICZ: Sure. Should I keep going
8 forward?

9 MS. LOPAS: Yes, keep going forward. Oh,
10 it's this one. Sorry. Well, was it 13 or 12? It's
11 12, right? Twelve. Okay. Great. It's the last
12 bullet. All right.

13 And then -- so Earl Fordham asks a follow-
14 up question. Can you give examples of categorical
15 exclusion approvals -- or categorically excluded
16 approvals for alternative waste disposal procedures
17 for reactor and material licenses?

18 MS. MARTINEZ: So this is referring to,
19 specifically, a 10 CFR 20.2002 request. So I can't
20 think of an example at this time, but it's specific to
21 that type of request in 10 CFR 20.2002.

22 MS. LOPAS: Okay. And I'm not sure,
23 Nancy, if you see in the chat Earl asked gram weight
24 limits for special nuclear material, too. I don't
25 know if that's a follow-up to a previous question.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Let's see. And then the next question we
2 have -- so from Daniel Shrum is, so the disposal site
3 is licensed by an agreement state, but the special
4 nuclear material exclusion is still controlled by the
5 NRC?

6 Is that correct, Nancy?

7 (Simultaneous speaking.)

8 MS. MARTINEZ: -- One second.

9 MS. LOPAS: Okay.

10 MS. MARTINEZ: If it's okay, I just wanted
11 to say something regarding the previous question
12 regarding the 10 CFR 20.2002 request. Right now, the
13 NRC conducts environmental assessments for those. So
14 I just wanted to clarify that.

15 MS. LOPAS: Okay.

16 And the next question is regarding
17 disposal sites. Right. So Dan asked, regarding
18 Earl's question, would 20.2002 requests now all be
19 categorically excluded if one had been issued
20 previously?

21 And just a reminder, Dan and Earl, some of
22 these follow-up questions, they may be -- you might
23 want to press star-1 because I know there's a little
24 bit of back and forth here.

25 And Earl is saying agreement states can

1 regulate small quantities of special nuclear material,
2 for example, 350 grams of uranium-235.

3 And I encourage you all to press star-1.

4 And, Danielle, just interrupt if --

5 (Simultaneous speaking.)

6 OPERATOR: I have a question in, too, if
7 you guys are ready.

8 MS. LOPAS: Yeah. Go ahead, and we'll see
9 who that is, and then maybe we'll go back. Maybe Dan
10 or Earl will pop on, too. Okay. Yep, we'll take the
11 question on the phone.

12 OPERATOR: Excellent. Our first question
13 over the phone comes from Bruce Montgomery.

14 Bruce, your line is now open.

15 MR. MONTGOMERY: Yeah. Thank you, and
16 appreciate it, Danielle.

17 And, Kevin, Greg, and Nancy, thanks for
18 the opportunity to listen in on this ANPR discussion.

19 I'm going to go back to the
20 decommissioning question. I'm looking at slide 15,
21 the third bullet: categorically exclude NRC actions
22 during decommissioning that do not authorize changes
23 to physical structures.

24 So you know we submit quite a few requests
25 for relief, whether it be relief from a previous order

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 or an exemption or a license amendment to basically
2 deconstruct the operating license. So is the intent
3 here that requests for exemptions to reduce the
4 emergency response plan requirements or security plan
5 requirements and so forth would not require an
6 environment assessment? Is that the intent here?

7 MS. MARTINEZ: So this would be -- some
8 examples that I can think of here is more for
9 administrative changes or organizational and
10 procedural changes. And regarding emergency plans,
11 that also would be for administrative changes, such
12 as, in example, a reduction in staffing.

13 MR. MONTGOMERY: Right, a reduction in
14 staffing and basically the capability of a plan to
15 reflect the risk posed by the plant, which is
16 significantly reduced cessation of operation. So
17 these things do not affect any physical structures, so
18 I'm presuming they would be in the scope of this
19 categorical exclusion that you're proposing.

