



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

December 22, 2017

ALL AGREEMENT STATES, VERMONT, WYOMING

NOTIFICATION OF THE REOPENED COMMENT PERIOD FOR THE FINAL DRAFT REVISION OF "GUIDANCE FOR THE REVIEWS OF PROPOSED DISPOSAL PROCEDURES AND TRANSFERS OF RADIOACTIVE MATERIAL UNDER 10 CFR 20.2002 AND 10 CFR 40.13(a)" (STC-17-081)

Purpose: To inform all Agreement States that the U.S. Nuclear Regulatory Commission (NRC) staff has reopened the comment period for the final draft guidance, "Guidance for the Reviews of Proposed Disposal Procedures and Transfers of Radioactive Material Under 10 CFR 20.2002 and 10 CFR 40.13(a)." ¹ The comment period now closes on January 17, 2018.

Background: The original guidance document for the review of Title 10 of the *Code of Federal Regulations* (10 CFR) 20.2002² and 10 CFR 40.13(a)³ alternative disposal requests, EPPAD 3.5, "Review, Approval, and Documentation of Low-Activity Waste Disposals In Accordance with 10 CFR 20.2002 and 10 CFR 40.13(a),"⁴ was issued in 2009 and provides information on the NRC alternative disposal request review process. This guidance document is being revised to provide more clarity, transparency, and consistency to the process. In addition, the revision provides clarification of the definition of disposal in 10 CFR 20.2002 to include reuse and recycle.

The revision of the guidance was discussed with Agreement State representatives during the Organization of Agreement States (OAS) monthly call on July 20, 2017. It was also discussed during an NRC presentation on the revised guidance at the annual OAS Meeting on August 24, 2017 to provide an opportunity for NRC staff to give an update on the status, highlight changes, answer questions, and consider how to best support its use in Agreement States.

State and Tribal Communications (STC) Letter STC-17-073, "Publication of the Final Draft Revision of 'Guidance for the Reviews of Proposed Disposal Procedures and Transfers of Radioactive Material Under 10 CFR 20.2002 and 10 CFR 40.13(a)',"⁵ was issued on October 20, 2017. This letter informed the Agreement States that the NRC published a *Federal Register* notice ([82 FR 48727](#)) to request comment on the revision of the alternative disposal request guidance document. On November 9, 2017, the NRC issued STC-17-076, "Notification of Webinar Regarding the Final Draft Revision of 'Guidance for the Reviews of Proposed Disposal Procedures and Transfers of Radioactive Material Under 10 CFR 20.2002 and 10 CFR 40.13(a)',"⁶ to inform the Agreement States of the NRC staff's plans to conduct a webinar to discuss the revisions of the final draft guidance. In both of these STC letters, it was

¹ ADAMS Accession No. ML16326A063.

² [20.2002, "Method for obtaining approval of proposed disposal procedures."](#)

³ [40.13, "Unimportant quantities of source material."](#)

⁴ ADAMS Accession No. ML092460058.

⁵ ADAMS Accession No. ML17216A761.

⁶ ADAMS Accession No. ML17300A801.

noted that the due date for comments was December 18, 2017. However, the comment period has now been reopened. The reopened comment period and the *Federal Register* notice were discussed during the OAS call on December 21, 2017.

Discussion: The NRC has received a request from a public stakeholder to extend the comment period for the draft revision to the alternative disposal request guidance document in order to allow more time for members of the public to submit their comments. As a result, the NRC decided to reopen the comment period, which now closes on January 17, 2018. The NRC staff provided notice of the reopened comment period in the *Federal Register* ([82 FR 60632](#)) on December 21, 2017.

The NRC is interested in receiving comments from stakeholders, including professional organizations, licensees, Agreement States, and members of the public, related to the draft revision of the guidance. Comments will be considered to determine if additional changes to the draft revision to the guidance and the alternative disposal request process are needed. Comments should be submitted as described in the *Federal Register* notice referenced above.

If you have any questions on this correspondence, please contact me at (301) 415-7319 or Robert Lee Gladney via e-mail at Robert.Gladney@nrc.gov or by telephone at (301) 415-1022.

Regards,

/RA Kevin Williams for/

Andrea L. Kock, Acting Director
Division of Material Safety, State, Tribal
and Rulemaking Programs
Office of Nuclear Material Safety
and Safeguards