

# **Official Transcript of Proceedings**

## **NUCLEAR REGULATORY COMMISSION**

Title: Category 3 Meeting on Draft Interpretive  
Rule for Very Low-level Waste (VLLW)  
Disposal Activities

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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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CATEGORY 3 MEETING ON DRAFT INTERPRETIVE RULE FOR  
VERY LOW-LEVEL WASTE (VLLW) DISPOSAL ACTIVITIES

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MONDAY

MARCH 30, 2020

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The Public Meeting was held via  
teleconference at 12:45 Eastern Time, Marlayna Doell,  
Project Manager, moderating.

NRC STAFF PRESENT:

MARLAYNA V. DOELL, Project Manager, Low Level

Waste and Projects Branch

TRISH HOLAHAN, Ph.D., Director, Decommissioning,

Uranium Recovery, and Waste Programs, NMSS

CHRISTEPHER MCKENNEY, Chief, NMSS/DUWP/PAB

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

12:47 p.m.

MS. DOELL: Good afternoon. Thank you for joining us today to discuss a recently published Federal Register notice that contemplates a proposed interpretive rule related to the disposal of very low-level waste, or VLLW.

My name is Marlayna Doell. I am a project manager in NRC's Low-Level Waste and Projects branch, and I will be acting as the moderator for today's meeting and running the WebEx presentation.

There are a few important items for you to understand about today's WebEx. The first is that this is an NRC Category 3 public meeting, which means the staff will make a brief presentation on the proposed interpretive rule and then open the line to comments or feedback on this topic.

At the end of the presentation, if you want to make a verbal comment, the bridge line operator will give instructions on how to place your call in the comment queue. As a reminder, we are asking for comments on the proposed interpretive rule, including the five questions in the Federal Register notice, which we'll also go through during the presentation.

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We would ask that anyone asking a question or making comments attempt to limit their statements to five minutes. We will provide an opportunity for a second round of comments as time allows. We want to make sure that everyone has the opportunity to speak.

The second is, in order to successfully capture verbal comments and as the operator already noted, this meeting is being recorded so that the statements made today can be transcribed. So please make sure you clearly state your name and, if you wish, company or affiliation before starting your comments.

You can also provide written comments at any time through the WebEx interface using the Q&A dialogue box. Simply type in your comment, but note that there is a character limit of 256 characters. We will electronically acknowledge receipt of these comments and attempt to verbally answer additional questions as time permits.

Finally, I would ask that we all be patient and a little flexible during today's meeting given the current situation throughout the world. Please forgive any delays in changing the slides or pauses before questions are answered, as the NRC staff is trying to confer from several individual locations.

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Also forgive any dogs barking, babies crying, or house phones ringing, as this is part of our new normal for now.

Should there be a technical issue with WebEx, the bridge line will not be affected, and the meeting slides are available as an attachment to the meeting notice on the NRC's public meeting website. So we should be able to continue the meeting in a new format as needed. Hopefully this will not be the case, but just in case, it can't hurt to be prepared.

Also, a reminder to members of the NRC staff that we are on an open line as speakers, so please be mindful of the mute and unmute function of your phone, as neither I nor the operator have control over the open portion of the bridge line.

An additional note to any of you who may be following along with the slides from home that we made some small changes to the order of the slides from the version that was originally posted on the NRC public website. Hopefully the changes will be easy to follow. If you have any questions, we'll be happy to address that, and an updated version of the slide will be posted shortly if it's not already up on our public website.

With that, I will say thank you again for

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joining us, and I now turn the meeting over to our first presenter, Trish Holahan, who is the Director of the Division of Uranium Recovery and Waste Programs at the NRC's Office of Nuclear Material Safety and Safeguards.

DR. HOLAHAN: Thank you, Marlayna.

I'm pleased to be here. And the purpose of this meeting, as Marlayna had already indicated, is to discuss a proposed interpretive rule. I'm Trish Holahan. I'm the Director of Decommissioning, Uranium Recovery, and Waste Programs.

The purpose is to highlight the NRC staff's approach to very low-level radioactive waste disposal under the proposed interpretation of 10 CFR 20.2001. And it's also to solicit public comment, and at the end, we'll have specific questions for feedback.

Also, we want to invite stakeholder participation and involvement, and this won't be the first time we're talking to you, but -- this is the first time we're talking to you, but we'll be engaging you again in the future. Next slide.

What is an interpretive rule? That's a rule or statement that advises the public of the NRC's construction or interpretation of its regulations, and

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it's not legally binding. The NRC uses NUREGs and other forms of guidance to document interpretive rules. And if the proposed interpretive rule is adopted, guidance documents would be revised to clarify that authorized recipients would include persons exempted by the NRC or agreement states. So we'll update the guidance documents that we currently have. Next slide.

Benefits of the proposed interpretation, it reflects the risk significance of very low-level waste disposal. We're talking about a few millirem to no more than 25 millirem. It's responsive to stakeholders' feedback on the very low-level waste regulatory framework, and it provides an efficient means by which the NRC may issue specific exemptions for disposal and by which licensees may transfer appropriate material to these exempt facilities. Next slide.

The NRC also has a successful regulatory infrastructure to ensure protection of public health and safety regarding very low-level waste disposal in the US. These disposals have followed our regulatory requirements in 10 CFR Part 61 and 10 CFR Part 20. And I'll provide a review of the disposal practices in the US under this regulatory infrastructure.

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Part 61 is the primary regulation for low-level waste disposal. It's a risk-informed, performance-based, and integrated systems approach that uses institutional control and performance objectives. Part 61 and its guidance is a regulatory tool that is used by the agreement states that actually operate existing commercial low-level waste sites.

Part 20 provides a regulation to control the receipt, possession, use, transfer, and disposal of licensed material. And the regulations in 20.2001 include use of a land disposal facility, transfer to an authorized recipient, decay in storage, and release in effluents.

Under 10 CFR 20.2002, NRC and the agreement states can authorize waste disposal by means other than a Part 61 or agreement state disposal facility. And these disposals typically occur in hazardous or municipal waste facilities permitted under RCRA.

This rule is timely and will continue to improve the effectiveness of our program, and the proposed interpretive rule, which Chris McKenney will now discuss in detail, would not replace the current disposal practices such as authorized under 10 CFR

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Part 61 or 20.

So now I turn this presentation over to Chris McKenney to continue on.

MR. MCKENNEY: Next slide, please. Thank you.

My name is Chris McKenney. I am branch chief for the Risk and Technical Analysis branch within the Division of Decommissioning, Uranium Recovery, and Waste Programs.

And so what would the proposed rule, interpretive rule, do? The rule would modify the current guidance that states that 20.2001 only allows the transfer of licensed material to disposal to licensed persons. While the regulation uses the word authorized recipient, the guidance has stated that that means somebody who is licensed to receive the material.

It would modify it to allow the transfer of licensed material to persons who hold specific exemptions if those exemptions are for the purpose of disposal. And it would provide that exemptions could be issued to these people by NRC or agreement state regulatory authorities and to identify who is an authorized recipient for matters of an exemption.

Now, what does that really mean, and what

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are we actually doing, and how does it affect a normal transfer? Currently, if you're a generator, a hospital, a reactor, let's say, you -- under the regulations of Part 20, you can transfer your waste to somebody else who's licensed to receive it for disposal. A Part 61 facility is what we call them, or a licensed low-level waste site. Or you can ship it to a waste processor who will process the waste and then ship it to a low-level waste site.

As Trish just said, there is an alternative where if you have an alternative method of disposal you want to try, which is come in -- where you can come in to the NRC and say, hey, I've got these characteristics of my waste. I think we could dispose of it here safely. And that is what the 20.2002 process has done.

And in the past, we have several times authorized the disposal and hazardous waste sites for disposal of very low concentrations, high volume, generally, radioactive waste. And that has been -- as NRC, we have issued an exemption to the disposal site that we're receiving waste from that specific licensee who asked us for this alternative. That specific licensee can transfer waste to that specific disposal facility.

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And then if someone else wanted to ship to that same disposal site, they would have to come in with their own request. We would review the performance of the site again for the type of material that the second generator wants to ship to the site.

This would switch it a little bit and have as an alternative be that the hazardous or municipal landfill under RCRA or the state equivalent could come to the NRC or an agreement state and request an exemption to receive materials for disposal and have basically an envelope of radionuclides they could receive in limited concentrations and total volumes per year of that material.

That would then allow -- if we approve that, that would allow a generator such as a reactor or a hospital, again, to contact that authorized recipient because they have an exemption for disposal and ship them the waste without having to come and ask for permission from the NRC first.

