

Path Forward in Response to Comments on the NRC's Regulatory Issue Summary (RIS) 2016-11

Presentation by NRC Staff
September 6, 2019

Purpose

To discuss the NRC's proposed path forward to address concerns regarding RIS 2016-11 and to receive feedback from stakeholders.

Recent History of Relevant 10 CFR 20.2002 Guidance

- Agreement State (AS) Letter FSME-12-025 (ML12065A038)
- Regulatory Issue Summary 2016-11, “Requests to Dispose of Very Low-level Radioactive Waste Pursuant to 10 CFR 20.2002 (ML16007A488)
- South Texas Project (STP) Enforcement Issue EA 18-137 (ML18260A250)

Stakeholders' Letters

- Nuclear Energy Institute (ML19086A320)
- EnergySolutions (ML19121A550)
- Waste Control Specialists (ML19206A452)

Two-Step Process for Offsite Disposals

- Generator of waste requests approval of proposed disposal procedures
 - NRC receives 10 CFR 20.2002 request from its licensees
- Recipient of Waste receives approval to receive and dispose of VLLW
 - Agreement State, if applicable, approves disposal in non-licensed facility and grants exemption to non-licensed facility

NRC's Path Forward

- For any 10 CFR Part 50 or 52 licensees that have used Agreement State approvals
 - case-by-case Enforcement Discretion, as appropriate
- Review of 20.2002 Requests
 - NRC, if applicable, will consider any Agreement State review and decision
- Update RIS 2016-11 (issue draft for comment) to describe how NRC will consider Agreement State review, if applicable, to facilitate NRC review of 20.2002 requests
- 10 CFR 20.2001 Approval
 - Potential change in scope of acceptable disposal of VLLW
 - Very Low-Level Waste Scoping Study

Open Discussion

- Comments from NEI, *EnergySolutions*, Waste Control Specialists, STP, and Agreement States on NRC's Presentation

Public Comments

- Comments from the public should be addressed to the NRC staff.

Conclusion

- NRC's discussion of results of today's meeting
- NRC's plan for formal responses to incoming letters
- Please contact Stephen Dembek if you have additional comments at:
Stephen.Dembek@nrc.gov or 301-415-2342