LLW notes

Volume 22, Number 4 July/August 2007

U.S. Department of Energy

DOE to Prepare EIS for GTCC Disposal

On July 23, 2007, the U.S. Department of Energy published (72 *Federal Register* 40,135) a Notice of Intent to prepare an Environmental Impact Statement (EIS) under the National Environmental Policy Act (NEPA) for the disposal of Greater-than-Class-C low-level radioactive waste (GTCC LLW). The U.S. Nuclear Regulatory Commission defines GTCC LLW in 10 CFR 72.3 as "low-level radioactive waste that exceeds the concentration limits of radionuclides established for Class C waste in [10 CFR 61.55]."

DOE proposes to include DOE LLW and transuranic waste having characteristics similar to GTTC LLW and which may not have an identified disposal path (hereafter referred to as "GTCC-like waste") in the scope of the EIS. However, the use of the term "GTCC-like waste" does not have the intent or effect of creating a new classification of radioactive waste. The department's GTCC-like waste is owned or generated by DOE.

Types and Estimated Quantities

GTCC LLW may generally be categorized into three types: sealed sources, activated metals, and other miscellaneous waste (i.e., contaminated equipment).

Sealed sources are typically small, high-activity radioactive materials encapsulated in closed metal containers. They are used for a variety of purposes including irradiating food and medical products for sterilization, detecting flaws and failures in pipelines and metal welds, calculating moisture content in soil and other materials, and assisting in the diagnosis and treatment of illnesses.

Activated metal wastes are primarily generated in nuclear reactors during facility modifications and decommissioning. There are 104 operating commercial reactors in the United States and an additional 18 that have been closed or decommissioned. The activated metals consist of internal nuclear components that have become radioactive from neutron absorption. These components include portions of the reactor vessel and other stainless steel components near the fuel assemblies.

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The Low-Level Radioactive Waste Forum, Inc. is dedicated to the goals of educating policy makers and the public about the management and disposal of low-level radioactive wastes, and fostering information sharing and the exchange of views between state and compact policy makers and other interested parties.

As part of that mission, the LLW Forum publishes a newsletter, news flashes, and other publications on topics of interest and pertinent developments and activities in the states and compacts, federal agencies, the courts and waste management companies. These publications are available to members and to those who pay a subscription fee.

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Directors that serve on the Board of the Low-Level Radioactive Waste Forum, Inc. are appointed by governors and compact commissions. The LLW Forum, Inc. was established to facilitate state and compact implementation of the Low-Level Radioactive Waste Policy Amendments Act of 1985 and to promote the objectives of low-level radioactive waste regional compacts. The LLW Forum, Inc. provides an opportunity for state and compact officials to share information with one another and to exchange views with officials of federal agencies and other interested parties.

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LLW FORUM, INC

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Key to Abbreviations

U.S. Department of Energy	DOE
U.S. Department of Transportation	DOT
U.S. Environmental Protection Agency	EPA
U.S. Government Accountability Office	GAO
U.S. Nuclear Regulatory Commission	NRC
Naturally-occurring and accelerator-produced radioactive material	NARM
Naturally-occurring radioactive material	NORM
Code of Federal Regulations	CFR

Low-Level Radioactive Waste Forum, Inc.

LLW Forum to Host Next Meeting in Oak Brook, Illinois

The Low-Level Radioactive Waste Forum will hold its next meeting on October 1 – 2 at the Marriott Hotel in Oak Brook, Illinois. The Central Midwest Interstate Low-Level Radioactive Waste Compact Commission is sponsoring the one and one-half day meeting.

The LLW Forum's Executive Committee will meet on Monday morning, October 1, from 7:30 – 9:00 a.m.

Registration

The meeting is free for members of the LLW Forum, Inc. Non-member registration is $500.00, payable to the "LLW Forum, Inc." Advance registration is required. Interested parties are encouraged to register early to ensure space availability. To obtain a registration form, go to the LLW Forum's web site at www.llwforum.org and click on the "Registration Form" link on the home page or call Todd D. Lovinger, the LLW Forum's Executive Director, at (202) 265-7990.

Hotel Reservations

A block of 40 rooms has been reserved for Sunday, September 30, and Monday, October 1 for meeting attendees at the special rate of $95.00 plus tax per night for single or double occupancy. A limited number of rooms are available at this special room rate one day prior to and after the meeting. It is highly suggested that reservations be made early in order to ensure availability. Reservations must be made by August 30 to obtain the special rate. To make reservations, please call (630) 850-5555 and ask for a room in the "LLW FORUM" block.

Transportation

The Marriott Hotel is located approximately 20 miles from O'Hare International and Midway Airports. For information on location, ground transportation and directions, go to www.marriott.com/CHIMC.

Future Meeting Locations and Dates

The Northwest Compact/State of Washington has agreed to host the first meeting of the LLW Forum on April 27 – 28, 2008 near Richland, Washington. An optional site visit to the Hanford nuclear reservation is tentatively planned in conjunction with the meeting.

The Appalachian Compact has agreed to host the fall 2008 meeting of the LLW Forum. The meeting will be held at the Westin Hotel in Annapolis, Maryland on September 11 – 12, 2008.

The Atlantic Compact has agreed to host the first meeting of the LLW Forum in 2009. Various locations are being considered. Specific dates and the location will be announced once arrangements have been finalized.

The LLW Forum is currently seeking sponsors and/or hosts for the fall 2009 and for both the spring and fall 2010 meetings. Interested parties should contact Todd D. Lovinger, the organization's Executive Director, at (202) 265-7990.

Appalachian Compact/Commonwealth of Pennsylvania

Pennsylvania Requests to Become an Agreement State

The U.S. Nuclear Regulatory Commission is considering a request from Governor Edward Rendell of the Commonwealth of Pennsylvania to assume part of the agency's regulatory authority over certain nuclear materials in the state. Under the proposed agreement, NRC would transfer to Pennsylvania the responsibility for licensing, rulemaking, inspection and enforcement activities for the following:

1. radioactive materials produced as a byproduct of processes related to the production or utilization of special nuclear material (SNM)—defined as enriched uranium or plutonium;
2. naturally occurring or accelerator produced byproduct material (NARM);
3. source material (uranium and thorium); and,
4. SNM in quantities not sufficient to support a nuclear chain reaction.

If the agreement is approved, approximately 690 NRC licenses—including many for medical and industrial uses—will be transferred to Pennsylvania's jurisdiction. In addition, Pennsylvania will retain regulatory authority for approximately 460 NARM licenses. The NRC, on the other hand, will retain jurisdiction over the regulation of commercial nuclear power plants and federal agencies using certain nuclear material in the state, as well as over a number of other activities identified in 10 CFR Part 150. In addition, NRC will retain authority for review, evaluation and approval of sealed sources and devices containing certain nuclear materials within the state.

If the request is accepted, Pennsylvania will become the 35th state to sign such an agreement with the NRC. Other states that have previously signed such agreements with the agency are: Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Mississippi, Nebraska, Nevada, New Hampshire, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Rhode Island, South Carolina, Tennessee, Texas, Utah, Washington and Wisconsin.

Beginning this summer, NRC published an announcement of the proposed agreement, along with a summary of NRC staff's draft assessment of the Pennsylvania program, in the *Federal Register* for comment once a week for four consecutive weeks. Comments on the proposed agreement may be sent to Michael T. Lesar, Chief, Rulemaking, Directives and Editing Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

Copies of the proposed agreement, the governor's request and supporting documents, as well as the NRC staff's assessment, are available through the NRC's Agency-wide Documents Access and Management System (ADAMS). Additional information about the Agreement State program is available on the NRC's web site at http://www.nrc.gov.

Appalachian Compact/State of Maryland

Public Meeting Held on Calvert Cliffs Reactor Application

On August 14, 2007, the U.S. Nuclear Regulatory Commission held a public meeting in Solomons, Maryland to discuss how the agency will review a Combined License (COL) application for a new reactor at the Calvert Cliffs site. The applicant, UniStar, is considering building and operating an Evolutionary Power Reactor at Calvert Cliffs, which is located 40 miles south of Annapolis, Maryland.

