

# Integrated Low-Level Radioactive Waste Disposal Rulemaking

## WORKING GROUP CHARTER

### PURPOSE

The purpose of this working group (WG) is to develop proposed and final rules, and associated implementing guidance, to revise the U.S. Nuclear Regulatory Commission's (NRC) regulations for low-level radioactive waste disposal in Title 10 of the *Code of Federal Regulations* (10 CFR) Part 61, "Licensing Requirements for Land Disposal of Radioactive Waste," and to specify new requirements related to greater-than-Class C (GTCC) and transuranic waste disposal. In Staff Requirements Memorandum (SRM)-SECY-20-0098,<sup>1</sup> the Commission approved the staff's proposed plan<sup>2</sup> to consolidate and integrate the GTCC waste and 10 CFR Part 61 rulemaking efforts and to provide for Agreement State licensing of those GTCC waste streams that meet the regulatory requirements for near-surface disposal and do not present a hazard such that the NRC should retain disposal authority. These rulemaking actions would ensure that the waste streams that are significantly different from those considered during the development of existing regulations will continue to be disposed of safely and meet the performance objectives for land disposal of low-level radioactive waste. This charter describes the WG's composition, activities, and estimated schedule for developing the proposed and final rulemaking packages and associated implementing guidance.

### MEMBERSHIP

The overall responsibility for this rulemaking is with the Office of Nuclear Material Safety and Safeguards (NMSS). Within NMSS, the two responsible divisions are the Division of Rulemaking, Environmental, and Financial Support (REFS) and Division of Decommissioning, Uranium Recovery, and Waste Programs (DUWP).

The WG will consist of NRC staff members and a representative from the Organization of Agreement States (OAS). The membership and roles of the WG are provided in the table below. The WG membership may change during execution of the project. The WG may seek additional expertise as needed.

Organization	WG Members
NRC/NMSS/REFS/Materials Rulemaking and Project Management Branch	Irene Wu, Rulemaking Project Manager George Tartal, Rulemaking Project Manager
NRC/NMSS/DUWP/Low-Level Waste and Projects Branch	Cardelia Maupin, GTCC Technical Lead Priya Yadav, Part 61 Technical Lead and Guidance Project Manager
NRC/NMSS/REFS/Regulatory Analysis and Rulemaking Support Branch	TBD, Regulations Specialist Aaron Sanders, Cost Analyst
NRC/NMSS/REFS/Environmental Review Materials Branch	Joe Giacinto, Environmental Technical Support

<sup>1</sup> SRM-SECY-20-0098, "Staff Requirements – SECY-20-0098 – Path Forward and Recommendations for Certain Low-Level Radioactive Waste Disposal Rulemakings," dated April 5, 2022 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML22095A227).

<sup>2</sup> SECY-20-0098, "Path Forward and Recommendations for Certain Low-Level Radioactive Waste Disposal Rulemakings," dated October 21, 2020 (ML20143A164).

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<b>Organization</b>	<b>WG Members</b>
NRC/NMSS/DUWP/Risk and Technical Analysis Branch	Dave Esh, Risk Analysis Technical Support Hans Arlt, Risk Analysis Technical Support
NRC/NMSS/Division of Fuel Management	Tim McCartin, Technical Support
NRC/NMSS/Division of Materials Safety, Security, State, and Tribal Programs (MSST)/State Agreement and Liaison Programs Branch	Stephen Poy, Agreement State Program Support
NRC/Office of Nuclear Security and Incident Response/ Division of Physical and Cyber Security Policy/Materials Security Branch	Gary Purdy, Security Technical Support
NRC/Office of the Chief Information Officer	Fajr Majeed, Information Collections Support
NRC/Office of the General Counsel (OGC)	Andrew Pessin, Project Attorney
OAS	Hans Weger (TX) Ashley McDermott (NY)

A Steering Committee will be convened to provide direction and guidance to the WG. The Steering Committee will consist of NRC management and an OAS representative. The membership of the Steering Committee is provided in the table below. The Steering Committee membership may change during execution of the project.

<b>Organization</b>	<b>Steering Committee Members</b>
NRC/NMSS/REFS	Chris Regan, Director (Chair)
NRC/NMSS/DUWP	Jane Marshall, Director
NRC/NMSS/MSST	Kevin Williams, Director
NRC/OGC	Jessica Bielecki, Assistant General Counsel for Rulemaking, Agreement States, and Fee Policy
OAS	Libby McCaskill, Director of Rulemaking

## OBJECTIVES

The WG has two objectives:

1. Develop a proposed rule package and associated draft implementing guidance. In doing so, the WG will consider the draft final rule<sup>3</sup> for 10 CFR Part 61, Commission direction<sup>4</sup> on the 10 CFR Part 61 draft final rule, the GTCC draft regulatory basis,<sup>5</sup> public comments submitted on the GTCC draft regulatory basis, SRM-SECY-20-0098, draft final NUREG-2175, and feedback from advisory committees.

