

RESOLUTION NO. 200821

Expressing grave concerns with the proposed rule, Transfer of Very Low-Level Waste to Exempt Persons for Disposal (Docket ID NRC-2020-0065), and directing the submission of formal comments to the U.S. Nuclear Regulatory Commission (NRC) with informational copies to U.S. EPA, MO DNR and the City's Congressional Delegation.

WHEREAS, on March 6, 2020, the Nuclear Regulatory Commission (NRC) published a proposed interpretive rule that would permit what it is choosing to call "very low-level" radioactive waste in landfills; and

WHEREAS, the term "very low-level waste" is not currently defined in the Atomic Energy Act or its accompanying regulations; and

WHEREAS, the NRC proposes, by way of "reinterpretation" of existing rules, to reverse longstanding requirements that mandate licensed control over radioactive wastes and materials generated by a licensed nuclear facility. The NRC seeks to abandon its regulatory authority over the destination and disposition of potentially significant quantities of various types of radioactive waste; and

WHEREAS, this reinterpretation by the NRC would authorize any of the 2,600 municipal and private sanitary and industrial landfills and hazardous waste sites in the United States to seek an "exemption" to receive and dispose of radioactive waste; and

WHEREAS, the proposed rule changes the disposal basis from quantity of radioactive waste (curies or other similar units of measuring the absolute amount of radiation) to exposure dose (millirem/yr of exposure); and, it is the dose-basis, rather than the current quantity-basis that creates concern; and

WHEREAS, with this proposed "reinterpretation," the NRC could allow undefined and potentially large quantities of radioactive waste into municipal landfills, near populated areas, as "very low-level waste" as long as the landfill owner measures radiation levels below 25 millirem/yr at the site. The concerns arise from when and where that dosage is measured; and

WHEREAS, a bigger concern is potential leaching of radiation from the landfill during operations, throughout its lifetime, and after capping. Many municipal landfills do not have an extensive leachate collection system like current hazardous and radioactive waste landfills do. Hence, there is a potential for leaching into groundwater and waterways for municipal landfills that get a permit to accept low-level radioactive waste streams, but are not equipped for proper long-term control and monitoring; and

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WHEREAS, the change would allow a larger concentration of radioactive waste to meet the safety analysis requirements by simply being shielded or being fenced at a distance from the public; and

WHEREAS, the proposed new exemption procedure is, in effect, a permit for unregulated disposition of licensed radioactive material and waste by another name; and

WHEREAS, even if local governments or members of the public discover that a local landfill or waste site is accepting radioactive waste, they will have no notice or right to know how radioactive that material may be, how much has been received, treated or disposed, nor will they have any say in whether or how effectively it is being physically contained over time; and

WHEREAS, if this interpretative rule is adopted by the NRC, landfills could potentially apply to accept radioactive waste without regulatory oversight on the part of state or local authorities; NOW, THEREFORE,

BE IT RESOLVED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the Mayor and Council hereby declare their concern with proposed changes in federal regulations for disposal of radioactive waste.

Section 2. That the City Manager is hereby directed to prepare and submit formal comments regarding objections to the proposed rule, Transfer of Very Low-Level Waste to Exempt Persons for Disposal (Docket ID NRC-2020-0065), and provide informational copies of the letter to the U.S. EPA, MO DNR, and the City's Congressional Delegation.