A COL application has primarily two parts: a safety analysis and an environmental report. Under NRC regulations, an applicant may submit one part of a COL application up to six months before the remainder is submitted to the agency. UniStar submitted the environmental report on July 13, 2007. NRC staff is currently conducting an initial check of the environmental report to determine whether it contains sufficient information required for a formal review. If this part of the application has sufficient information, the NRC will "docket," or accept it, for review. The agency will notice an opportunity for the public to request an adjudicatory hearing on the application once UniStar submits the remainder of the application and it passes its initial check.

During the August 14 meeting, NRC staff described the overall Combined License review process, which includes safety and environmental assessments, as well as how the public can participate in the process. NRC hosted an open house for 2 hours prior to the meeting so members of the public would have the opportunity to talk informally with agency staff.

"It's important to the NRC that we keep the public near Calvert Cliffs well-informed of our review and their opportunities to participate in the licensing process," said William Borchardt, Director of the NRC's Office of New Reactors.

UniStar's environmental report is available on the NRC web site at http://www.nrc.gov/reactors/new-licensing/col.html. Additional information on the NRC's new reactor licensing process is available on the agency's web site at http://www.nrc.gov/reactors/new-reactor-licensing.html.

Midwest Compact/State of Wisconsin

Point Beach Operating License Transfer Approved

In late July 2007, the U.S. Nuclear Regulatory Commission approved transfer of the operating license for the Point Beach Nuclear Plant from owner Wisconsin Electric Power Company and operator Nuclear Management Company to new owner FPL Energy Point Beach, LLC. As provided by NRC regulations, approval of the transfer is effective on July 31, 2007, contingent on the licensee receiving certain regulatory and judicial approvals.

On January 26, 2007, Wisconsin Electric Power Company and Nuclear Management Company submitted an application requesting approval of the license transfer. Major issues considered by NRC included financial and technical qualifications, as well as transfer and maintenance of accumulated decommissioning funds. The license transfer also authorizes FPL Energy Point Beach to store spent fuel at Point Beach's Independent Spent Fuel Storage Installation.

A copy of the NRC's approval order and accompanying non-proprietary safety evaluation report can be found in the agency's Public Document Room or on the NRC's Agency-wide Documents Access and Management System (ADAMS) by entering accession number ML071560124 at http://adamswebsearch.nrc.gov/dologin.htm.

Northwest Compact/State of Utah

Energy*Solutions* Acquires NUKEM Corporation

On June 27, 2007, Energy*Solutions* announced the acquisition of NUKEM Corporation—a waste management company providing technology based solutions and services to the U.S. nuclear industry, as well as to nuclear industries in Mexico, South Korea, and Canada. NUKEM—which is headquartered in Columbia, South Carolina—possesses patented, patent-pending, proprietary, licensed, and other technologies in the areas of shielded transportation, radioactive waste containers, spent fuel pool cleanup, dewatering of sludges and media, processing of liquid wastes, remotely operable sampling systems, robotics, tank and vault cleanouts, dryers, evaporators, stabilization, and decommissioning.

In announcing the acquisition, John Christian, President of Commercial Services for Energy*Solutions,* stated as follows:

> We are delighted to have NUKEM Corporation join the Energy*Solutions* family. It is a quality organization with skilled and experienced personnel and proven technologies that will improve our ability to serve our customers. Our mission is to provide the nuclear industry a full range of services across the nuclear fuel cycle. This acquisition adds capabilities and resources that will allow us to provide a greater range of services to the industry.

NUKEM Corporation provides engineering services, turnkey contractor services, processing equipment and container sales, waste operations, and licensed fixed base facility processing services for both commercial and federal customers. It has approximately 70 employees with offices, facilities, and projects in South Carolina, Tennessee, and at nuclear sites across the country and internationally. In addition to its offices and projects, NUKEM operates radioactive material licensed facilities in South Carolina and Pennsylvania.

For additional information, contact Mark Walker of EnergySolutions at (801) 231-9194.

Energy*Solutions* Awarded Atlas Cleanup Project

Energy*Solutions* has been awarded a $98.4 million, competitive-bid contract from the U.S. Department of Energy to clean up the Atlas Mill Tailings pile that sits along the side of the Colorado River near Moab, Utah. Clean up and removal of the radioactive mill tailings has long been a priority for Utah citizens, environmental groups and the state's government leaders due to concerns over potential radioactive contamination of the Colorado River.

"I'm delighted with this contract and the opportunity to clean up and remove these materials from the banks of the Colorado River," said Energy*Solutions'* CEO Steve Creamer. "For many years, Energy*Solutions* has been engaged in environmental cleanup projects throughout the United States. It is particularly satisfying to be performing this work here at home in Utah. I'm proud of our team at Energy*Solutions* and the confidence that DOE has placed in us to complete this work."

The Moab site is located on the west bank of the Colorado River three miles northwest of the City of Moab in Grand Canyon, Utah. The site encompasses approximately 435 acres, of which approximately 130 acres contain uranium mill tailings. Energy*Solutions* will perform design and installation of a tailings-removal waste handling system, and initial tailings movement and operations to relocate the Moab tailings and associated wastes to a disposal facility near Crescent Junction, Utah. The contract performance period is through September of 2011.

For additional information, contact Mark Walker of EnergySolutions at (801) 231-9194.

Northwest Compact/State of Washington

American Ecology Posts Record Financial Results

On July 24, 2007, American Ecology Corporation reported operating and financial results for the second quarter and six months ended June 30, 2007. For the second consecutive quarter, the company posted record revenue, operating income and disposal volumes.

The company's operating income for the second quarter of 2007 increased 10% to a record $8.2 million. And, all four of American Ecology's operating facilities were profitable for the quarter.

Revenue for the second quarter of 2007 increased 38% to a record $41.3 million. The growth includes increased revenue for rail shipments from bundled transportation and disposal projects that included the Honeywell International Jersey City project, the Molycorp Pennsylvania project, and others. The revenue growth also reflects increased treatment and disposal revenue at American Ecology's three hazardous waste facilities and steady flow of low-activity radioactive material under the Idaho facility's multi-year contract with the U.S. Army Corps of Engineers.

Revenues at the company's Richland, Washington site decreased from the same quarter last year consistent with completion of a large, non rate-regulated project in August 2006. However, waste volumes disposed at the company's Idaho, Nevada and Texas waste facilities increased 29% over the same quarter in 2006 to a record 275,000 tons. The Nevada facility, in particular, delivered significant operating income growth on the strength of two clean-up projects that were substantially completed in the first quarter of 2007.

"Heavy waste volume throughput and a favorable mix of higher margin niche services combined to produce another record quarter for revenue and operating income," said President and Chief Executive Officer Stephen Romano. "Based on our strong financial performance in the first half of 2007, we have narrowed our full year 2007 earnings guidance range to $0.98 to $1.02 per share and are on pace to hit the upper end of this range."

The company held an investor conference call to discuss its financial results, its current financial position and its business outlook for the balance of 2007 on Wednesday, July 25, 2007.

Northwest Compact/State of Hawaii

Comments Accepted on Proposed Hawaiian Irradiator

The U.S. Nuclear Regulatory Commission accepted public comments through July 9 on an appendix to the draft environmental assessment for a proposed commercial irradiator facility to be operated in Honolulu, Hawaii. The appendix concludes that no significant environmental impacts are likely from a potential terrorist attack on the facility. The conclusion is based on an evaluation of the current threat environment, information from the intelligence community, and various security enhancements imposed by the NRC on commercial irradiator facilities since the September 11, 2001 terrorist attacks on New York and Washington.