The review of the disposal site would be very similar as what we do on a case-by-case but would cover the entire envelope of all the waste that they could review, or could accept. Sorry. So that is what we're trying to do.

There's very many benefits on, again, the

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efficiency. It'll help our review cycle. It'll be a lot more transparent as to what a site can take, what a site takes from all these generators that currently review it on a case-by-case basis and not a total cumulative approach to a disposal site.

And also, it will add efficiencies to cleanup and remediation of decommissioned sites, as they will not have the delay of where they have to ask NRC for approval before they can ship it, ship this very little waste to an appropriate site, and be able to potentially clean up those sites faster and give them back a useful process for that site and close them out.

Next slide, please.

So the proposed interpretive rule would classify the exempted persons as authorized recipients under the statements in the regulation. And as I said, this will be a new alternative. It would not replace any other disposal method currently authorized under NRC. There can still be site-specific 20.2002 between a generator and a specific disposal site.

Again, the intended transfer under this to become an authorized recipient is only for an exemption that allows disposal of very low-level waste by land burial. No other exemption or use would have

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this process.

Next slide, please.

So NRC would make a person an authorized recipient by exempting them from the licensee requirements of the Atomic Energy Act, and those regulations in 10 CFR Parts 30, 40, or 70. Part 30 is normally used in medical and other areas. Part 40 would be source material, uranium or thorium items. And 70 is special nuclear material.

It will only apply to the transfer of licensed material to persons who hold specific exemptions for disposal, as we've said. The transfer of materials will only be allowed to the extent permitted under the exemption. The exemption will specify things like what radionuclides, what concentrations, what volumes per year.

Those will be our mechanisms to control to ensure that doses to members of the public including workers are minimal to negligible and that because of that, NRC doesn't have to have continued oversight of the disposal at the exempted facility.

Next slide, please.

The proposed interpretive rule would permit NRC licensees to transfer licensed materials to persons who hold specific exemptions for disposals or

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similar regulatory approvals. Different agreement states have different methods in making somebody an authorized recipient under this part for disposal issued by agreement states.

So either the NRC or an agreement state could make someone an authorized recipient by matter of an exemption or similar regulatory approval under this interpretation.

The licensee who has the waste who wants to ship it to somebody, they must verify that the exemption holder, this exempted site they're trying to ship to, is authorized to receive the licensed material for disposal in accordance with the specific exemption that's been issued. And this would make sure that they are part of the thing of getting feedback from the exempted person to say how much volume they're shipping them.

Next slide, please.

We feel that the interpretive rule, this interpretation to allow the specifically exempted facility to become an authorized recipient, will continue to ensure the disposals of this very low-level waste are safely isolated from people and the environment, that no member of public will get a significant dose, that we'll evaluate the technical

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and dose considerations for each exempted facility on the facility basis. This is not a generic approval approach. This is -- each one will be reviewed on a site-specific basis.

And of course, our intent is that only the least hazardous level of waste can be disposed of in an exempt facility because, again, we are looking at everybody involved in the process, including the workers at the facility, the members of the public who live around the facility, the members of the public who live around the facility and have cancer. They're all members of the public.

The workers are not radiation workers. They are members of the public. And so they're all analyzed to make sure that the doses are, again, minimal to negligible.

Next slide, please.

What we are considering for this is that we would look at a cumulative dose of all disposals that were maintained below 25 millirem per year or alternately, as we have already received in comments, not to exceed 25 millirem a year. And the reason being is that we've had on site-specific -- on individual licensee requests to ship waste to a specific disposal site, under 20.2002, we have been

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using a few millirem as our criteria in the past, which was to protect the overall cumulative dose.

Based on past approvals, it's largely been controlling the dose of the workers at the facility, as they tend to be the leading person who might receive dose at the facility. Because we're doing cumulative, we have increased it to account for multiple people shipping to the same person and still be in the same realm as the few millirem, which is one of the reasons why it's around 25.

In addition, this is also based off of and is consistent with other things, such as license determination rule, which would allow a site to go to unrestricted release if it did not exceed 25 millirem per year.

Of course, the agreement states may issue exemptions that have used different criteria consistent with their own programs. The exemption request also would detail why the exempted request is authorized by law and it will not endanger life and property or the common defense and security and that it is otherwise in the public interest, as those are all requirements the NRC has to explain every exemption approval.

Next slide, please.

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How does one become an authorized recipient? They would send the request in to the appropriate regulator. If they're in a non-agreement state, it would be the NRC, and pretty much it would be to that specific agreement state. And they would describe the method on saying why it is going to be a very minimal dose to accept that material, that they can do it safely.

They will need to have a description of the proposed method of land burial at the disposal facility. They will need a description of the source term. The source term is technical words to mean what radionuclides are going to be accepted, what volume or concentration of those radionuclides, and what form. So is it soil or is it building debris or other things?

They also need a description of the proposed disposal site, including procedures, record keeping, and their current RCRA permit, which would allow us to understand how they actually currently practice, and are they actually changing any practices to deal with radioactive materials? Or can we rely on the practices under the RCRA permit?

Then to evaluate the dose to members of the public, including workers of the facility, you

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would have a discussion of the conceptual mathematical models and the parameters used in the dose assessment related to the proposed disposal where they analyze all of the potential ways that somebody might be exposed as the material is received and disposed of at the facility and what the long-term impacts are.

And then along with that we would expect the applicant to provide uncertainty and sensitivity analyses for that modeling, we would use the uncertainty and sensitivity analyses to see what was driving their performance at their site so that we understand that when we approve the exemption, if we do approve the exemption.

Next slide, please.

So we have five questions to start out the discussion that we really want your feedback on. We want the case-by-case review and approval of very low-level waste transfers to holders of specific exemptions for disposal necessary. And as for the transfers to a holder, which would be where somebody would actually have to come in and ask us before they ship it to somebody, what issues associated with transboundary, in other words interstate, transfer of very low-level waste should be considered with this interpretive rule?

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Next slide.

Should the exempt persons authorized to dispose of certain very low-level waste be considered 20.2001 authorized recipients under this proposed interpretive rule, be required to use the Uniform Waste Manifest, consistent with the regulations in 20.2006 for waste transferred to an exempted disposal facility?

A little bit behind, a little change of wording here to say for some background and context, the Uniform Waste Manifest is required for anyone who transfers waste for final disposal at a licensed Part 61 low-level waste facility to track all radioactive waste being disposed of.

Next slide, please.

Four, are there other criteria that should be considered during the review of a request for specific disposal exemption other than in the FRN and what we sort of at a high level just went through in a couple slides to be reviewing as part of their discussion?

And five, in light of this proposed interpretive rule, does the agreement state compatibility designation of 20.2001 raise issues that the NRC should consider?

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Those are the five slides. And at this point, I'm going to turn it back over to Marlayna so that we can start hearing your feedback.

MS. DOELL: All right. Thank you so much, Chris and Trish.

I want to thank everyone again for your attendance and interest in this important topic to the NRC. With this in mind, we are prepared to hear your comments that may help us determine the path forward for this proposed interpretive rule.

We have approximately 190 participants on today's WebEx, so please be brief and limit the scope of your comments to today's presentation. We would like to be able to hear from everyone that has a comment. If we have time, we will allow for a second round of comments before the end of the meeting.

As a reminder, you can also submit your comments via the Q&A dialogue box in WebEx. I realize not everyone may have that pulled up. I believe if you hover your cursor down towards the bottom of the screen, a list of different options will come up and the Q&A function or the chat function are both available there. I think the chat function looks like a little chat bubble, and the Q&A window is available. If you click on the three little dots, it's one of

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the submenus under that.

We also want to mention that there are other means of submitting written comments, which will be discussed at the end of the presentation and are also available in the Federal Register notice itself.

These methods are available throughout the comment period and are the quickest means to provide official comments.

All right. With that, operator, can we go to the first commenter?

Thank you all.

OPERATOR: Absolutely. And again, as a reminder, if you would like to ask a question, it is \*1. Again, that's \*1. One moment.

Our first comment comes from Jeff Burright.

Your line is open.

MR. BURRIGHT: Hi there. This is Jeff Burright with the Oregon Department of Energy. Thank you for the information. I have two questions that I hope you can answer.

First off, is the definition of very low-level waste -- am I understanding correctly that it's going to be based on the performance of the facility, that as long as the facility can stay under 25

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millirem, you'll let whatever waste goes in there be called very low level?

The reason I ask is that my concern would be that you could have differing definitions based on what landfill something is disposed in because of the amount of dirt you kick over it, for example, or the groundwater migration specifics.