20 MS. MARTINEZ: I'm not quite sure I
21 understand your second question.

22 MR. MONTGOMERY: Just confirming that
23 these sorts of exemption requests and license
24 amendments that do not affect the physical structure
25 of the plant that is in decommissioning would not be

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 -- would not require an environmental assessment and
2 would be within this example on slide 15. It would be
3 categorically excluded. That's just a confirmatory
4 statement on my part to make sure I understand it.

5 MS. MARTINEZ: Okay. So yeah. We have --
6 these are just potential changes, but we have not
7 decided if these will be categorically excluded. So
8 these are just what we have identified as potential
9 changes. And I don't know if that addresses your
10 question. These are not currently in 10 CFR 51.22.

11 MR. MONTGOMERY: Yeah. That does help
12 very much. I appreciate that, Nancy. And, overall,
13 this appears to me a good example of an initiative to
14 improve regulatory efficiency. So thank you.

15 MS. LOPAS: Okay.

16 (Simultaneous speaking.)

17 OPERATOR: Our next question over the
18 phone comes from Dan Shrum.

19 Dan, your line is now open.

20 MR. SHRUM: Hi. Thank you. Decided to
21 call in, as I was asked to do. I would prefer to type
22 the questions in because then I can look at the screen
23 easier. But my two questions are on the two
24 bullets --

25 (Simultaneous speaking.)

1 MR. SHRUM: -- previously.

2 You can hear me okay?

3 MS. LOPAS: I'm having trouble with my
4 cell phone, but I'm assuming NRC staff can hear you.

5 So, NRC staff, please chime in.

6 MS. MARTINEZ: Yes, we can hear you.

7 MS. LOPAS: Thank you.

8 MR. SHRUM: Okay. So the first one is the
9 category excluded exemptions of low-level waste
10 disposal sites for the storage for special nuclear
11 material. So, currently, an exclusion is given to a
12 disposal site if they're going to exceed the 350
13 grams, and that is given by the NRC.

14 Where I'm confused on the bullet, it says
15 special nuclear material regulated by agreement
16 states. So is this only going to be material less
17 than 350 grams that's already regulated by agreement
18 states, or will this include the exclusions that are
19 given to sites that manage more than 350 grams, but
20 it's so dispersed that it's not a concern and an
21 exclusion is given?

22 MS. LOPAS: All right, Dan. We're going
23 to see if we can get an answer for you. If not, we
24 might need to follow up on this question. We might
25 need to take this question away and then follow up

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 with you individually.

2 MR. SHRUM: And that's fine. We'd be
3 happy to put it in writing, too. It's just I was
4 trying to clarify what that specifically refers to.

5 MS. LOPAS: Nancy, did you have a follow-
6 up?

7 MS. MARTINEZ: Yes. I was going to say we
8 would take that as a follow-up question.

9 MS. LOPAS: Okay. Okay. I'm jotting that
10 down.

11 MR. SHRUM: Okay.

12 MS. LOPAS: Sorry, Dan. Go ahead.
13 Continue on.

14 MR. SHRUM: And then the follow-up is the
15 other bullet, to categorically exclude approval for
16 alternative waste disposal procedures for reactor and
17 material licenses. And you had mentioned that's what
18 the 20.2002 -- generally, that's what this refers to.

19 And is your thought process on that that
20 if a 20.2002 exemption is given, then that disposal
21 site would not have to apply for and receive another
22 20.2002 exemption for a waste stream from, like, a
23 certain power plant? Could you put some clarification
24 on that also?

25 MS. MARTINEZ: No, this would be a case-

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 by-case -- it would not be an umbrella. It would be
2 -- it would require requests for a specific
3 alternative disposal.

4 MR. SHRUM: Okay.

5 MS. MARTINEZ: And I'm going to look to my
6 colleagues to -- I think they can provide some
7 additional detail there. Adam? Adam, are you able to
8 chime in just --

9 (Simultaneous speaking.)

10 MR. SCHWARTZMAN: Yeah. I had to unmute
11 myself. Can you hear me?

12 MS. MARTINEZ: Yep. Yes.

13 MR. SCHWARTZMAN: Great. So the idea is
14 that the nature of the 20.2002 basically encompasses
15 the same concepts and thought processes that are
16 associated with environmental assessment. So, from
17 that perspective, if we're going to do the 20.2002
18 review, we wouldn't need to do the environmental
19 assessment, but this would still be part of a case-by-
20 case review, as with all 20.2002s. Does that help?