The terrorism assessment was conducted by NRC staff in response to a ruling by the U.S. Court of Appeals for the Ninth Circuit in *San Luis Obispo Mothers for Peace v. NRC* on June 2, 2006. That ruling required NRC to conduct an environmental assessment of the potential impacts of a terrorist attack on a proposed spent fuel nuclear storage facility to be constructed at the Diablo Canyon nuclear plant in California. That assessment was published for public comment on May 29, 2007. Given that the proposed Pa'ina irradiator in Hawaii is also in the Ninth Circuit, NRC decided it was appropriate to conduct a similar assessment.

More information about the Pa'ina irradiator, as well as the appendix to the draft environmental assessment, is available on the NRC web site at http://www.nrc.gov/materials.html by clicking on "Pa'ina irradiator" under "Key Topics." A notice of availability regarding the appendix was published in the *Federal Register* on June 8, 2007. After evaluating public comments, NRC staff will make a determination on a final environmental assessment for the proposed facility.

Southeast Compact/State of Georgia

Schedule for Vogtle ESP Revised

U.S. Nuclear Regulatory Commission staff is revising its schedule for issuing an Environmental Impact Statement (EIS) for an Early Site Permit (ESP) for the Vogtle site near Waynesboro, Georgia—about 26 miles southeast of Augusta. The revision is due to identification by NRC and the applicant of the need for additional information to ensure that the staff can properly conduct its review. After interactions with the ESP applicant, Southern Nuclear Operating Company, and rulings from the Atomic Safety and Licensing Board (ASLB), NRC staff expects to issue a draft EIS in mid-September, with a final EIS expected in July 2008.

The ESP process allows an applicant to resolve certain safety and environmental issues related to siting prior to submitting an application to build and operate a new nuclear power plant. An ESP denotes a site's suitability for construction and operation of a nuclear plant. Southern Nuclear filed the Vogtle application on August 15, 2006. If approved, the permit would allow Southern Nuclear to reserve the site for up to 20 years. A future application for a construction permit or combined license at the Vogtle site could then reference the ESP.

NRC staff continues to expect to complete its Safety Evaluation Report on the Vogtle application by May 2008. Along with that report and the EIS, the NRC's independent Advisory Committee on Reactor Safeguards (ACRS) must issue a report on the ESP application, and the ASLB must conclude a hearing on the application before the agency can reach a final conclusion on issuing the ESP.

The revised overall review schedule will be available on the NRC web site at this address: http://www.nrc.gov/reactors/new-licensing/esp/vogtle.html.

Southeast Compact/State of Tennessee

Documents re NFS Uranium Spill Released

In mid-July, the U.S. Nuclear Regulatory Commission made public a number of documents, including a confirmatory order issued earlier this year, regarding a March 2006 spill of high-enriched uranium at Nuclear Fuel Services, Inc. (NFS) in Erwin, Tennessee. The order, which does not identify current security issues, spells out actions NFS agreed to implement to improve its corporate safety culture and practices.

Release of the order follows a June 22 directive from the Commission instructing agency staff to re-evaluate criteria used to withhold from the public certain information about fuel facilities where the NRC and the Department of Energy's Office of Naval Reactors have a role. Those facilities are NFS and BWXT in Lynchburg, Virginia.

Anyone adversely affected by the order, other than NFS, may request a hearing within 20 days of its publication in the *Federal Register*. Publication in the *Federal Register,* however, does not change any of the requirements on NFS in the original agreement.

In addition to the confirmatory order, the NRC is releasing a redacted transcript of a closed meeting that was held on May 30 between the Commission and NFS officials regarding the facility's safety record. The transcript, and the June 22 staff requirements memorandum stemming from the meeting, is available on the agency's web site at http://www.nrc.gov/reading-rm/doc-collections/commission/tr/2007/.

A licensee performance review of NFS completed by the NRC staff and dated December 1, 2006 is also publicly available through the agency's ADAMS document system at http://www.nrc.gov/reading-rm/adams/web-based.html by entering accession number ML071930522. The confirmatory order will be available on ADAMS by entering accession number ML071990558.

NRC's Annual Report to Congress on Abnormal Occurrences: Fiscal Year 2006, which described details of the NFS uranium spill, is available at http://www.nrc.gov/reading-rm/doc-collections/congress-docs/correspondence/2007/cheney-congress-04-27-2007.pdf.

Texas Compact/State of Texas

Meeting Held re Expected New Reactor Application

On June 27, 2007, U.S. Nuclear Regulatory Commission staff conducted a public meeting in Bay City, Texas to discuss how the agency plans to review an expected Combined License application for new reactors at the South Texas Project nuclear power plant. NRG Energy, the prospective applicant that runs the plant located southwest of Bay City, has told NRC that it intends to apply early this fall for a license to build and operate two Advanced Boiling Water Reactors at the South Texas Project site.

"NRG may be among the first companies in many years to apply for a license to build and operate a nuclear power plant. The NRC is devoting significant resources to prepare for these applications, so we'll be ready to review them when they're submitted," said William Borchardt, Director of the NRC's Office of New Reactors. "We want to make sure the communities around the South Texas Project and other potential sites fully understand how we'll go through this process and how they can participate and stay informed."

At the meeting, NRC staff made presentations describing the overall Combined License review process, which includes safety and environmental assessments, as well as how the public can participate in the process. NRC hosted an open house for two hours prior to the meeting so members of the public would have the opportunity to talk informally with agency staff.

Additional information on the NRC's new reactor licensing process is available on the agency's web site at http://www.nrc.gov/reactors/new-reactor-licensing.html.

Nuclear Energy Institute

NEI Launches New Web Site

The Nuclear Energy Institute recently announced that it is launching a new web site in an effort to provide a dynamic, all-encompassing reference source for the nuclear industry. The site seeks to provide up-to-date, comprehensive information for industry players and observers alike. It features a sleek design, easier navigation and improved organization, together with new and updated content.

The site strives to provide easy access to the latest news on the nuclear industry's most salient issues including environmental protection, electric supply, new nuclear plants, used fuel disposal, and safety and security. It contains a wealth of news, along with financial information and current industry statistics. It also provides information about upcoming industry conferences, as well as career

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U.S. Congress and the U.S. Nuclear Regulatory Commission

NRC May Recommend Congressional Action on LLRW

By letter dated June 12, 2007, Luis Reyes—Executive Director for Operations at the U.S. Nuclear Regulatory Commission—responded to a request from the California Radioactive Materials Management Forum (Cal Rad Forum) "that the Commission urge the committees of jurisdiction in the Senate and House to revisit and amend the Low-Level Radioactive Waste Policy Amendments Act of 1985 (PL 99-240) … to assure access to disposal facilities for organizations that use radioactive materials and generate low-level radioactive waste (LLRW), especially waste classes B and C."

In response, Reyes noted in part that NRC staff is considering the use of DOE facilities for the disposal of commercial low-level radioactive waste as part of its strategic assessment of the agency's LLRW program—which is expected to be completed and presented to the Commission this summer. According to Reyes' letter, "The Commission may at that time also consider a notification to Congress that its action is needed to address this issue."

Cal Rad Forum's Letter

Cal Rad Forum's request was contained in a letter signed by the organization's Technical Director, Alan Pasternak, which is dated April 3, 2007. The letter references recommendations submitted by Cal Rad Forum in August 2006 in response to NRC's *Federal Register* notice about the on-going strategic planning initiative regarding NRC's low-level radioactive waste program. The recommendations "focus on a role for the federal government including the use of Department of Energy disposal facilities for the disposal of non-DOE Class B and C LLRW." In promoting such recommendations, Cal Rad Forum cites both a 2001 report from the DOE Inspector General that notes that there is excess capacity at the department's disposal facilities and a 2005 report from the U.S. Government Accountability Office that anticipates interest in the use of DOE sites for the disposal of non-Greater-than-Class-C waste.

In its August 2006 response to NRC's *Federal Register* notice, Cal Rad Forum suggests two roles for NRC:

(1) to determine if there are any regulatory hurdles to use of DOE LLRW facilities by NRC and Agreement State licensees and, if so, initiate timely actions to overcome them; and,

(2) to inform Congress and the Executive Branch about the impending loss of disposal access for Class B and C waste and to make clear the need for timely action on a federal solution.

