

## U.S. Nuclear Regulatory Commission Public Meeting Summary

October 2, 2019

**Title:** Public Meeting to discuss the Draft Regulatory Basis for the Disposal of Greater-than-Class C (GTCC) and Transuranic Waste

**Meeting Identifier:** 20190793

**Date of Meeting:** August 27, 2019

**Location:** Marriott Renaissance Austin Hotel, Sabine Room, 9721 Arboretum Boulevard, Austin, Texas

**Type of Meeting:** Category 3

### Purpose of the Meeting:

This public meeting was a part of a pre-rulemaking initiative for the U.S. Nuclear Regulatory Commission (NRC) staff to discuss the “Draft Regulatory Basis for the Disposal of GTCC and Transuranic Waste” with stakeholders. The draft regulatory basis was published on July 22, 2019, *Federal Register* notice at 84 FR 35037. However, the NRC did not take formal comments at this meeting. Participants were directed to submit all comments in writing in accordance with the instructions listed in the notice. The draft regulatory basis is available through the NRC’s Agencywide Documents Access and Management System (ADAMS) Accession No. ML19059A403.

This meeting is consistent with the NRC’s Principles of Good Regulation, Openness Strategy, and Cumulative Effects of regulation initiatives in that the NRC encourages public engagement and participation in its regulatory processes. In addition, this meeting is in accordance with the Commission’s directions in Staff Requirements Memorandum – SECY-15-0094 – “Historical and Current Issues Related to Disposal of Greater-Than-Class C Low-Level Radioactive Waste,” that tasked the NRC staff to conduct a public workshop during the development of the regulatory basis to receive input from the State of Texas and other stakeholders.

### General Details:

The NRC conducted a public meeting allowing stakeholders to participate in person or by teleconference using a toll-free bridge starting at 6:00 p.m. Central Daylight Time (CDT), with NRC contracted facilitator, Francis "Chip" X. Cameron, presiding. The meeting was held to discuss the “Draft Regulatory Basis for the Disposal of Greater-than-Class C and Transuranic Waste,” which was published in the *Federal Register* on July 22, 2019 (84 FR 35037) with a 60-day comment period that was scheduled to end on September 20.<sup>1</sup> The public meeting transcript is available at ADAMS Accession No. ML19246A696. The meeting was scheduled from 6:00 p.m. to 9:00 p.m. (CDT); it ended at 8:35 p.m.

The meeting began with an introduction and opening remarks by NRC management, and a review of ground rules by the NRC contracted facilitator, followed by NRC staff presentations

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<sup>1</sup> In response to several requests, the NRC subsequently extended the public comment period by 60 days, from September 20, 2019 to November 19, 2019 (84 FR 48309, September 13, 2019).

that described the general background and considerations in the draft regulatory basis. In addition, the staff's presentations emphasized that formal comments were not being taken at the meeting and reviewed the ways formal comments could be submitted in writing according to the instructions in the July 22, 2019, *Federal Register* notice

The meeting was attended by more than 90 stakeholders. The attendees included representatives from the nuclear industry (e.g., Waste Control Specialists, LLC (WCS) and Exelon), Department of Energy (DOE), public interest groups (Public Citizen, Sustainable Energy and Economic Development Coalition, Sierra Club, Advocates for Responsible Disposal in Texas, League of Women Votes), members of the public, and representatives from the State of Texas. Most of the meeting was dedicated to addressing questions and comments and allowing members of the public to make statements on the transcribed record. Several stakeholders indicated that they would like an extension of the comment period.

### **Summary of Presentations:**

The NRC is seeking public comment on a draft regulatory basis for potential new regulations governing the near-surface disposal of certain low-level radioactive waste. The NRC classifies low-level radioactive waste based on its potential hazards and has specified disposal and waste requirements for three classes of waste with progressively higher concentrations of radioactive material. Class A is the least hazardous and Class C the most hazardous. However, a fourth type of low-level radioactive waste, called "Greater-than-Class-C," contains radionuclides exceeding the concentration limits for Class C. GTCC waste is typically activated metals from power reactors, sealed sources, and waste material from medical isotopes, but it may also contain special nuclear material such as enriched uranium or plutonium. Currently, there are no facilities licensed to dispose of GTCC waste, so it is being stored at nuclear power plants or at interim storage sites. The draft regulatory basis evaluates whether certain GTCC waste could be safely disposed in a near-surface disposal facility. It also evaluates whether regulatory changes would need to be considered to permit such action, and whether the NRC or Agreement States should regulate such disposal. During the webinar, the NRC staff described the background and considerations in the draft regulatory basis and gave the public an opportunity to ask questions about the document.