And then my second question relates to the ongoing maintenance of your, for lack of a better term, performance assessment or performance modeling and the record keeping that has to ensure that the cumulative dose stays under your 25 millirem.

If you're going to go to all that effort of keeping track of a new facility accepting RAD waste, the terminology of calling them exempt seems a little strange. Why wouldn't you just license them for very low-level waste?

Those are my questions. Thank you.

OPERATOR: Thank you.

Our next comment comes from Dan Hirsch.

Your line is open.

MR. HIRSCH: Can you hear me? Hello?

MS. DOELL: Yes, we can hear you.

MR. HIRSCH: Okay. My name's Dan Hirsch.

I retired a couple years ago as the Director of the

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Program on Environmental and Nuclear Policy, UC Santa Cruz, and I'm with the Committee to Bridge the Gap.

I've been following the NRC since its inception, and I must compliment you today. I have never seen such courage, such boldness, indeed such audacity to propose the most massive deregulation of radioactive waste in America's history and to do so in the midst of the coronavirus pandemic. That takes real courage.

You are proposing to allow essentially all radioactive waste except spent fuel to be disposed of essentially anywhere with no license, no inspections, no performance requirements in terms of having to have monitoring, depth to groundwater and so forth, no ability to enforce a violation, no fines, nothing.

To simply be clear, you can send it to a vacant lot in the back of a school, to a place right next to a large water source like a river or lake, to thousands and thousands of municipal landfills around the country, and do so with no regulation, no licensing, no requirements, no monitoring whatsoever.

You say that your intent, carefully chosen word, is that this would be only very low-level waste.

But you've defined very low-level waste as waste that collectively would produce 25 millirem a year.

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Everyone should understand that that's the equivalent of a dozen chest X-rays a year or about 900 chest X-rays over one's lifetime with a cancer risk, according to all the official estimates, of two times ten to the minus three, or 2,000 times the cancer risk that would be the goal for a Superfund site and 20 times higher than what is ever allowed at the upper end of the risk range.

The idea of saying that it will be okay for kids and others to get the equivalent of a lifetime risk of some 900 chest X-rays and call it something that you want to deregulate is really audacious.

The other thing that's intriguing to me is that it will have exactly the opposite effect that you think you want. You will undercut the licensed facilities. Let's be clear. They have to meet 25 millirem whole-body and to each individual organ.

You're proposing 25 millirem effective dose equivalent for an unlicensed site, which is 70 percent higher dose than that which is allowed for a licensed site. No one would send their waste to a licensed site if they can send it cheaper to a municipal landfill or to a lot in the back of a school.

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So you will have destroyed the commercial low-level radioactive waste facilities that have put their money into creating the monitoring and the other requirements. You will have destroyed the nation's low-level radioactive waste system. And at the same time, you will have undercut tremendously nuclear power, which is on its last legs.

This is perhaps the most anti-nuclear action I've ever heard, which is to make everybody who's living near a municipal landfill terrified that you are now going to be sending radioactive waste there without even telling them, without an opportunity for a hearing, without public notice, without the state agency that regulates that municipal landfill even knowing.

So I have to congratulate you. In the midst of the coronavirus pandemic, where we're supposed to be focused on mission-essential activities, to propose the deregulation of radioactive waste and to allow it to go anywhere in doses higher than it can go to even in a licensed site, bringing down the structure of licensed radioactive waste facilities, undermining public support even further for anything associated with your activities, I think it is really admirable that you have the courage to

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have done so.

Thank you.

OPERATOR: Thank you.

Our next comment comes from Cynthia Wheeler.

Your line is open.

MS. WHEELER: Hi. Can you hear me?

OPERATOR: Yes. We can hear you, Cynthia.

MS. WHEELER: Okay. This is Cynthia Wheeler. I'm a member of the Nuclear Information and Resource Service. I was concerned when I heard you use the term significant dose, that no one in the public should receive a significant dose of a radioactive contamination.

I don't know how you would determine that, because you don't know what kind of doses of radioactive contamination the public has already received. For instance, you might have someone who's already going through radioactive therapy for some reason.

So for you to say that the dosage is small, it might be small for some people, but it might not be for others. And they will not know that they're being overexposed when this radioactive substance or waste is found in just a regular

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landfill.

So I think this is a very poor idea. I think it also leads to a slippery slope. Radioactive waste should always be treated as extremely unusual and dangerous, and you dispose of it carefully, not in a way that exposes the public.

Thank you.

OPERATOR: Thank you.

Our next comment comes from Patricia Cardona.

Your line is open.

MS. CARDONA: Yes. I would like some more information on the guidelines that is going to be used. For example, at a disposal site, will a disposal site be allowed over water? Will it be allowed later on to be used as part of landfills and building of housing over it? And what will the limits on a location be, as well as how you will determine where the water is? Will there be a hydrological report?

In addition, I believe there should be real-time monitoring at the site of the radiation. I lived in San Francisco and in the Candlestick Park area, and they built housing right over landfills. And part of that landfill was radioactive, and it did

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cause me a lot of health problems. So this is a real big issue.

OPERATOR: Thank you.

Our next comment comes from Diane D'Arrigo.

Your line is open.

MS. D'ARRIGO: Hi. This is Diane D'Arrigo with Nuclear Information and Resource Service. One, we oppose the interpretive rule and all of the changes it entails. Two, we request an email address for public comments. Three, we call for suspending the entire process, preferably permanently. If the NRC does proceed, then it shouldn't be until six months after the end of the COVID crisis. There's no way that people can focus on the technical details involved.

Once this happens, there's no ability for people to interact, to participate publicly. This is really it. The NRC has been working on this for decades, since 1986, and should not pursue, especially when the public cannot participate due to an international health crisis.

This is the maybe 20th time that the US federal government agencies and some state agencies have worked to relieve the nuclear power and weapons

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industry of liability. It appears that nuclear power is not economic because it cannot afford to keep its poisons out of the public realm, and that is what they say is dictated below regulatory concern, BRC. Call it that, any of the other 40-plus terms, clearance exemptions, free to leave, liquid detoxification, special waste, BSFR.

There are dozens of names, but the point is that the nuclear power and weapons industries in the fuel chain cannot afford to keep the waste that they've generated out of the public realm, and this is just the latest effort. And we oppose it as we've opposed all the last ones, all the previous ones.

The supposed intent is to send this waste, and it's unclear how much of it, from decommissioned reactors and other decommissioned facilities and operating facilities to solid waste landfills and hazardous waste landfills. But it says that it's the intent in this Federal Register notice. What is to keep other authorized recipients, recyclers, incinerators we use?

What about authorized persons who have the authority to do all of these things? How are they going to keep this material separate and only go into the special ditch that it reports to the NRC? Yeah.

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My understanding is yes, this would be a one-time approval. And it's my understanding also that the NRC could not deny an application if it met its basic criteria.

So there would be a one-time approval, and then all of the nuclear reactors in the country could send all of their various components and parts and materials straight to such sites. Landfills in the vicinity of nuclear reactors could open up their doors, charge a little more, and take huge portions of the decommissioning of radioactive reactors.

All parts of a reactor are radioactive. As was pointed out by a previous commenter, we're not being limited to low doses. I don't want to get into a fight over whether a millirem or 25 millirems is okay. No additional millirems are okay. The term millirem is an expression of biological damage to tissue that's only calculated through a computer code. It's not a verifiable or enforceable limit.

This is how the nuclear generators will be relieved of their liability and possibly the solid and hazardous waste landfill operators relieved of liability, because it will be below the legal 25 millirem amount, and therefore nobody's liable. Low doses, if they even were low doses, do more damage per

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unit dose.

Women and children, females of our population, and the very young have much greater impact, negative health impact, from the same doses of radiation. So we are putting people at risk. Like the different susceptibilities that people have to COVID-19, some people are at greater risk than others.

Different parts of the population have different susceptibility to radioactivity.

As was pointed out earlier, these sites, these authorized exempt owners -- soon-to-be owners of nuclear waste would be allowed to give out more radioactivity than the licensed so-called low-level radioactive waste dumps in this country.

I can't imagine that after the decades it took for those places to open up and to get licensed that they're willing to be comfortable with those who do not have to go through that process to try to prove that they're able to isolate the waste, that they should be able to take the waste without a license.

As pointed out, the 25 millirems from the currently operating facilities are really about the same as 15 millirems effective dose equivalent. The new authorized recipients of the waste, the exempt, the specific exempt facilities that would take this

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waste, they could give off 25 millirems effective dose equivalent, which far exceeds the 4 millirems allowed in air, the 15 allowed from currently operating radioactive waste disposal sites, licensed.