Cal Rad Forum's April 2007 letter reiterates these recommendations and states that expected loss of access for generators in 34 states to the Barnwell disposal facility in mid-2008 is a "serious matter" as the wastes generated by such states "are significant." The letter goes on to assert that, "In 2006, the activity (in curies) in LLRW sent to Barnwell from these 34 states accounted for 90 percent of all the activity sent to all three commercial disposal facilities (Barnwell, SC; Richland, WA; and Clive, UT) by non-US DOE users of radioactive materials in all states."

Cal Rad Forum is an association of public and private organizations that use radioactive materials in the four states that make up the Southwestern Low-Level Radioactive Waste Compact: Arizona, California, North Dakota and South Dakota. Its members include universities, electric utilities with nuclear power plants, industries including biotechnical and pharmaceutical companies, medical centers, and local sections of professional societies.

NRC's Response

NRC's June 2007 response to Cal Rad Forum begins by reiterating the organization's position and requests to the agency. Thereafter, the letter states in part as follows:

> The NRC agrees that low-level radioactive waste issues, including difficulties with the development of additional LLRW disposal facilities, will present challenges to licensees and regulatory authorities. The closure of the Barnwell site to out-of-compact wastes in 2008 could result in leaving many of the Nation's licensees without a disposal option for Class B and C wastes and needing to store the wastes until a final disposition option becomes available, a far from ideal situation. The NRC and the Agreement States will be faced, in all probability, with ensuring that the absence of disposal capacity does not result in unsafe storage of such wastes.
>
> The NRC staff is considering your specific suggestion on the use of DOE disposal facilities as part of its strategic assessment of the NRC's LLRW program, based on your letter of August 31, 2006, responding to the staff's request for comments published in the *Federal Register* (71 *FR* 38675) on July 7, 2006. The NRC staff expects to complete its strategic assessment and present its results and recommendations to the Commission this summer. At that time, the Commission will have an opportunity to review your and others' suggestions on LLRW issues, including how best to provide a stable, reliable, and adaptable regulatory framework for effective LLRW management. The Commission may at that time also consider a notification to Congress that its action is needed to address this issue.

NRC concludes its letter by stating that, consistent with the agency's regulatory authority and mission, it "will continue to work cooperatively with Congress and others in efforts to bring resolution to this important issue."

U.S. Nuclear Regulatory Commission

NRC Commissioner Jaczko Provides LLRW Remarks at EPRI Meeting

Earlier this summer, Commissioner Gregory Jaczko of the U.S. Nuclear Regulatory Commission provided prepared remarks at the 2007 International Low-Level Waste Conference and Exhibit Show of the Electric Power Research Institute (EPRI) at the Foxwoods Resort in Connecticut.

The remarks, which are titled "The Need for Alternatives in Low-Level Radioactive Waste Disposal," provided insight as to the Commissioner's views on low-level radioactive waste management and disposal.

LLRW Policy Act and Pending Closure of Barnwell

Jaczko states early in his remarks that "the low-level waste compact process has not been quite as successful as we would have hoped." The Low-Level Radioactive Waste Policy Act and its 1985 amendments were, according to Jaczko, supposed to ensure reliability and predictability for the disposal of low-level radioactive waste. However, he states that disposal has been anything but predictable and he expresses concern that the overarching objectives of the legislation will never be realized.

Jaczko's remarks also touch upon the pending closure of the Barnwell disposal facility to out-of-region waste. "This will create challenges to

disposing of commercial low-level waste, particularly Class B and C waste in the form of resins from reactors and sealed sources used in medical applications," he states. "The decision to close the Barnwell facility introduces greater uncertainty in the availability of disposal options and further strains a system that requires greater flexibility."

Lack of a Crisis

In his remarks, Jaczko states that there is no looming crisis. He attributes this, in part, to the wave of license renewal applications for a large portion of the current fleet of reactors. By allowing current licensees to extend the life of their plants by 20 years, Jaczko asserts that the planned decommissioning of many reactors has been postponed and, as a result, there has been an easing of the demand for low-level waste disposal capacity in the short-term.

Jaczko believes that the lack of an immediate crisis makes it harder to get the attention that this issue deserves and more difficult to focus on finding solutions. Nonetheless, Jaczko believes that there is an opportunity to find solutions—particularly by working through the societal issues involved.

Addressing Public Confidence

According to Jaczko, the first step toward finding solutions is to focus on public confidence issues. In support of his contention, Jaczko notes that there are several examples of NRC licensed facilities that are not in operation because a large portion of the community does not support a specific facility, even if technical issues are addressed and NRC issues a license. "If we address the societal issues first, think about them first, we will be more efficient and likely more successful at resolving complex public policy issues," said Jaczko. "We need that public involvement from a diverse group of stakeholders and ultimately their confidence to make and implement the right decisions."

Jaczko believes that one way to build public confidence is to decommission sites so that communities are not restricted in the future use of these locations. However, he cautions that the high cost of waste disposal may, particularly at non-power plant sites, make it cost prohibitive to fully clean up and return decommissioned sites to green fields. "Decommissioning sites and establishing waste disposal facilities are intertwined issues that affect a majority of the states," argues Jaczko. He emphasizes the need for a dialogue with affected communities while simultaneously focusing on public health and safety. As a final point, he cautions, "it is important to have these discussions broadly, not centered around the approval or disapproval of a specific facility which leads to conflict rather than a comprehensive solution."

Finding Solutions

Throughout his remarks, Jaczko identifies several potential approaches to addressing the problem of a lack of disposal access including:

- requiring license renewal applicants to describe how their facility design and procedures for operations will reduce contamination to the facility and the environment, thereby increasing the volumes of waste requiring disposal in the short-term;
- taking a holistic look at the waste classification system to ensure that disposal options are based on the public health and safety implications of the material—including analysis of the use of Resource Conservation and Recovery Act (RCRA) Subtitle C hazardous waste sites as a potential option for the disposal of certain low-activity waste if such a facility can demonstrate that it meets standards comparable to NRC regulations; and,
- exploring options for the minimization of waste.

Jaczko acknowledges that there may be other alternatives to consider, such as opening up disposal at government facilities. However, he stresses his belief that "all options should be required to meet standards comparable to those within NRC's regulations."

In closing, Jaczko expresses his belief that a lot of work needs to be done to increase disposal options

(Continued on page 26)

(Continued from page 1)

Other miscellaneous waste includes all GTCC LLW that is not activated metals or sealed sources. This waste includes contaminated equipment, debris, trash, scrap metal and decontamination and decommissioning waste from miscellaneous industrial activities, such as the manufacture of sealed sources and laboratory research.

DOE GTCC-like waste includes some sealed sources owned or generated by department activities, activated metals including reflector materials from research reactors, as well as other miscellaneous waste owned by DOE or generated by DOE activities that has characteristics similar to GTCC LLW and may not have a disposal path. (Most of the DOE GTCC-like waste consists of transuranic waste that may have originated from non-defense activities and therefore may not be authorized for disposal at WIPP.

DOE estimates a total inventory (existing and projected to be generated) of approximately 2,600 cubic meters of GTCC LLW and approximately 3,000 cubic meters of GTCC-like waste. A small percentage of this waste is mixed waste. (For a break-down of the estimated quantities, see the July 23 *Federal Register* notice.)

Alternative Disposal Options and Locations

The department proposes to construct and operate a new facility or facilities, or to use an existing facility. DOE would then close the facility or the facilities at the end of each facility's operational life. DOE expects to make a decision on the method(s) and location(s) for disposal based on the EIS analysis. A combination of disposal methods and locations may be appropriate based on the characteristics of the waste and other factors.