The staff's presentation is available at:

<https://adamswebsearch2.nrc.gov/webSearch2/main.jsp?AccessionNumber=ML19225D184>.

In addition, a fact sheet on GTCC and transuranic waste disposal is available at:

<https://www.nrc.gov/waste/llw-disposal/llw-pa/gtcc-transuranic-waste-disposal.html>.

### **Public Participation Themes:**

The major themes and examples of specific questions and statements are provided below:

Technical concerns with the disposal:

1. Can you show us different sites where the concrete has lasted for 500 years without degrading over that period?
2. Will the 10 Part 61 siting requirements be applied to GTCC waste disposal facilities?

3. The drilling practices today may not be the same as those in 500 years. For example, fracking was not a drilling practice 50 years ago. How can you possibly predict the drilling practices 500 years into the future?
4. Some GTCC waste streams have half-lives that are in the 10,000 of years. These waste streams create daughter products that have even longer half-lives. The idea that you are requiring modeling for only 500 years for an inadvertent intruder is just astonishing. I would like NRC to provide information on the total expected half-lives of waste containing transuranic elements and the half-lives of the daughter products that they create. I would like to see more information on the radioactive decay scheme.
5. The DOE Environmental Impact Statement is outdated. It does not address the DOE's proposed change in the definition of high-level waste.

#### Procedural Questions:

1. Why are comments at this public meeting not been considered as formal comments on the draft regulatory basis?
2. Can you explain why the public meeting on GTCC is being held in Austin and is there a potential for WCS receiving this waste for disposal? The State of Texas does not support disposal of this waste in the State; this was stated in the letter from the Governor to NRC and DOE.
3. Will the concept of cumulative effect of regulation be applied to the WCS's efforts to dispose of GTCC waste as well as its application for the storage of spent nuclear fuel?
4. The DOE is attempting to go around (skirt) the National Environmental Policy Act process by not conducting a full environmental impact statement for the WCS site, and the environmental assessment they conducted for the WCS site is very limited.

#### General Concern:

1. The GTCC rulemaking is a bad idea. The existing laws provides that GTCC should be disposed of in a deep geologic repository. It does not belong in shallow land burial. There are the issues of potential criticality and explosions that need to be considered along with the contamination of air, soil, and water.

#### Action Items/Next Steps:

- Because of the concerns raised regarding NRC not receiving formal comments at the meeting, the NRC staff agreed to make the transcripts for the August 22, 2019 public webinar and the August 27 public meeting on the GTCC draft regulatory available to the public upon receipt by the NRC staff. The members of the public will have an opportunity to review the transcripts, make any corrections to their statements, and submit their statements as formal comments on the docket.
- The NRC staff made the transcripts available to the public on September 3, 2019 by:
  1. Publicly releasing the transcripts in ADAMS;
  2. Placing the documents on the docket for the draft regulatory basis; and,
  3. Informing stakeholders by the LLW List server of the availability of the transcripts in ADAMS and on the GTCC draft regulatory basis Docket, number: NRC-2017-0081.

#### Attachments:

- Meeting agenda: <https://www.nrc.gov/pmns/mtg?do=details&Code=20190793>
- NRC staff presentation: ADAMS Accession No. ML19225D184
- Meeting transcript: ADAMS Accession No. ML19246A696

SUBJECT: PUBLIC MEETING TO DISCUSS THE DRAFT REGULATORY BASIS FOR THE DISPOSAL OF GREATER-THAN-CLASS C AND TRANSURANIC WASTE  
**DATE October 2, 2019**

**ADAMS Accession No.: ML19275D295**

**\*via email**

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DATE	10/1/2019	10/2/2019	10/2/2019

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