And in the past, there have been discussions of releasing radioactive waste from regulatory control at a tenth of a millirem, a millirem, a few millirem as under 10 CFR 20.2002 on a case-by-case basis, 10 millirem. This is completely outrageous, and I don't believe that just lowering the amount from 25 to 1 or .1 or whatever is acceptable.

The NRC should just scrap this whole thing and keep regulatory control. Keep the waste in licensed facilities. There is no public notice or process or warning about the facilities that would be able to take this waste. It appears to be purely NRC discretion. The very low-level waste term is not defined, but it's a massive public opposition to the concept and to even making up a new category.

In addition --

MS. DOELL: This is Marlayna. I'm sorry. We're kind of reaching our five-minute time frame for this one.

MS. D'ARRIGO: Yes. One last point, Marlayna. One last point, okay?

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MS. DOELL: All right.

MS. D'ARRIGO: Transportation. What notice will there be if it's continued to be a licensed radioactive material? Will transporters be notified? Will they be radiation workers? Will there be placarding? Or will the waste be moved without notice that it is radioactive?

We oppose the process, we ask for an extension, and we would really appreciate an email address to comment since there have been many, many problems with regulations.gov.

MS. DOELL: All right. Thank you so much, Diane.

And I think just to clarify for everybody on the phone, because I'm getting a lot of questions about this in the chat windows as well, part of the purpose of today's meeting is to collect comments and feedback on the proposed rule. So we will be taking all of the questions as well as the comments into consideration when we think about next steps for this.

So we may not be able to answer the questions today, but we will be recording them and using them for future reference as we think about next steps. So I just sort of wanted to put that out there as a general overview rather than responding to folks

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individually.

I think with that, we're ready for our next commenter.

OPERATOR: Thank you.

Our next comment comes from Kay Cumbow. Your line is open.

MS. CUMBOW: Hi. Well, I trust that you are recording this webinar and as well as all the printed comments on the side, and that you will publish this and make available a transcript of this, available to the public, and also send to all the participants on this call.

And with such an enormous sea change of policy, which this is, the comment period should be extended 6 months after the COVID-19 crisis has ended, after the government has ended it.

And, second, it's just outrageous that you can't give an email to the public when emails have been made public to -- made available to the public so many times. And then, conveniently, this time there is no email comment. And there have been many problems with regulations.gov.

So, I agree completely with former -- I've had problems with it myself, and haven't gotten comments in simply because that wouldn't cooperate,

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the site was not cooperative. But why the urgent push to do this while the whole nation is preoccupied with critical matters of life and death, and virtually nobody knows about this? Who has time at this moment in time to be reading the public register?

So, every time the NRC or the Department of Energy has publicly tried to deregulate nuclear waste it was met with a resounding no. It just seems like, it just seems like you're taking full advantage in exploiting the American people at this time, because this will impact every single landfill.

And our landfill here in St. Clair County sits right next to the St. Clair River, which is the pathway for the Upper Great Lakes to go into the Lower Great Lakes. So, essentially, we could conceivably poison the Lower Great Lakes.

And there are many landfills that are right next to water bodies. I just, I just think this, this whole, this is a scheme and it's a scheme that will take advantage of the American people while, while they're down for the count. And I, I urge you to just put this off and to give a 6-month comment period after, after the COVID-19 crisis has ended.

Thank you very much.

OPERATOR: Thank you.

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Our next comment comes from Kerry Lodge.  
Your line is open.

MR. LODGE: Thank you. I am assuming you  
can hear me.

I am a nuclear litigator, anti-nuclear  
litigator in Toledo, Ohio. And I'm very, very  
concerned about the ramifications of basically adding  
cumulative radioactive waste to sanitary and municipal  
landfills that in several major states that have  
fracking industries are already receiving supposedly  
low-concentrated radium-laced fracking waste from oil  
and gas drilling operations.

Pennsylvania, West Virginia, Ohio,  
Michigan, in particular have potentially opened up  
municipal and sanitary landfills for the receipt of  
fracking waste which can be hundreds and, indeed,  
thousands of times the levels of radium and its  
progeny byproducts, isotopic byproducts as -- That  
emanate from the radium decay -- the uranium decay  
chain.

It's incredible to me that this proposal  
is being made for the reasons that were stated very  
effectively by Mr. Hirsch and Diane D'Arrigo. This is  
simply an economic gambit, in my view, that tries to  
make nuclear power economic. We are certainly in the

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bailout era for the commercial nuclear power industry.

I therefore oppose the proposal.

I would like to point out that, legally speaking, the NRC appears to me to be playing a word game. This is not an interpretative rule change. It is a legislative rulemaking.

You have effectively -- you are proposing at least a nationwide deregulatory step that will effectively mean that if there is an agreement state, in other words a state agency involved, a lot of responsibilities that they are not staffed up technically nor logistically to handle will devolve to the state. And if it's in a non-agreement state, I guess the NRC is simply going to do a one-stop permit shopping type of arrangement that way.

I don't hear in the presentation any feedback wherein there is actually information gathered as to what waste is being disposed of. But, effectively, there would be some characterization. And I think in practical terms, as Mr. Hirsch pointed out, there's going to be a lot of vacant lots and other kinds of fly-by-night kinds of landfill, so-called landfilling operations, that will come into existence.

But what I am concerned about is that we

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have isotopes that in the case simply of radium from fracking, radium has a half-life of 1,600 years, which means that in excess of 10,000 or 12,000 years would be necessary for a given amount of radium to decay to relatively harmless background levels. There are many isotopes that are human generated that I am sure be included even if only incidentally in the waste that you're talking about deregulating, and will be a threat to all kinds of life for tens of thousands, if not hundreds of thousands of years, or even longer.

I think this is a ridiculous scheme. The typical current state-of-the-art landfill industry shows the commencement of leaks and failures for a current state-of-the-art type of landfill, 10 percent of them begin to fail within 5 to 8 years of being constructed. By the time they reach their presumed useful life of 50 to 60 years, more than 75 to 80 percent of all current state-of-the-art landfills are leaking, leaking into water tables.

They are not sited in anything like a scientific way that a nuclear level waste facility is sited. They don't have monitoring capability, typically, for radioactive material in leaching. And most confounding and troubling of all, in Ohio the landfill systems here under our state regulatory,

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state health department, and the agreement state agency, they don't require landfills to have portal, radiation, radiological portal monitoring equipment present, so trucks just drive through the gate.

They don't have standardized requirements for training, or clothing, or other protective activities for landfill workers.

They don't have, as I think of the fracking industry in particular, there are many, many anecdotal stories revealing that trucks drive around without the appropriate placards; that trucks have been caught dumping radioactive waste to creek bottoms; that the truck drivers themselves don't have an active, working knowledge of the dangers of the material that they're hauling.

So, I'm sure that will be duplicated in the same ridiculous, non-regulatory approach that state governments are taking under the supposed aegis of the NRC in regulating radioactive material already.

I realize, incidentally, that hydraulic fracking waste is not federally regulated, but it certainly provides a very troubling analogy.

Thank you.

MS. DOELL: Thank you, sir.

OPERATOR: Thank you.

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Our next comment comes from Joe Weismann.  
Your line is open.

MR. WEISMANN: Thank you very much. I appreciate the opportunity to comment on the NRC's presentation. It's much appreciated.

First-off, I'd like to thank the NRC for taking on this interpretive rule and publishing from a federal perspective clear guidance that would allow appropriate facilities to dispose of very low-level waste in a way that's consistent with what has already been approved by 20.2002.

It also allows facilities that are in NRC states, non-agreement states, to perform similar activities to what the agreement states have already been -- have already approved for this type of waste, principally in Tennessee and Texas. This activity is already going on. Agreement states are already authorizing licensed shipments to facilities that exempt waste for disposal in RCRA-regulated facilities. So, this is already happening.

So, this is not something that is new to the United States. This would allow other facilities who are not in agreement states to have similar programs that are soon to be protected.

My question is, particularly how this

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would be interpreted relative to previous guidance documents that the NRC has put out, principally in terms of RIS 2016-11, which said that generally exempt items in Part 30 and Part 40 could be disposed of in non-licensed facilities.

The way that the interpretive rule was published in the Federal Register Notice said that those exemptions would not qualify for disposal and that an authorized user I guess, or an authorized recipient could be authorized if they applied for that.

I would just like to ask the NRC to look back at RIS 2016-11 and if they could answer the question that if once a facility applies for and is given authorization as an authorized recipient under 2001, that all of the previous disposal of generally exempted items as identified in RIS 2016-11 would also be authorized under this to ensure that consistency with prior guidance and interpretations would be handled in the same way.