<sup>3</sup> SECY-16-0106, "Final Rule: Low-Level Radioactive Waste Disposal (10 CFR Part 61) (RIN 3150-AI92)," dated September 15, 2016 (ML16188A290).

<sup>4</sup> SRM-SECY-16-0106, "Staff Requirements – SECY-16-0106 – Final Rule: Low-Level Radioactive Waste Disposal (10 CFR Part 61) (RIN 3150-AI92)," dated September 8, 2017 (ML17251B147).

<sup>5</sup> A draft regulatory basis, "Regulatory Basis for the Disposal of Greater-than-Class C (GTCC) and Transuranic (TRU) Waste," was issued in the *Federal Register* (FR) for public comment on July 22, 2019 (84 FR 35037) (ML19059A403).

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2. Develop a final rule package and associated final implementing guidance. In doing so, the WG will consider public comments submitted on the proposed rule, feedback from public meeting(s) held during the development of the proposed rule, and feedback from advisory committees.

**SCHEDULE**

The estimated high-level schedule below covers development of the proposed rule and final rule packages (including guidance). The schedule is preliminary and may change. Detailed schedule information will be provided to WG members and updated as needed.

<b>Milestone</b>	<b>Estimated Timeframe<sup>6</sup></b>
WG kickoff meeting	May 2022
Development of proposed rule package	May 2022 – January 2023
Concurrence and Agreement State review	January 2023 – November 2023
Proposed rule package to the Commission	November 2023
Commission SRM on proposed rule	February 2024
Proposed rule published in FR	March 2024
Development of final rule package (including response to comments and public meetings)	May – October 2024
Concurrence and Agreement State review	October 2024 – May 2025
Final rule package to the Commission	May 2025
Commission SRM on final rule	August 2025
Final rule published in FR	November 2025

The implementing guidance will follow a complementary schedule and will be made available in ADAMS when concurrence on the proposed rule begins. The draft guidance document will be issued for comment once publication of the proposed rule is approved by the Commission.

**ESTIMATED LEVEL OF EFFORT**

To support the schedule and activities listed, the level of effort for each WG member is estimated below. The level of effort is subject to change.

1. During development of the proposed rule package, the level of effort to attend and prepare for weekly WG meetings and develop rule language and supporting documentation for this rule would be approximately 3 to 20 hours per week (depending on the individual’s role on the WG) for 33 weeks. During the concurrence period on the proposed rule package, the level of effort to attend and prepare for weekly WG meetings (as needed) to address comments would be approximately 2 to 8 hours per week (depending on the individual’s role on the WG) for 45 weeks. The WG will support any public meetings or workshops needed for the development of the proposed rule or during the public comment period. The total expected level of effort would be approximately 190 to 1020 hours.
2. During development of the final rule package, the tasks for the final rule are similar to those for the proposed rule, with the additional task of analyzing and responding to public comments. The level of effort would be approximately 3 to 20 hours per week

<sup>6</sup> These dates may change depending on the approval of an extension request.

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(depending on the individual's role on the WG) for 21 weeks. During the concurrence period on the final rule package, the tasks for the final rule are similar to those for the proposed rule. The level of effort would be approximately 2 to 8 hours per week (depending on the individual's role on the WG) for 28 weeks. The expected level of effort would be approximately 120 to 645 hours.

Management briefings and public meetings may be held during the course of the rulemaking effort. Attendance of the WG members is encouraged. All WG meetings and briefings will maximize use of available electronic communication (e.g., Microsoft Teams meetings, conference calls, emails). There is no travel anticipated with this rulemaking activity.

This WG operates as an NRC/Agreement State WG with the roles and responsibilities described in Section IV of [State Agreement-801-A](#), "Agreement State Participation in Rulemaking Working Groups," and NRC [Management Directive 5.3](#), "Agreement State Participation in Working Groups."

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John R. Tappert, Director, NRC/NMSS/REFS Date

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Ashley B. Roberts, Deputy Director, NRC/NMSS/DUWP Date

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Auggie Ong, Chair, OAS Date

SUBJECT: WORKING GROUP CHARTER FOR INTEGRATED LOW-LEVEL RADIOACTIVE WASTE DISPOSAL RULEMAKING;” DATE:

**ADAMS Accession Number: ML22144A410**

<b>OFFICE</b>	NMSS/REFS/ MRPB	NMSS/REFS/ MRPB	NMSS/DUWP/ LLWPB	NMSS/DUWP/ LLWPB	NMSS/REFS/ MRPB:BC
<b>NAME</b>	IWu	PCline-Thomas	CMaupin	PYadav	JShepherd
<b>DATE</b>	05/25/22	05/24/22	05/25/22	05/25/22	05/26/22
<b>OFFICE</b>	NMSS/DUWP/ LLWPB:BC	NMSS/MSST/ SALB:BC	NMSS/DUWP:D	NMSS/MSST:D	NMSS/REFS:D
<b>NAME</b>	SKoenick	BAnderson	JMarshall	KWilliams	JTappert
<b>DATE</b>	05/31/22	05/25/22	06/03/22	06/07/22	06/01/22