21 MR. SHRUM: It does. Thank you.

22 MS. LOPAS: All right, Dan. And I have --
23 we do have -- we don't have -- he's not able to answer
24 right now, but we are able to get you hooked up with
25 Duncan White because Duncan says (Audio interference.)

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 question about (Audio interference.) at low-waste
2 facilities.

3 So I think I do have your email --

4 MR. SHRUM: Duncan has my -- yeah.

5 MS. LOPAS: Oh, good. Okay.

6 MR. SHRUM: Duncan has my contact
7 information. So, again, it's Dan Shrum, S-H-R-U-M,
8 with the low-level forum.

9 MS. LOPAS: Okay. All right. We'll
10 ensure that Duncan follows up with you on that.

11 MR. SHRUM: I appreciate it. Thank you.

12 MS. LOPAS: Great. Thank you.

13 OPERATOR: We have no further questions
14 over the phone yet. As a reminder, if you would like
15 to ask a question over the phone, please dial star-1.
16 Thank you.

17 MS. LOPAS: Great. Yes. And, again, even
18 though the chat got a little bit back and forth, you
19 can also submit your question via chat. Just send it
20 to all panelists so we can all see it in case my phone
21 quality continues to decline.

22 And, Lynn, maybe let's go to -- perfect --
23 the questions, the ANPR questions. Maybe have those
24 up on the screen.

25 MS. RONEWICZ: I'm sorry. What slide?

1 MS. LOPAS: I'm sorry. It's on -- I think
2 it's -- yeah. Start with slide 16. Perfect.

3 All right. So these are those questions.
4 Are there licensing and regulatory actions that do not
5 or have not resulted in environmental impact that the
6 NRC should consider as a CATEX? So is there anything
7 that we aren't thinking of? Are there any CATEXs that
8 are listed in 51.22 that the NRC should consider
9 modifying or clarifying? Are there any current CATEXs
10 that the NRC should consider removing?

11 So those are some of our questions that
12 we're looking to have answered in your comments.

13 And then let's just go to slide 4 -- or,
14 excuse me, slide 17, Lynn.

15 Are there aspects of NRC authorized
16 changes to previously approved programs, such as
17 emergency plans, cybersecurity programs, quality
18 assurance programs, radiation protection programs, or
19 material control and accounting programs, that the NRC
20 should consider categorically excluding? And then,
21 finally, is there anything else that the NRC should
22 consider regarding its regulation for CATEXs?

23 So these are the questions that are in
24 that FRN that we're looking to receive comments on by
25 July 21st. And the purpose of today's meeting is to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 ask all your questions so that you can provide
2 informed comments. So go ahead and send a chat or
3 star-1.

4 And we do have a star-1 -- or we do have
5 a chat here. It says, from Milton Gorden, should the
6 rulemaking address acceptance of categorical
7 exclusions issued by other federal or state agencies
8 that an applicant could show are applicable to the
9 proposed action?

10 Let's see. Let's see. For example, a
11 federal agency may have CATEXs for preconstruction-
12 like activities, I'm thinking is what Milton meant to
13 write. So let's see. So I'm not sure if the staff
14 can see the chat question.

15 So should the rulemaking address
16 acceptance of categorical exclusions issued by other
17 federal or state agencies that an applicant can show
18 are applicable to the proposed action?

19 So that could be a comment, Milton, that
20 maybe you think that that's --

21 MS. MARTINEZ: So yeah --

22 (Simultaneous speaking.)

23 MS. MARTINEZ: -- A comment that should be
24 provided through the ways that have been identified in
25 our slides.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MS. LOPAS: Great.

2 All right. And then Earl Fordham asks, is
3 environmental impact defined as adverse significant
4 environmental impact? Let's see. I'm guessing you
5 mean in terms of CATEX -- I guess you're asking in
6 terms of --

7 MS. MARTINEZ: It's referring to
8 individually or cumulatively has a significant effect
9 on the human environment. That's how it's defined,
10 the category of actions that the NRC has determined
11 does not individually or cumulatively have a
12 significant effect on the environment.