That is all. Thank you very much.

OPERATOR: Thank you.

Our next comment comes from Michelle Lee.  
Your line is open.

MS. LEE: Hi. Good afternoon.

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I am going to just make several requests on behalf of my organization promoting health and sustainable energy, and then I'm going to make a personal request and statement.

So, the organizational requests are to echo the request for 60 days, 60 days after the end of the coronavirus crisis for public comment. There is absolutely no reason why this needs to be rammed forward at the breakneck speed it's being attempted, other than what is clearly kowtowing to the industry's financial interests. There is no public interest that is served by this.

So, that's the first request.

Second request is that there be a transcript, a published, written transcript of this call be made available as soon as possible, and certainly within the next week if you're not going to be changing the date for comments.

And three, echoing the request for an email that people can comment on due to problems and malfunctioning of the government systems.

So, those are my formal requests on behalf of my organization.

On behalf of myself, what this really reminds me of is what happened in the Soviet Union

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during the Chernobyl crisis that was identified and referred to being published as secret Politburo protocols where officials didn't know what to do. There was a food issue in the Soviet Union. They were having a financial crisis because of Chernobyl.

And the officials at that point unknowingly, unlike you, they were unknowing, decided they were going to just simply spread out contaminant, the low-contaminated food product, grains and so forth, all throughout the nation from the theory that it's just going to be a little bit of poison spread all around, and that's not going to have any impact.

Well, it had an impact. It had an impact particularly on child health throughout the nation. And this is exactly what you are doing, except you are not doing it in the face of any urgent need to get food to people, you know, with that countervailing, at least a countervailing consideration.

Everybody on this call knows what's going on here, and the NRC officials certainly do as well. So I'm not going to echo what's already been said very well by others.

I will make this plea, and it's a very sincere one, because I, you know, my background is as an attorney. I represented big industry, large

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industry for a very long period of time. I did investigative work. You know, I understand the pressure that you as individuals in the NRC are under right now. You're getting pressure from the NEI. You're getting pressure from the whole host of lobbyists. You're getting pressure from the administration. Everybody knows that.

And everybody knows that the nuclear operators want to reduce their costs. And this is a great way to reduce decommissioning costs; just get rid of your stuff, dump it on poor communities, because these things are not being built in wealthy communities with political power, these are going to be dumped on poor, already, you know, communities who have little political power and little ability to resist this, and already are impaired by low health and, you know, land values and so forth.

But there are people I know, I've spoken to them at the NRC, who still consider themselves public servants. And I really put out a plea to those people who really still want to serve the public and still want to protect public health, and who understand that, unlike the coronavirus which is a, you know, horrible, horrible health emergency, this will be creating a slow, evolving health crisis for

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generations to come, long after the coronavirus is in the history books.

And I know some people at your agency understand that. And I beg you to push back internally. Get together whoever those people are, hopefully some on this call, and push back and remember who you serve. And remember the duty and the obligations that you owe to your neighbors, to your communities, to your friends, and to future generations.

Thank you.

OPERATOR: Thank you.

Our next comment comes from Marvin. Your line is open, sir.

MR. LEWIS: Marvin Lewis. Thank you.

Look, I want to point out somebody from history, 1940s, 1950s, Alice Steward, M.D. She showed statistically, with her statistician George Neal, that one abdominal X-ray to a pregnant woman would give a doubling of the chance of cancer during the fetus' lifetime to the fetus. A doubling.

How low can you get? How low is very low?

One X-ray doubles a fetus' chance of getting cancer during its lifetime.

Nobody thought that, that radiation was

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that damaging. And it seems now nobody is thinking that way again. But it is the case, and it is a statistic.

We --

MS. DOELL: Do you have any comment relevant to the proposed interpretive rule for today?

MR. LEWIS: This is what I'm trying to do. I'm trying to bring this point to this subject, namely, that you're talking very low radiation dose. But nobody knows how terrible or how dangerous a very low-level radiation dose is. Alice Stewart said the lower you get it's still there, and it will kill. It will make people sick.

That's point one.

The other point is I'd like to join in with these various other people who asked for an extension beyond this present crisis of corona, COVID-V or COVID-19. Let's not worry about this so-called interpretive rule until we get out of this pressing emergency that doesn't even allow people out of their home. This is just too much. We are acting ridiculously, and we are acting more and more ridiculously. And it is not a fun thing.

Also, yes, I too would love to see this in print soon. I'd like to see all these comments in

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print soon.

After my experience with the, with the present telephone business, with the present app for getting on to this whole thing, which turned out, thank goodness, I had the numbers by telephone to go into this meeting -- appreciate that -- but the app was totally useless. It's as useless as the regulation thingy where you put your comments down in the regulation thingy and it disappears into the ether somewhere.

All right. I appreciate having the time to spout my little vitriol. I hope, somehow, that you get your thinking together and learn interpretive doesn't mean to kill people.

Thank you. Goodbye.

OPERATOR: Thank you.

Our next comment comes from Jerry Bonanno.  
Your line is open.

MR. BONANNO: Hello. Can you hear me?

OPERATOR: Yes, we can hear you.

MR. BONANNO: Okay. Jerry Bonanno from Nuclear Energy Institute. I had a couple questions here, mostly related to the mechanics of how this rule would work. We're trying to understand. And I think some of that was provided today in this call.

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But, primarily, my questions are with respect to getting some clarification between the responsibilities of the generator versus the disposal facility. So, first is, I think we got some clarification on this today, but, you know, clarifying who needs the exemption, whether it's the generator or the disposal facility. I think we heard today that it was the disposal facility, but I know people still have questions about that.

The second question is it doesn't matter what class of license the generator has. The interpretive rule placed a lot of -- relied pretty heavily on the provisions in 30.41(b) and the parallel provisions in Parts 40 and 70 that allow licensees to transfer materials to a person. So, it was pretty clear to us that this would apply to Part 30, 40, and 70 licensees, but there were some questions about what other classes of licensees this would apply to. Specifically, would it apply to Part 50 licensees.

And then, also, questions surrounding, you know, the agreement states and what the agreement states have done or already have in place. There are at least some agreement states that have exemption provisions written into their rules that are general exemptions or what I would characterize as general

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exemptions from the sense that they're written into the regulation.

The NRC in the interpretive rule has already focused on specific exemptions from a federal standpoint. So, I think some clarification on the idea of whether those existing agreement states' regulatory structures would remain undisturbed. I think we heard some of that today, but more explanation on how that works would be useful if you continue forward with this interpretive rule.

So, I think I'll stop there. And thanks for the opportunity.

(Approximately one minute of audio missing due to dropped call.)

OPERATOR: Our next question comes from Karen Hadden. Your line is open.

MS. HADDEN: Hi. I'm Karen Hadden. I'm the director of SEED Coalition, an organization with 2,500 members in Texas. And I am outraged that the NRC is pushing this at this time when people are just trying to protect their families and their lives from a worldwide pandemic. We shouldn't be having to worry about this additional threat to our health.

For decades here in Texas we've been told that we've had the development of our low-level

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radioactive waste site that's now open, and there was a previous attempt for another site. For decades we were told by the NRC and other officials that it was important to take all radioactive materials and put them in one place, and not have them spread all over the country.

What I see happening, what could happen as a result of this initiative is the exact opposite of that, spreading radioactive materials into communities. Many of them would be poor, no doubt, and the monitoring would be non-existent, and we would end up with contamination across our country at a time when we should be doing everything we can to protect health.

This is truly a slap in the face to the American public. It's opportunistic to do this at this time and then create additional health risks by this measure.

Here in Texas, WCS, also known as IST, has a low-level radioactive waste storage site. They have asked for a delay. Our state environmental agency TCEQ has asked for a delay. At the very minimum, that delay should be 6 months past when the public is struggling with COVID-19. Now, that doesn't mean when the administration declares that this is over, that

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means when people are truly not having to fight for their lives.

This is a bad measure. It requires congressional action, should not be done as a rulemaking. And I oppose the rule entirely, request that an email be put in place. And, once again, that the NRC not bring this forward until 6 months after this health crisis is ended. We want the NRC to stand for Nuclear Regulatory Commission, not No One Really Cares.

Thank you.

OPERATOR: Thank you.

Our next comment comes from Holly Harris.  
Your line is open.

MS. HARRIS: Good day. This is Holly Harris with the Snake River Alliance in Idaho.

I echo the sentiments that this is not a (telephonic interference) rule. As an environmental attorney spending about half of my career, the last 18 years, at one of the world's largest law firms, and the second half at one of the largest environmental public interest law firms, this is a change in the substantive protections afforded to our local communities, including communities here in Idaho with dumps along the Snake River, Idaho -- along the Snake

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River.