The GTCC EIS will evaluate the range of reasonable alternatives for disposal of the waste, together with a no-action alternative. NRC regulations at 10 CFR 61.55(a)(2)(iv) define GTCC LLW as that waste which would require disposal in a geologic repository as defined in 10 CFR Part 60 or 63, unless proposals for an alternative method of disposal are approved by NRC under 10 CFR 61.55 (a)(2)(iv). Although NRC regulations state that GTCC LLW is generally not acceptable for near-surface disposal, NRC recognizes in 10 CFR 61.7(b) (5) that "there may be some instances where waste with concentrations greater than permitted for Class C waste would be acceptable for near-surface disposal with special processing or design." Therefore, the disposal methods that DOE proposes to evaluate in the EIS include disposal in a deep geologic repository, in intermediate depth boreholes, and in enhanced near-surface facilities.

For deep geological disposal, DOE intends to analyze disposal at the proposed Yucca Mountain repository in Nevada and the Waste Isolation Pilot Plant (WIPP) in New Mexico. The department does not plant to evaluate an additional deep geologic repository facility because siting such a facility for this waste only is impractical due to the cost, time and the relatively small volume of waste.

Candidate locations for disposal in a new intermediate depth borehole facility and enhanced-near surface facility at existing DOE sites would include the Idaho National Laboratory (INL) in Idaho, the Los Alamos National Laboratory (LANL) and the vicinity of the Waste Isolation Pilot Plant (WIPP) in New Mexico, the Nevada Test Site (NTS) in Nevada, the Savannah River Site (SRS) in South Carolina, the Oak Ridge Reservation (ORR) in Tennessee, and the Hanford Site (Hanford) in Washington. Identification of these sites for potential analysis is based on mission compatibility (these DOE sites currently have waste disposal operations as part of their mission) and physical characteristics of the sites such as hydrology and topography.

In addition, DOE will evaluate disposal at a generic enhanced near-surface and intermediate depth borehole commercial disposal facility under both arid and humid conditions in the EIS. DOE previously solicited technical capability statements from commercial vendors that may be interested in constructing and operating a GTCC waste disposal facility. Although several commercial vendors expressed an interest, none have provided specific

information on disposal locations and methods for analysis in the EIS. Including a generic commercial facility in the EIS would allow DOE to make a programmatic determination regarding disposal in such a facility. Should one or more commercial facilities be identified at a later time, DOE would conduct further NEPA review, as appropriate.

DOE intends to evaluate each of the GTCC waste types (i.e., sealed sources, activated metals, and other waste) individually and in combination for each of the disposal alternatives, taking into account the characteristics of the waste types and other considerations (i.e., waste volumes, physical and radiological characteristics, and generation rates). DOE will also consider volumes and time periods when wastes would be generated and require disposal. And, DOE will describe the statutory and regulatory requirements for each disposal alternative and whether legislation or regulatory modifications may be needed to implement the alternative under consideration.

Background

Section 3(b)(1)(D) of the Low-Level Radioactive Waste Policy Amendments Act of 1985 (LLRWPAA) assigns responsibility for the disposal of GTCC LLW to the federal government. DOE is the federal agency responsible for the disposal of this waste, but the LLRWPAA specifies that GTCC LLW covered under Section 3(b)(1)(D) is to be disposed of in a facility licensed and determined to be adequate by the NRC. To date, DOE has named the Office of Environmental Management as the lead organization having responsibility to develop GTCC LLW disposal capacity and has submitted a report to Congress dated July 2006 on the estimated cost and proposed schedule to complete the EIS.

Concerns regarding GTCC LLW disposal have been heightened due to the September 11, 2001 terrorist attacks and subsequent threats. In particular, there is a concern that terrorists could gain possession of radiological sealed sources, including GTCC LLW sealed sources, and use them for malevolent purposes. Indeed, since 2003, the Government Accountability Office (GAO) has issued three reports on matters related to the security of uncontrolled sealed sources, including the department's progress in developing GTCC LLW disposal capacity. (See the July 23 *Federal Register* notice for titles and citations of these GAO reports.) In addition, the Energy Policy Act of 2005 contains several provisions directed at improving the control of sealed sources, including disposal availability.

On May 11, 2005, DOE issued an Advance Notice of Intent (ANOI) inviting the public to provide preliminary comments on the potential scope of the EIS (70 *Federal Register* 24,775). DOE received comments from the states of Nevada, Oregon and Washington; the Sacramento Municipal Utility District; the New England Coalition; the Sierra Club; the Nuclear Energy Institute; and the Savannah River Site Citizens Advisory Board. A summary of the public comments received on the ANOI is included in the July 23 Notice of Intent.

Public Hearings and Comment

Due to its technical expertise in radiation protection, the U.S. Environmental Protection Agency (EPA) will participate as a cooperating agency in the preparation of the EIS. NRC will be a commenting agency.

The public scoping period starts with the date of publication of the Notice of Intent in the *Federal Register* and will continue until September 21, 2007. During this period, DOE will hold public scoping meetings to provide the public with an opportunity to comment on the scope of the EIS and to learn more about the proposed action from department officials. The locations, dates and times of the public scoping meetings can be found in the *Federal Register* notice.

Written comments on the scope of the GTCC LLW EIS or requests to speak at the public scoping meetings should be sent to: James L. Joyce, Document Manager, Office of Regulatory Compliance (EM-10), U.S. Department of Energy, 1000 Independence Avenue, SW, Washington, DC

20585-0119. Comments can also be submitted via facsimile at (301) 903-4303, email at gtcceis@anl.gov, or via the web at http://www.gtcceis.anl.gov.

For additional information, refer to the Federal Register notice or contact James Joyce of DOE at (301) 903-2151.

Advisory Committee on Nuclear Waste and Materials

ACNWM Nominations Sought

The U.S. Nuclear Regulatory Commission is seeking qualified candidates for appointment to its Advisory Committee on Nuclear Waste and Materials (ACNWM)—a part-time advisory group established by the NRC to provide independent technical review of, and advice on, the disposal of nuclear waste, transportation of both high- and low-level radioactive waste, storage of spent nuclear fuel, materials safety, and facilities decommissioning. The committee currently has five members and is seeking to replace one of the positions. Specifically, the Commission is seeking an individual with technical expertise in earth sciences (geology, geophysics, and/or hydrology) as applied to radioactive waste disposal, site remediation, and closure activities. Demonstrated experience in engineering design and risk assessment in the areas of radioactive waste storage and disposal would be particularly desirable.

The ACNWM membership includes individuals who possess specific technical expertise along with a broad perspective in addressing safety concerns. Committee members are selected from a variety of engineering and scientific disciplines, such as risk assessment, chemistry, mechanical engineering, civil engineering, materials sciences, and earth sciences. Committee members work on activities related to rulemakings, associated regulatory guides, technical positions developed to support and clarify NRC's nuclear materials and radioactive waste regulations, and independent studies. The term of service is for four years with the possibility of reappointment for a total service of eight years.

Candidates will be evaluated on various criteria including education and experience, demonstrated skills in nuclear waste management matters, the ability to solve complex technical problems, and the ability to work collegially on a board, panel or committee. The need for a specific expertise to accomplish the work expected to be before the ACNWM will also be considered. Candidates with pertinent graduate-level education will be given additional consideration. A security background investigation for a Q clearance will be required and conflict of interest issues, including financial interests, will be taken into consideration. Candidates must be citizens of the United States and be able to devote approximately 70 to 100 days per year to ACNWM business.

Applications will be accepted until October 31, 2007. Interested candidates should submit a resume describing their educational and professional background, including special accomplishments and professional references. Candidates should provide their current address, telephone number and e-mail address. Resumes should be sent to Angelina Chapeton, Administrative Assistant, ACRS/ACNWM, Mail Stop T2E-26, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001 or e-mailed to ahc@nrc.gov.