13 MS. LOPAS: Okay. And then we have, from
14 Tony -- here's a question from Tony Leshinskie again.
15 Are any of the proposed CATEXs intended to apply to
16 the modified limit between Class C and greater than
17 Class C low-level waste storage or disposal limits?

18 MS. MARTINEZ: No. Categorical -- the
19 potential categorical exclusions that have been
20 presented do not apply to the modified limit between
21 Class C and greater than Class C low-level waste.

22 MS. LOPAS: Okay. So that answer is a
23 firm no, Tony.

24 OPERATOR: Thank you, we do have a question
25 over the phone. Our question comes from Kati.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 And, Kati, your line is now open.

2 MS. AUSTGEN: Thank you. This is Kati
3 Austgen from the Nuclear Energy Institute. First, I
4 just wanted to thank you for having this public
5 meeting and let you know that we will be following up
6 with some written comments.

7 But I think along the lines of what Milton
8 Gorden was asking, I wanted to see if the staff was
9 already looking at leveraging the logic of other
10 agencies, both state and federal, that may have
11 identified suitable categorical exclusions. And, for
12 example, the Department of Energy has done some work
13 in this area, thinking about maybe access roads and
14 small transmission lines.

15 Is that something the staff are already
16 looking at?

17 MS. LOPAS: All right. Nancy, I missed
18 out on a chunk of her comment, so I apologize. If the
19 staff is going to rely on, kind of, what other
20 agencies have done? Was that --

21 (Simultaneous speaking.)

22 MS. MARTINEZ: Oh, sorry, Sarah.

23 As part of this rulemaking, that is
24 something that is currently not being considered.

25 MS. AUSTGEN: Okay. So you are not

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 looking at leveraging what other agencies have
2 identified as categorical exclusions.

3 MS. MARTINEZ: That's correct. Not for
4 this rulemaking, no.

5 MS. AUSTGEN: Okay. And then one more
6 question on the extent to which you all might also
7 look into transportation tasks and the regulations
8 surrounding transportation of particularly fresh, but
9 also used, fuel. Will you be looking at that for any
10 potential categorical exclusion opportunities?

11 MS. LOPAS: And perhaps, Nancy, maybe
12 that's -- maybe you can't answer that now, Nancy, but
13 maybe that's a suggestion for -- that, you know, if
14 any, I believe that that should be something that we
15 consider. That might be a good comment. I'm not
16 sure, Nancy, if you have an answer to that now or not.

17 MS. MARTINEZ: I agree with that
18 assessment, Sarah, that that could be a comment to be
19 submitted to the NRC.

20 MS. AUSTGEN: Okay. We'll look at
21 expanding on that in our written comments. Thank you.

22 MS. MARTINEZ: Thank you, Ms. Austgen.

23 MS. LOPAS: All right. Star-1, folks, to
24 make a comment over the phone, or go ahead and submit
25 it via chat.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Danielle, do we have any other comments on
2 the phone?

3 OPERATOR: We have no further comment over
4 the phone at this time. But again, as a reminder,
5 dial star-1 if you'd like to ask a question or make a
6 comment over the phone.

7 MS. LOPAS: Okay. And I think just a
8 general comment -- maybe for submitting comments, our
9 general thoughts for submitting your comments for July
10 21 is that (Audio interference.) early on than if you
11 didn't do anything yet. And so that's why it's
12 important to get your comments, because that's going
13 to help inform the rulemaking.

14 All right. Let's give it a few more
15 minutes. So press star-1 if you have additional
16 questions for the NRC staff, or go ahead and send a
17 chat. And maybe -- let's see.

18 Greg, did you -- as the comments are kind
19 of -- or the questions are kind of drying up, Greg,
20 did you want to either -- I know there's a couple of
21 closing slides. So we can certainly kind of run
22 through the closing slides, and that will kind of give
23 people a chance to determine if they have any more
24 questions with that. Would that work? I don't want
25 to push us along and close us out too early, but I

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 also just don't want to sit here in radio silence,
2 either. So --

3 MR. TRUSSELL: Sure. Sure.

4 Lynn, if you could put it on slide 20.

5 So I know I showed this slide earlier, but
6 it always helps to review it again. So this is the
7 way that you can submit your public comments. Again,
8 we recommend that you go to regulations.gov and submit
9 your comments electronically. Please use that docket
10 number, NRC-2018-0300.