But more to the point of the transparency or lack of transparency in this process, it is a disgrace that this is taking place during one of the country's most vulnerable moments. We oppose this rule, a change, this substantive change in all that it entails. Echoing the sentiments that there needs to be a public email address for comments. But under no circumstances should this process continue until the COVID-19 crisis has concluded, allowing the public the opportunity to participate in substantive change after 6 months have subsided.

To do this when the whole country is at its most vulnerable is an absolute disgrace.

Thank you for the opportunity to comment.  
We ask you not to move forward.

OPERATOR: Thank you.

Our next comment comes from Don Safer.  
Your line is open.

MR. SAFER: Yes. Hello, can you hear me?  
Hello?

MS. DOELL: Yes, we can hear you, Don.

MR. SAFER: Okay, thank you. Yes, this is Don Safer. I'm in Nashville, Tennessee. I work with the Tennessee Environmental Council and the Tennessee

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Chapter of the Sierra Club.

First, I call on the Nuclear Regulatory Commission to suspend and ultimately cancel this process. And the case by case number one question, case by case is necessary, case by case analysis. And the, a lot of the benefits, your Slide 5, the benefits of the proposed interpretation is very illustrative of what a lot of the opponents have been talking about.

Number two on that is responsive to stakeholder feedback on the VLLW regulatory framework.

Now, I find that to be just reveals who your stakeholders are in your minds, and that's the industry. Because, obviously, you're not responsive to the many of all of us that watch the industry and are very concerned about public safety and the job that the Nuclear Regulatory Commission is not doing.

And then on the number 3 of that slide, Slide 5, provides an efficient means by which the NRC may issue specific exemptions. So, you want to be more efficient in letting radiation out to the public.

And I am in Tennessee. A gentleman mentioned Tennessee as a place where this is already going on. That is true. And I'm here to tell you that 21 million pounds, almost 22 million pounds released into the Shelby County, that's around Memphis, Landfill in

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the years 2004 through 2010 under that program is not a protective of the public situation, especially when you get into the details, which I have, about this bulk survey for release program, and the lack of oversight.

These controls are on paper only. And there is virtually no onsite inspection of any of these materials before they go into the landfill except from the waste processors, who have every financial incentive to violate the radiation rules. And there is no checking at these landfills for the radiation that comes in except with external radiation monitoring devices that can only detect radiation on the outside of a truck. And they cannot detect violations that are buried inside of these large trucks that are carrying this material.

We're talking about millions of pounds. And this is just not protective of the public.

So, I thank you for the opportunity. And I encourage the Nuclear Regulatory Commission to just withdraw this whole proposal.

Thank you.

OPERATOR: Thank you.

Our next comment comes from Vern Rogers. Your line is open.

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MR. ROGERS: Yes, thank you. This is Vern Rogers with EnergySolutions. I appreciate the NRC's time in allowing us to ask several questions. I have two that we would like some additional information on.

The first is with the proposed interpretive rule, how does this impact the low-level waste compact system? If exempted from the license disposal does that also exempt the licensee from oversight and governance by the low-level waste compact limitations?

The second question is with regards to transparency. The NRC has discussed the importance of transparency for the authorized recipients for the exemptions granted. What information or is there additional clarity that will be provided in the interpretive rule and the guidance regarding disposal limitations, volume limitations, concentration limitations that should be made available to the public when exemptions are granted?

And that's it. Thank you.

OPERATOR: Thank you.

Our next comment comes from Scott Williams. Your line is open.

MR. WILLIAMS: Thank you. This is Dr. Scott Williams from the Healthy Environment Alliance

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of Utah. Just a few comments.

We also oppose this rule. We also would request that it be postponed, the public comment period, actually the publication of the rule be withdrawn and the public comment period be postponed until after the nation has been able to stand down from the emergency response to what's going on right now. Also, email to allow for comments would be helpful.

A couple of other comments. One is we are in a state that has one of the four low-level waste facilities. Mr. Rogers just spoke. And our staff at our Waste Management Division has a huge job just interacting with EnergySolutions and dealing with their permits, dealing with their inspections, dealing with their violations. And because of that, there was a study done that showed many of our regular landfills haven't been inspected for 6 years or more. And so, now the State of Utah passed a law last year that allows landfills to self-inspect and self-report with 5 hours of training.

So, if this is opened up to regular landfills to accept this very low-level waste, it basically would move any oversight other than their own from the ability to know what's going on.

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So, that's all I'm going to say. Thank you for the chance to comment.

OPERATOR: Thank you.

I'm showing no other comments at this time. But, again, as a reminder just dial \*1.

We do have comments coming through. One moment.

The first comment comes from Kathy Jones. Your line is open.

MS. JONES: Hi. Thank you. My name's Kathy Jones. I'm with Sustainable Medina County in Ohio.

I would like you, the Nuclear Regulatory Commission, to withdraw this proposal. And I do believe this is even a bad time to bring it up. It's almost criminal, because most people won't be aware of this is what's going on.

But in the meantime I'd like to say that in Medina County we have, we have fracking, we have pipelines, we have radioactive compressor stations, we have radioactive brines in the oil and gas companies, which we have had our communities and our electeds and our cities fighting. When you say that it's just going to be negligible harm from the radiation, there is no negligible harm, it's all harm. How much do you

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think a life is worth with negligible harm?

In our community, our city council has decided that they will no longer use radioactive oil and brine waste because it is negligible harm and it's radioactive waste coming from the fracking, hydraulic fracking industry.

In our area we also have compressor stations from the pipelines which are emitting radon and other waste in our community which we have been fighting. We do not need any more radiation in our community. It's criminal that you're not taking into your thought process of what this would do to harm people and future generations, and that includes your families or you -- or people that you may know.

This is just criminal that you would even allow the corporations to decide what happens to communities. And we are fighting all of this radiation with Ohio Community Rights Network. And it's shouldn't be for the corporations to decide how they can harm our communities or what negligible risks we should take. We should have a right. People should have a right to decide what they want in their communities, not corporations telling your industry what can harm us and how negligible it is.

Thank you for allowing me to speak.

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OPERATOR: Our next question comes from Larry Camper. Your line is open.

MR. CAMPER: Thank you. Thank you. Can you hear me? Can you hear me?

MS. DOELL: Yes, we can hear you.

MR. CAMPER: Oh, very good. Thank you. Thank you to the staff for the work that you're doing and thank you for the opportunity to comment.

I have just two comments. I provided a couple via the text entry, but two points I would like to make.

One is the question is case by case needed? And the answer is, yes, it is. An exemption has to be evaluated because it is the granting of an exemption from a regulatory requirement. There's no way to do that absent a case by case review.

Number two, and I think very important, I want to point out in Section 4 discussion of the FRN there is some language which I think continues to confuse the question of what regulatory authority may grant a 20.2002 authorization. I think the language set forth in the third full paragraph under Section 4 discussion is inconsistent with positions that have been taken by the NRC staff in the letter to STP in October of 2018, in the 2012 all agreement states

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letter, and in the RIS 2016-11. So, I think that that language as written in the FRN continues to confuse that issue, which is currently a subject of litigation.

So, I would draw that to the staff's attention and ask you take a good look at that.

Thank you.

OPERATOR: Thank you.

Our next question comes from Sofia Martinez. Your line is open.

MS. MARTINEZ: Yes. My name is Sofia Martinez. I'm calling from New Mexico. I'm president of the Concerned Citizens of Wagon Mound and Mora County. And we have what's called a regional landfill in that area. We're also one of the routes where having this waste passes through. So, we definitely want to put out the community's input that we want you all to withdraw this proposal.

There is no reason why we should be hosting hazardous waste in a landfill. We have years of fighting special waste landfills here in New Mexico. They're up now for an interim review. And the run, we're in a very rural area where we basically because we're rural nobody cares about basically, you know, who cares about rural areas. It's all about

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protecting as little protection is done to urban areas. But we definitely want you all to withdraw this proposal.

We are in total disagreement with having landfills taking hazardous waste. There's very little regulation of these landfills. The one that we've been fighting now for over 15 years and which got their special waste permit under a Republican governor. And I do want to say that right now all the EPA regulations have been basically freed up in enforcement.

We haven't been protected as communities of color in the past, whether it be Democratic or Republican governors or administrations, and we certainly are vulnerable not only to the virus right now but to the virus in this government that continues to think that poor people of color and rural communities are just easily marginalized and killed off.

So, know we want you to definitely take this off your list. And we know that under this administration you've been given leeway to do whatever you want. And we will be very busy in letting people know that it's been basically decided that it's okay to keep on continuing to poison our community.