ACNWM Holds July Meeting

The U.S. Nuclear Regulatory Commission's Advisory Committee on Nuclear Waste and Materials (ACNWM) met in Rockville, Maryland from July 17 to 19, 2007. Among other items, the committee discussed Waste Incidental to Reprocessing (WIR) monitoring activities at the U.S. Department of Energy's Idaho National Laboratory and Savannah River Site, a status update of the infiltration studies and modeling at Yucca Mountain, and a review of the committee's draft White Paper entitled: "Background, Status, and Issues Related to the Regulation of Advanced Spent Nuclear Fuel Recycle Facilities." The Offices of Nuclear Material Safety and Safeguards (NMSS) and Nuclear Regulatory Research (NRR) also provided annual and semi-annual briefings to the committee.

The committee had previously met on June 19 to 21, 2007. At that meeting—which was also held at NRC headquarters in Rockville, Maryland—committee members discussed, among other things, with staff from the U.S. Department of Energy the status of Transportation, Aging, and Disposal (TAD) Canisters that will be used for high-level nuclear waste in support of the proposed Yucca Mountain repository. In addition, committee members were briefed by the Office of Public Affairs of the NRC's efforts to inform the public about the health effects from low dose radiation exposure and address public perceptions about radiation exposures.

Full agendas and transcripts for ACNWM meetings can be found at http://www.nrc.gov/reading-rm/doc-collections/acnw/agenda/2007. For additional information, contact Antonio Dias at (301) 415-6805.

Advisory Committee on Reactor Safeguards

ACRS Nominations Sought

The U.S. Nuclear Regulatory Commission is seeking qualified candidates for appointment to the Advisory Committee on Reactor Safeguards (ACRS)—a part-time advisory group established by the agency to provide independent technical review of, and advice on, matters related to the safety of existing and proposed nuclear facilities and on the adequacy of proposed reactor safety standards. The Commission is currently seeking individuals with technical expertise in one or more of the areas of materials engineering, digital instrumentation and control, or plant operations.

According to NRC, "Of primary importance are the safety issues associated with the operation of 104 commercial nuclear power plants in the United States, and regulatory initiatives including risk-informed and performance-based regulations, license renewal, power uprates, and the use of mixed oxide and high burnup fuels." NRC is also giving an increased emphasis to safety issues associated with new reactor designs and technologies including passive system reliability and thermal hydraulic phenomena, use of digital instrumentation and control, international codes and standards for use in multinational design certifications, material and structural engineering, and nuclear analysis and reactor core performance.

ACRS membership includes individuals who possess specific technical expertise along with a broad perspective in addressing safety concerns. Committee members are selected from a variety of engineering and scientific disciplines, such as risk assessment, chemistry, mechanical engineering, civil engineering, materials sciences, and earth sciences. At this time, candidates are being sought that have 10 or more years experience in one or more of the areas of materials engineering, digital instrumentation and control, or plant operations. Candidates with pertinent graduate level education

will be given additional consideration. Committee members serve a four-year term with the possibility of two reappointments for a total service of 12 years. The Commission hopes to fill three vacancies at this time.

Candidates will be evaluated on criteria that include education and experience, demonstrated skills in nuclear reactor safety matters, the ability to solve complex technical problems, and the ability to work collegially on a board, panel or committee. Consistent with the requirements of the Federal Advisory Committee Act, the Commission seeks candidates with varying views and of diverse backgrounds so that the membership on the committee will be fairly balanced in terms of the points of view represented and functions to be performed by the Committee. Candidates will undergo a thorough security background check and conflict of interest considerations will be evaluated. Candidates must be citizens of the United States and must be able to devote approximately 100 to 130 days per year to committee business.

To apply for one of the vacant ACRS positions, candidates should supply a resume describing their educational and professional background including any special accomplishments, publications and professional references. Candidates should also provide their current address, telephone number and email address. Resumes will be accepted until November 30, 2007. Resumes should be sent to Angelina Chapeton, ACRS/ACNW, Mail Stop T2E-26, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001 or e-mailed to ahc@nrc.gov.

ACRS Holds Meeting

The U.S. Nuclear Regulatory Commission's Advisory Committee on Reactor Safeguards (ACRS) met in Rockville, Maryland from July 11 to 13, 2007. Among other items, the committee discussed a revised draft NRC staff report on demonstrating the feasibility and reliability of operator manual actions in response to fire. In addition, the committee discussed dissimilar metal weld issues.

The ACRS advises the Commission on licensing and operation of nuclear power plants and related safety issues.

Full agendas and transcripts for ACRS meetings can be found at http://www.nrc.gov/reading-rm/doc-collections/acrs/agenda/2007. For additional information, contact Sam Duraiswamy at (301) 415-7364.

U.S. Nuclear Regulatory Commission

Comments Sought on NRC's Draft Strategic Plan

The U.S. Nuclear Regulatory Commission is seeking public comment on a draft Strategic Plan describing what the agency intends to do over the next five years to carry out its mission to protect people and the environment. The draft plan, which covers fiscal years 2007 through 2012, describes how NRC plans to continue to ensure the safe use of radioactive materials and nuclear power in a dynamic environment. It also addresses how NRC plans to meet some of the more significant challenges it anticipates facing over the next several years, including the expected receipt of applications to construct and operate new nuclear power plants and a high-level nuclear waste facility. When final, the new Strategic Plan will replace the existing one and will guide agency operations.

NRC describes its vision as "Excellence in licensing and regulating the safe and secure use and management of radioactive materials for the public good." The agency—which seeks to be a strong, independent and stable regulator—identifies safety and security as its top strategic goals. The draft plan describes strategies to meet those goals and reflect real world changes. For instance, NRC states in its press release that the agency plans to place greater emphasis on improving regulatory processes for ensuring the safety of new power reactors while reflecting NRC's priority to ensure that existing reactors continue to operate safely. Strategies included in the draft plan also reflect increased security requirements for radioactive sources and high-enriched uranium fuel.

There are four organizational objectives identified in the draft plan. The objectives, which describe how the agency intends to carry out its safety and security goals, include:

1. openness,
2. effectiveness,
3. timeliness, and
4. operational excellence.

As NRC expands to meet its increasing workload, the draft Strategic Plan emphasizes the important relationship between human capital, knowledge management, and space challenges that must be addressed in order to ensure that the agency can successfully carry out its mission.

Interested individuals may submit comments to NRC electronically at stratplan@nrc.gov; via mail to Chief, Rules and Directives Branch, Mail Stop T6-D59, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; or via facsimile to the Chief of the Rules and Directives Branch at (301) 415-5144. Comments should be submitted by September 7, 2007.

A copy of the draft Strategic Plan is available on NRC's web site at http://www.nrc.gov.

License Renewals Continue to Move Forward

The U.S. Nuclear Regulatory Commission continues to process license renewal applications from various nuclear power plant operators. In that regard, the agency recently

- announced that it will conduct two public meetings on September 19 on the environmental review related to the Indian Point nuclear power plant license renewal application;
- announced that staff is revising its schedule for issuing a Safety Evaluation Report (SER) for the license renewal application for the Vermont Yankee nuclear power plant;
- conducted two public meetings in Scriba, New York to accept public comments on a draft report that assesses the environmental impacts of extending the operating license of theJames A. Fitzpatrick nuclear power plant;
- announced that an application for a 20-year renewal of the operating licenses for the Vogtle nuclear power plant, Units 1 and 2, is available for public review;
- issued its final EIS on the proposed renewal of the operating license for the Pilgrim nuclear power plant; and,
- held a meeting with management of the Shearon Harris nuclear power plant to discuss their inspection of the aging management programs to support the facility's license renewal application.

Indian Point Nuclear Plant

The U.S. Nuclear Regulatory Commission plans to conduct two public meetings on September 19 on the environmental review related to the license renewal application for the Indian Point nuclear power plant. Members of the public are invited to the meetings—which will be held at the Colonial Terrace catering facility in Cortlandt Manor, New

York—and will be provided an opportunity to comment on environmental issues that they believe NRC should consider during its review of the renewal application.

At the conclusion of the information gathering process, NRC staff will prepare a summary of the conclusions reached and significant issues identified. Staff will then prepare a draft environmental impact statement (EIS) supplement for public comment and will hold public meetings at a future date to solicit comments. After consideration of comments on the draft report, the NRC will prepare a final EIS supplement.