11 Again, you can email your comments or mail
12 them in. And the comment period does close on July
13 21st.

14 And slide 21, please.

15 And, also, your feedback on today's
16 meeting is always appreciated. You can simply just
17 send an email, or you can use the public meeting
18 feedback forum link that will be available on the
19 public meeting website after this meeting concludes.

20 So slide 19, please.

21 I'm not seeing any more questions coming
22 in on the chat, so --

23 (Simultaneous speaking.)

24 MS. LOPAS: Let's check with Danielle.

25 MR. TRUSSELL: Yeah. Check with Danielle?

1 MS. LOPAS: Yeah. Let's check with
2 Danielle.

3 Danielle, do we have any star-1s?

4 OPERATOR: There are no questions in queue
5 at this time.

6 MS. LOPAS: All right. Well, we'll keep
7 it open for a little bit longer while we're doing the
8 closing remarks.

9 So just -- last chance, folks. Star-1 or
10 submit a question in chat.

11 Greg?

12 MR. TRUSSELL: Yeah. So I appreciate
13 everybody's participation today. And I'm going to
14 turn it over to Kevin for some last closing remarks.
15 Kevin, are you there?

16 MR. COYNE: Yeah, I am. Can you hear me,
17 Greg?

18 MR. TRUSSELL: Yes, I can.

19 MR. COYNE: Okay. Great. Thanks.

20 And I want to thank everyone again for
21 your participation in today's meeting.

22 I know others have said it, but as a
23 reminder, the public comment period on the advance
24 notice of proposed rulemaking ends on July 21st. And
25 just to remind everyone, several ways to provide your

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 comments: through regulations.gov, using the NRC
2 docket number 2018-300, via email to the
3 rulemaking.comments@nrc.gov, and via U.S. Postal
4 Service.

5 Your comments are very much appreciated
6 and will help us develop the proposed rules for the
7 categorical exclusions. And Greg is our Rulemaking
8 Project Manager and is always available to answer any
9 general questions you might have.

10 Lastly, as with all public meetings, we
11 really appreciate any feedback you can provide on the
12 meeting itself as it helps us improve our processes
13 further. So thanks, again, for everyone's
14 participation. And I'll turn it back to Greg.

15 MS. LOPAS: And, Greg, we have one
16 question in the chat. Tony is wondering, where will
17 the meeting recording be posted?

18 So I know the slides are available online.
19 Will there be -- I'm assuming a transcript will be
20 publicly available. Where can people get, kind of, a
21 recording of this meeting in whatever form it'll be
22 in?

23 MR. TRUSSELL: Yeah, we'll wrap everything
24 up with a meeting summary, and the transcripts will be
25 part of that process. And everything will be made

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 publicly available in ADAMS.

2 MS. LOPAS: Okay.

3 I don't think, Tony, that there's a -- I
4 think there's a recording of this video line, but I'm
5 not sure how -- or, excuse me, a recording of this
6 audio line. I'm not sure how helpful those things
7 are, but the transcript would probably be helpful, I
8 would imagine, as would the meeting summary. So those
9 will become -- but there wasn't kind of a recording of
10 the general event because we did the audio separate
11 from WebEx.

12 I'm just going to put slides the chat so
13 everyone has those.

14 All right. Okay, Dan. I'm -- or, Greg,
15 I'll hand it back to you. Sorry about that.

16 MR. TRUSSELL: That's fine. And that's
17 the closing of our meeting. I appreciate everybody's
18 participation today. Thanks again, and have a great
19 afternoon. Thank you.

20 OPERATOR: That concludes today's
21 conference. Thank you all for participating. You may
22 disconnect at this time.

23 (Whereupon, the above-entitled matter went
24 off the record at 1:51 p.m.)

25