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So, once again, for the Concerned Citizens of Wagon Mound and Mora County, and Los Jardines Institute which we're a part of in Albuquerque, New Mexico, we, both those organizations are opposed to this proposal.

Thank you. And please do your job for humanity not for politics, and the environment.

OPERATOR: Thank you.

Our next comment comes from Phyllis Richardson. Your line is open.

MS. RICHARDSON: Hi. My name is Phyllis Richardson and I'm with Georgia WAND, which is Women's Action for New Direction. And we work with our community and Burke County, Georgia, which is downstream and downwind from two nuclear plants. And we want you to all to postpone this proposal and stop allowing landfills to accept hazardous waste and coal ash.

And just wanted to echo what everyone else has said on this call, and most of importance we wanted to make sure that our voice is being heard. And, again, that's Phyllis Richardson with Georgia WAND. And we would also hope that this information is recorded and sent out to everyone.

Thanks.

OPERATOR: Thank you.

Our next comment comes from Kay Cumbow.  
Your line is open.

MS. CUMBOW: I just want to say that I misspoke earlier. I actually would like the NRC to withdraw this proposal. And I'm clarifying that I'm asking for a 6-month extension past the time the nation is no longer dealing with the emergency impacting our public lives due to COVID-19, and not when the administration believes the crisis is over.

If the NRC cares about the health and welfare of the American people, they will withdraw this proposal.

Thank you.

OPERATOR: Thank you.

And, again, as a reminder, if you would like to make a comment it is \*1. Again, that's \*1 to make a comment.

I have no comments from the phone at this time.

Just one moment. We have one coming through. That comes from Jason Hubler, I believe.  
Your line is open.

MR. HUBLER: Yes. I just find it, I find it extremely problematic that this is occurring during

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a preventive action. I'd like to second the lady, the lady's response that this is being moved into comments on short notice.

Thank you.

OPERATOR: Thank you.

Our next comment comes from Janine Walker.  
Your line is open.

MS. WALKER: Hi. Thank you. Can you hear me? Can you hear me?

MS. DOELL: We can hear you.

MS. WALKER: Okay, good. Thank you.

I'd like to second the two previous callers -- or third. Agree with them wholeheartedly.

It seems as the rest of the country is shut down or planned to be shut down, the NRC seems to be moving forward in their normal pace, or perhaps faster. And I think that this is absolutely inappropriate. And like the rest of the world, you should be holding off on proceeding with such regulatory changes.

Absolutely hold off and wait until after this crisis subsides.

Thank you.

OPERATOR: Thank you.

Our next comment comes from Lynn Anderson.  
Your line is open.

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MS. ANDERSON: My name's Lynn Anderson. I'm from the Youngstown Community Drinking Water Protection Community Bill of Rights. We want you to withdraw this proposal. The U.S. NRC mission is supposedly protecting people and the environment.

We have enough of a toxic load here in Youngstown. We've been receiving the Pennsylvania Marcellus waste, which is radioactive, from the Marcellus drilling. Been injected in injection wells in the area, transported here via truck. It is very dangerous.

We have had a radioactive processing center open up that operated against Nuclear Regulatory Commission's laws that downblending -- or rules that downblending is too dangerous to do in open air. But they downblended the partially-dissolved solids from the Marcellus waste, mixed it into dirt, and then trucked it on those open trucks, those roll-offs to the pull-in landfill.

And this is unacceptable. We have enough of toxic load in our community. We're a former steel mill area with brown fields that have never been cleaned up. We've got cancer, lots of cancer.

So, withdraw this proposal and work for what you're supposed to be working for, protecting

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people and the environment.

Thank you.

OPERATOR: Thank you.

Our next comment comes from Michelle Lee.

Your line is open.

MS. LEE: Hi again. I just wanted to add two other, a couple of other points that I didn't make before since we have some time.

One is just to point out the inconsistency between the idea that workers who are not trained are going to be working at these waste dumps all over the country, low paid, you know, inadequately trained to deal with any hazardous wastes.

How exactly are they going to be protected, because right now you don't have hospitals that are able to get gloves and masks. And the NRC is in the middle of exempting nuclear industry actors from their own regulations.

So, I'm just commenting on this bizarre alternative universe of where things are going to be proceeding without adequate protection to workers in the public when in reality we are seeing absolutely the opposite with materials and conditions that were actually expected and known. So that's makes absolutely no sense to me.

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The other thing that makes no sense is the fact that you're saying that this is for the purposes of NRC efficiency and so forth. Okay. So, you're adding to your burden right now while you staff has been, you know, is working from home, struggling like every other agency, and every business, and every individual all over the country trying to figure out how to deal with everything online and through conference calls that drop out and so forth.

And they're going to be doing, you know, a cracker jack job regulating, looking at every single facility that is going to be going in to try to get this waste. And, you're doing it at a time where the economy is crashing. So, obviously, obviously dumps have, you know, regular dumps are going to be seeking any kind of financial assets they can and money they can.

The actual -- the moral hazard that you're creating if you go forward with this is actually a level that, you know, in my almost 20 years of dealing with nuclear issues I don't think it's been matched, in my experience.

Finally, the last point, which is a little bit different. You're also not taking into consideration the reality of going forward with

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climate change where you're having public participation events that already have been seen with the Houston debacle, you know, a couple of years ago during the hurricane where you had all sorts of different hazardous materials being washed into neighborhoods and breaking, you know, through what had normally been seen as protective.

You know, so in addition to the high-level precipitation issues where you're going to be moving these toxic materials around and getting into the groundwater and into source waters, we also had deteriorated infrastructure systems for holding such materials. Because, as we all know, aside from storms you have intensifying freeze/thaw cycles. And it's all happening at a time where money, not only from the federal level but from state oversight, is being absolutely pouring out of coffers to deal with other things.

So, basically what you're saying is you're getting rid of regulation and you're, you know, hoping maybe some of the operators of nuclear facilities and the dumps that you propose for this stuff to go that they'll just, you know, be really concerned about the public profit -- public interests over their own profit. And, you know, that's just absolute, pure

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nonsense.

That's it.

OPERATOR: Thank you.

Our next comment comes from Marida. Your line is open.

MS. MARIDA: Hi. Can you hear me. Can you hear me?

OPERATOR: Yes, we can hear you.

MS. MARIDA: It's Pat Marida. And I volunteer, I'm the chair of the Ohio Sierra Club Nuclear Free Committee. And I want to say two things that haven't been brought up yet today. I wasn't planning any comments, but since these haven't been brought up.

First I want to say that I'm a volunteer.

And I am noticing here that the NRC and the proponents are all paid. And I would say that the vast majority of the people of us who are opponents are not paid. So, this is a huge factor if you look where the money is coming from.

And actually, we are actually paying for the salaries of some of you; with the NRC, 100 percent of it.

The other thing is, the second thing is that there are, have been a lot of questions, or not a

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lot -- well, yes, several questions from the industry on the specifics of what you're proposing. And it seems to me that your proposal isn't even well developed enough for the industry to understand it, let alone the general public to understand it, and that you haven't put much thought at all into this.

So, the last thing I want to say is withdraw the proposal.

And that is all I have to say.

OPERATOR: Thank you.

Our next comment comes from Michael Keegan. Your line is open.

MR. KEEGAN: Hello. This is Michael Keegan. I'm in Michigan.

And I am compelled to inform you that what you're engaged in is mindful and willful violation of human rights. And I believe that you're in violation of the Principles of Nuremberg.

And I would like to read to you Principle VI. The crimes hereinafter set out are punishable as crimes under international law, and I'm going to skip to item (c), Crimes against humanity. Murder, extermination, enslavement, deportation and other inhumane acts done against any civilian population, or persecutions on political, racial, or religious

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grounds, when such acts are done or such persecutions are carried on in execution of or in connection with any crime against peace or any war crime.

I believe that you're engaged planning for what will be detrimental to human population, future generations, and I believe that you're on a slippery slope to violating Nuremberg Principles. So, please cease and desist.

I am compelled as a citizen of this nation to inform you that you are on the cusp of violating the Principles of Nuremberg.

Thank you.

OPERATOR: Thank you.

Our next comment comes from Steven Sondheim.

MR. SONDHEIM: Hi. This is Steven Sondheim. I understand the difficulty pronouncing the name. I'm also part of the Sierra Club, a volunteer on the Nuclear Free Team.

I speak on the behalf of the people in Memphis, Tennessee, where I used to live. I've got a little story here.