Interested individuals may register to attend or present oral comments at the September 19 meetings by contacting Bo Pham at (800) 368-5642, ext. 8450, or via e-mail at IndianPointEIS@nrc.gov no later than September 10, 2007. Those who wish to comment may also register at the meetings within 15 minutes of the start of each session. Individual oral comments may be limited by the time available, depending on the number of persons who register.

Indian Point's operator, Entergy Nuclear Operations, submitted a license renewal application on April 30, 2007. The application seeks a 20-year renewal of the operating license for Units 2 and 3. Both units are pressurized water reactors located in Buchanan, New York—approximately 24 miles north of New York City. The current operating licenses expire on September 28, 2013, for Unit 2 and on December 12, 2015, for Unit 3. Unit 1 was shut down in 1974.

A copy of the Indian Point nuclear power plant renewal application, as well as the environmental report submitted by Entergy Nuclear Operations, is available at http://www.nrc.gov/reactors/operating/licensing/renewal/applications.indian-point.html.

Vermont Yankee Nuclear Plant

On August 1, NRC announced that staff is revising its schedule for issuing a Safety Evaluation Report (SER) for the license renewal application for the Vermont Yankee nuclear power plant. NRC staff's inspections and ongoing review of the application have led the plant operator to add information on more than two-dozen systems to those already covered by a preliminary SER. Because of this late change to the renewal application, NRC staff will not issue a complete SER on August 1 as initially scheduled.

"This change will add at least two months to the review," said Jim Dyer, Director of NRC's Office of Nuclear Reactor Regulation. "We'll set a formal new schedule for completing our work and reaching an overall decision on Vermont Yankee's license renewal after we receive all of Entergy's additional information."

NRC staff expects to issue a final EIS on the renewal application in the near future. In addition to the staff's work, the NRC's Independent Advisory Committee on Reactor Safeguards must issue a report on the application, and an Atomic Safety and Licensing Board Panel must conclude a hearing on the application before the staff can reach a final conclusion on renewing the plant's license.

The Vermont Yankee plant is a boiling water reactor located in the town of Vernon, Vermont. Entergy Nuclear Operations, Inc. submitted a renewal application for the operating license of the plant on January 27, 2006. The current operating license expires on March 21, 2012.

Information about the Vermont Yankee license renewal application is posted at http://www.nrc.gov/reactors/operating/licensing/renewal/applications/vermont-yankee.html.

James A. Fitzpatrick Nuclear Power Plant

On August 1, NRC staff conducted two public meetings in Scriba, New York to accept public comments on a draft report that assesses the environmental impacts of extending the operating license of James A. Fitzpatrick nuclear power plant. The draft EIS was issued on June 8. It contains staff's preliminary recommendation that the Commission determine that the adverse environmental impacts of license renewal for the plant is not so great that preserving the option of license renewal for energy planning decision-makers

would be unreasonable. The recommendation is based on the analysis and findings in the agency's Generic EIS on license renewal; the environmental report submitted by Entergy; consultation with federal, state and local agencies; the NRC staff's own independent review; and the NRC staff's consideration of public comments.

"Now that the Draft Environmental Impact Statement is available, we would encourage interested members of the public to review the report and provide us with their comments," said Rani Franovich, a Branch Chief in the NRC's Division of License Renewal. "They will be able to do so in person at our upcoming meetings."

Written comments on the draft report will be accepted until the end of the public comment period on September 5. Comments can be submitted by mail to the Chief, Rules and Directives Branch, Division of Administrative Services, Mail Stop T-6 D59, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001 or electronically to FitzPatrickEIS@nrc.gov.

The Fitzpatrick plant is located approximately eight miles northeast of Oswego, New York. Its current operating license expires on October 17, 2014. The applicant, Entergy Nuclear Operations, Inc., submitted a renewal application on August 1.

A copy of the Fitzpatrick plant license renewal request, along with the associated environmental report, is available on the NRC web site at http://www.nrc.gov/reactors/operating/licensing/renewal/applications.fitzpatrick.html.

Vogtle Nuclear Plant

On July 25, NRC announced that an application for a 20-year renewal of the operating licenses for the Vogtle nuclear power plant, Units 1 and 2, is available for public review. NRC staff is currently conducting its initial reviews of the application to determine whether it contains sufficient information required for the formal safety and environmental reviews. If the application has sufficient information, the NRC will formally "docket," or file, it and will announce an opportunity for the public to request an adjudicatory hearing on the renewal request.

Vogtle Units 1 and 2 are pressurized water reactors located about 26 miles southeast of Augusta, Georgia. The current operating licenses expire on January 16, 2027 for Unit 1 and on February 9, 2029 for Unit 2. Vogtle's operator, Southern Nuclear Operating Co., submitted the license renewal application on June 29.

A copy of the Vogtle plant license renewal application is available on the NRC web site at http://www.nrc.gov/reactors/operating/licensing/renewal/applications.html.

Pilgrim Nuclear Plant

On July 27, NRC issued its final EIS on the proposed renewal of the operating license for the Pilgrim nuclear power plant. The report contains NRC's finding that there are no significant environmental impacts that would preclude license renewal for an additional 20 years of operation.

As part of its environmental review of the application, NRC held public meetings near the plant to discuss the scope of the review and the draft version of the environmental impact statement. Comments were received and considered from members of the public, local officials, and representatives of state and federal agencies.

The Pilgrim Nuclear Plant is a boiling water reactor located on the western shore of Cape Cod bay in the town of Plymouth, Massachusetts. Entergy Nuclear Operations, Inc. submitted an application to renew the operating license for the plant on January 27, 2006. The current operating license expires on June 8, 2012.

The Pilgrim renewal application is available on NRC's web site at http://www.nrc.gov/reactors/operating/licensing/renewal/applications/pilgrim.html. The Pilgrim final EIS can be found at http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1437/supplement29/index.html.

Shearon Harris Nuclear Plant

On July 27, NRC staff held a meeting with management of the Shearon Harris nuclear power plant to discuss their inspection of the aging management programs to support the facility's license renewal application. The inspection is part of an ongoing NRC review of a license renewal application for the plant. An important aspect of the review process is to ensure that a plant can manage the effects of aging on key safety systems, structures and components through an effective monitoring and maintenance program.

Members of the public were invited to observe the meeting and were given the opportunity to ask questions of NRC officials before the meeting ended.

The Shearon Harris plant is a pressurized water reactor located approximately 20 miles southwest of Raleigh, North Carolina. The current operating license expires on October 24, 2026. The applicant, Carolina Power and Light (a subsidiary of Progress Energy), submitted the renewal application on November 16, 2006.

The Shearon Harris license renewal application can be found on the NRC's web site at http://www.nrc.gov/reactors/operating/licensing/renewal/applications.html.

NRC Regulations/Status of Renewals

Under NRC regulations, a nuclear power plant's original operating license may last up to 40 years. License renewal may then be granted for up to an additional 20 years, if NRC requirements are met. To date, NRC has approved license extension requests for 48 reactor units. In addition, NRC is currently processing license renewal requests for several other reactors.

For a complete listing of completed renewal applications and those currently under review, go to http://www.nrc.gov/reactors/operating/licensing/renewal/applications.html.

Public Meetings Held re GEIS of Uranium Recovery Operations

NRC held public meetings on August 7 in Casper, Wyoming and on August 9 in Albuquerque, New Mexico to discuss the scope of a Generic Environmental Impact Statement (GEIS) that the agency intends to develop for uranium recovery operations, including in-situ leach (ISL) recovery facilities and conventional mills. NRC is seeking public comment on the planned GEIS because the agency is expecting numerous applications for new uranium recovery operations in the next two to three years.

The GEIS is intended to address the common issues associated with environmental reviews of ISL and conventional milling facilities located in the western United States. Because there are environmental issues common to both types of facilities, NRC staff plans to address common issues generically to aid in a more efficient environmental review for each separate license application, if and when these applications are submitted.