A few years ago we found out that low-level radioactive waste was being dumped in our two major garbage dumps, landfills. And, oh my God, the

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mayor didn't understand, didn't know it. The city council didn't know it. The county commission didn't know it, and the public didn't know it.

So, we asked for a meeting with TDEP environmental agency. And we usually had, you know, maybe 30 people come to a meeting. There were 250 people that came to this meeting. And people were just appalled at dumping even low-level radioactive waste in a regular trash dump which wasn't necessarily lined, which wasn't monitored. And the waste going into it wasn't even monitored. People were appalled.

And I think if this ever got out to the public you would see that same thing. You don't need to put it there. If you're going to put it somewhere, put it in proper containment.

I agreed with Michael, and Pat, and some of the other people who talked, this one is unnecessary.

And the other interesting thing is that even after the regulations get set back -- I mean, we're taking a hiatus from regulations for convenience -- this stuff's going to be there, and you can't get it back out. And this stuff's going to continue to do damage and leak and hurt things.

So, stop. Stop doing that. It's not

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necessary and it creates much, very much damage. And I think there's a liability in this. I think that things could happen, bad things could happen. You don't need to do this. Stop.

Thank you.

OPERATOR: Thank you.

Our next comment comes from Elliot Weinstein (phonetic). Your line is open.

MS. WEINSTEIN: Thank you. I also as a concerned citizen ask you to withdraw the proposal. I'm from Washington State and I don't know that we've been heard from yet. And I don't represent Washington State in these comments.

But I do know that a member of the Hanford Advisory Board, on the condition of anonymity, tells me that private contractors cut corners and put the public at risk more than once taking notice of problems with Hanford. And that's a more highly-regulated site. And this concerns radioactive waste, as you all know.

It impacts communities of color, of course, and tribal communities. And I have a very strong concern about what are considered expendable Americans at this time.

So, based on my comments, I sincerely ask

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you to withdraw your proposal.

Thank you.

OPERATOR: Thank you.

And again, as a reminder it's \*1 to ask or comment. One moment. You did press \*1. Your line is open. Please check your mute button.

MR. OLMEYER: Hello. Is there a name on that? Okay.

I was wondering, as a state authority how would we maintain control over the exempt sites? Because they're exempt, we don't really have an authority to inspect them as far as I'm aware. So, would it be possible for us to require exempt sites to record all their transfers and have that be open for inspection? Or, otherwise, how do we make sure that they're keeping the 25 millirem limit?

Also, I believe you issued this somewhere but I can't quite find it. Do you have any clarification on if a site can subdivide so that there would be multiple sites neighboring each other with the 25 millirem limit, or if we could just call the whole site 25 millirem limit and not allow them -- not enable them to subdivide and, thus, potentially gain higher doses?

Likewise, anything on waste dilution. We

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wouldn't want them to make their waste become very low level.

Also, we're looking into T-1 regulations and we're wondering if a state would be able to dovetail in the VLLW exemptions with T-1 exemptions as they currently are or if there's something with the NRC that would preclude that?

Lastly, I'd just like to say thank you for keeping at your job. And I know that government work can be very slow. And this was put into motion long before the pandemic. I wouldn't mind seeing a slightly longer comment period because of that because people just aren't really coming out of their homes, but, you know, just a slight postponement to the usual I think, what is it, 60 days?

Anyway, thank you very much. And I hope you're having a lovely day.

MS. DOELL: Thank you, sir. And before you, before you disconnect could you identify yourself? I think we missed that part at the beginning of the call.

MR. OLMEYER: Yeah. That's why I wasn't sure if we were talking about me. Jimmy Olmeyer (phonetic).

MS. DOELL: Thank you so much.

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OPERATOR: Thank you. And I'm showing no other questions from the phone line at this time. But, again, as a reminder, that's \*1 to place your comment. Again, that's \*1.

MS. DOELL: Thank you, Operator. And while we're waiting to see if there are any additional comments before we begin to wrap up, this is Marlayna Doell again. And I did just want to answer one of the questions that's come up regarding the availability of the transcript for this meeting. I just wanted to let everyone know that it is our intention to publish a copy of the transcript with the meeting summary.

That will be posted onto the public website associated with very low-level waste. And if anyone has questions about that or how to reach that on the NRC public site, they can definitely reach out to me and I'd be happy to point you in the right direction.

We'll also be capturing all of the written comments that have been received through both the chat window and the Q&A window today. So, we should have a full, full accounting of the comments and feedback received. I just wanted to answer that up front. And we can definitely keep everyone on the listserv and other means of communication open to submit or be able

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to disseminate that information.

Has anyone else received or noted that they'd like to make a comment, Operator?

OPERATOR: Yes.

Steven, your line is open. Thank you.

MR. SONDHEIM: Thank you. This is Steven Sondheim again. I have two other questions.

One, how do we know that only low-level waste is going into these? I'd like to know that. Is there a check on that? Is there, is there a Geiger counter that shows that? How do we know that?

And, secondly, are these going in containers? Are they -- and are there liners? And is there monitoring of the, what do you call it, the effluent, the leaking?

I guess that's a bunch of questions.

Are these sites leaking? Is the waste going in in containers or just raw?

Anyway, I'd like some answers to that.

Thank you.

OPERATOR: Thank you.

Eileen Walker (phonetic), your line is open.

MS. WALKER: Thank you. I was just wondering if we will be getting answers, and how the

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questions that have been answered -- asked will be answered? And if anybody on the call has any comments or answers at this time?

OPERATOR: Thank you, and I have no other comments from the phone line at this time.

MS. DOELL: All right. Thank you so much, Operator.

I think with that I'm going to turn it back over to Trish Holahan to sort of go through the closing statement and also talk through the comment, the ways to submit comments, and also the comment period itself, both of which have come up several times during today's feedback.

So, Trish, if you're ready, take it away.

MS. HOLAHAN: Thank you very much, Marlayna. And thank you very much for all your --

MS. DOELL: Whoops. Trish, I think you might have disconnected or gone back onto mute.

MS. HOLAHAN: Sorry. Am I on now?

MS. DOELL: Yes. I can hear you.

MS. HOLAHAN: All right. Thank you very much for all your comments. And we're not providing specific responses to the comments today but we're going to take them all into consideration and as we move forward on making decisions on the path forward.

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I'd like to note that this interpretive rule will reinforce that any landfill that wishes to be considered an authorized user must be approved both from the NRC and from their state regulators. It's not free disposal to any landfill at large.

Anyways, with that, for addition information you can go to regulations.gov and search for the comment number.

Also, a public website on VLLW contains a broad range of information.

And, you know, the NRC contacts are Marlayna, as she mentioned, as well as Adam Schwartzman who is one of our risk analysts. So, their contact information is there fully.

So, how to provide comments. The Federal Register Notice provided various methods of submitting comments. And please include the docket number on all correspondence because it makes it easier for us to find the FRN that it's referring to.

Currently we are -- the current comment period that's in the FRN notes that it's ending on April 20th. We were currently considering extending the comment period by 45 days, but we'll take into account all the comments we heard today, and we'll publish a subsequent FRN with the actual end date of

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the comment period, whether it's 45 days, 60 days end date, or 6 months.

So, anyway, with that, also if you want to receive NRC low-level waste information you can sign up for the low-level waste email distribution, the listserv. And you can go to the NRC's public website and select public meetings and involvement, and then subscribe to the email updates, and then select Lyris Subscription Services and check the box for low-level waste distribution. And then enter the email address to which you want to receive the NRC listserv emails, and then click on subscribe. And that way you get all the information that we have about low-level waste and things like that.

So, with that, again I want to thank you all for participating. We are going to take your comments and consider them seriously, so that's why I'm not responding to any specific comments now. But we want to. And then we will hold another public meeting closer towards the end of the comment period when we decide when the end of the comment period is going to be.

So, with that, I'll turn it back to Marlayna. And thank you very much.

MS. DOELL: Thank you, Trish.

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So, at this time I believe we are going to close out the meeting. Thank you again, everyone that was able to attend today.

As Trish noted, we will be hosting a second webinar that potentially we'll be able to also do as a meeting, depending on the timing of the current situation in the country. If you do have any questions or need anything in the meantime, please feel free to reach out to me as one of the FRN contacts, as well the contact for today's meeting.

As I noted previously, we will be capturing all of the written and verbal comments in a transcript that we will append to the meeting summary once it is published.

Again, thank you all so much for joining us. And I think with that we will close the meeting.

And thank you, Operator.

OPERATOR: Thank you for your participation in today's conference. You may now disconnect at this time. Have a wonderful day.

(Whereupon, the above-entitled matter went off the record at 2:45 p.m.)

**NEAL R. GROSS**

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