During the August meetings, members of the public were invited to comment on environmental issues that will be addressed in the GEIS, including land use, public and occupational health, waste management, water resources, air quality, historical resources and others. NRC staff held informal open houses prior to each meeting.

Additional information about the GEIS will be published shortly in the *Federal Register*. The agency also plans to accept written comments on the scope of the GEIS. Comments, which will be accepted through September 4, should be addressed to Chief, Rules Review and Directives Branch, Mail Stop T-6D59, U.S. Nuclear Regulatory Commission, Washington, D.C., 20555-0001 or via electronic mail to nrcrep@nrc.gov.

Federal Agencies Meet re Non-HLW Determinations

On July 20, 2007, staffs of the U.S. Department of Energy and U.S. Nuclear Regulatory Commission held a public meeting to discuss agency interactions under the National Defense Authorization Act for Fiscal Year 2005 (NDAA) with respect to non-high level waste determinations at DOE facilities. Members of the public were invited to participate in the meeting, which was held in Washington, DC. At designated points during the meeting, an opportunity for public comment was provided.

Under the NDAA, NRC provides consulting and monitoring of DOE's cleanup of certain tank wastes at its Savannah River Site and Idaho National Laboratory. At the July 20 meeting, officials from the two agencies discussed the current status of implementation of the NDAA's requirements, including agency-to-agency working meetings held during the past eight months.

Comments Sought re New Reactor Application Hearing Policy

The U.S. Nuclear Regulatory Commission is seeking public comment on a proposed policy statement concerning the conduct of hearings on applications for new reactor licenses and related activities. The Commission is considering adopting this policy in light of the significant number of applications expected in the next few years and the agency's plans to use a "design-centered review approach" to handle the influx.

"The NRC wants to ensure the public has a fair opportunity to raise concerns with new reactor applications," said NRC Chairman Dale Klein. "At the same time, applicants with the same design should only have to resolve a generic concern once, so we're suggesting an approach that balances those competing interests."

The new applications' reactor designs are expected to be very standardized, as opposed to the highly varied set of designs for current reactors. The NRC expects its "design-centered review approach" to take advantage of these standardized designs and avoid duplicative litigation while carrying out the agency's responsibility to protect the public health and safety.

The proposed policy builds on current policy, as well as recent changes to NRC regulations regarding both new reactor licensing and the conduct of hearings, to ensure a disciplined and fair hearing process. The proposed policy would set out explicit guidance for NRC staff and the Atomic Safety and Licensing Board on several points, including:

- the staff should issue a Notice of Hearing for a given application only when a complete application has been accepted, or docketed, with very few exceptions;
- the staff may consider an exemption to normal docketing procedures if an applicant files a partial application covering only the generic issues of a design referenced in other, complete applications; and,
- the Board should, whenever appropriate, consolidate into one hearing the generic issues from several applications referencing a single design.

The proposed policy statement and associated comments may be viewed and downloaded via the NRC rulemaking web site at http://ruleforum.llnl.gov. For additional information on the proposed policy statement, please contact Robert Weisman at (301) 415-1696 or via e-mail at rmw@nrc.gov.

Comments Accepted re Expedited Review of Access Determinations

The U.S. Nuclear Regulatory Commission recently accepted public comment on a proposed rule to amend its regulations governing when expedited appellate review by the Commission is permitted in NRC adjudicatory proceedings. The proposed rule would make an important difference in how quickly certain petitioners can seek redress if they believe they've been unjustly denied access to sensitive information necessary to participate in a hearing. The protected information covered in this new rule is both sensitive unclassified non-safeguards information (SUNSI) and safeguards information (SGI).

Potential parties who request a hearing or petition to intervene in a hearing under 10 CFR Part 2 may need access to SUNSI and/or SGI to meet Commission requirements for hearing requests or for intervention. The proposed rule would permit a petitioner denied access to the sensitive information to appeal that denial to the Commission without waiting for a ruling on its entire hearing request or a ruling completing a hearing. This new proposed rule could enhance both public involvement in NRC adjudicatory proceedings and the effectiveness and efficiency of these proceedings.

Interested parties are invited to submit comments on the proposed rule within 30 days of publication in the *Federal Register* in order to guarantee consideration by the NRC. Comments submitted later than this date may be considered if practical. Comments can be mailed to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemaking and Adjudications Staff. Comments can also be faxed to (301) 415-1101 or emailed to SECY@nrc.gov.

NRC Issues FY 2007 Fees Rule

The U.S. Nuclear Regulatory Commission is amending its regulations to reflect the licensing, inspection and annual fees that it will charge its licensees and applicants in fiscal year 2007. A proposed rule relating to the FY 2007 fees was published in the *Federal Register* on February 2 while the agency was operating under a continuing resolution at FY 2006 budget levels. The final rule includes fees based upon the agency's final FY 2007 appropriations.

Congress requires that NRC recover for the U.S. Treasury most of its annual appropriated budget through two types of fees. One is for specific NRC services, such as licensing and inspection activities. This fee is calculated using an hourly rate reflecting time spent by staff performing the service. The other is an annual fee paid by licensees, which recovers generic regulatory expenses and other costs not recovered through fees for specific services. These fees are contained in NRC regulations 10 CFR Part 170 (fees for licensing and inspection services) and 10 CFR Part 171 (annual fees). These fees are paid to the U.S. Treasury and go into the general fund.

The law requires that NRC recover through fees 90 percent of its budget for FY 2007 (October 1, 2006 through September 30, 2007), less the amounts appropriated from the Nuclear Waste Fund for high-level waste activities and from general funds for waste-incidental-to-reprocessing and generic homeland security activities. The total amount to be recovered in FY 2007 is approximately $670.5 million—approximately $45 million more than in FY 2006.

The final rule establishes a single hourly rate of $258 in Part 170 for activities in both the Nuclear Reactor Safety Program and the Nuclear Materials and Waste Safety Program. This represents an increase from FY 2006 hourly rates of $217 for the reactor program and $214 for the materials program. The increase reflects a revised estimate of staff hours spent on specific activities, such as

licensing actions, inspections and regulatory development.

Annual fees will increase for power reactor licensees, but will decrease for most other types of licensees. These changes reflect increasing agency resources for new reactor licensing and the removal of approximately $33 million dollars from the fee base for generic homeland security activities. (Generic activities are those that support many licensees or types of licensees.)

NRC to Reconsider Fitness for Duty Rule

On July 24, the U.S. Nuclear Regulatory Commission announced that it has voted to reconsider wording in a limited provision of a recently issued final rule under Part 26 of the agency's regulations. The rule, which the Commission approved on April 17, revises, reorganizes and clarifies requirements for determining whether nuclear power plant employees are fit for work, including new requirements for managing worker fatigue.

The Commission's vote restores the words "working on outage activities" in place of "solely performing outage activities" in rule language that relates to worker fatigue. The NRC staff proposed the "working on" language to the Commission after public comment and staff interactions with stakeholders. The language was modified following that process and before the rule was published in the *Federal Register*.

Upon further reflection, the Chairman proposed that the Commission reconsider the language. The Commission determined that a vote was necessary to avoid misinterpretation of the rule before the staff issued appropriate guidance.

NRC Recognized for Diversity

The U.S. Nuclear Regulatory Commission is one of 100 companies and government agencies recognized in the June/July 2007 issue of *Diversity/ Careers in Engineering & Information Technology* magazine. Readers and web site visitors identified NRC for its diversity strengths and as an employer of technical professionals. The survey results strongly recognized a number of NRC's diversity attributes including support of minorities and women, attention to work/life balance and commitment to supplier diversity.

"At the NRC, we recognize that an organization's reputation for supporting workplace diversity is an important factor in attracting minority candidates and their decisions to work here," said James McDermott, Director of Human Resources. "Diversity and equality can only be achieved by full participation," added Luis Reyes, Executive Director for Operations. "Focused programs like those with emphasis on diversity help make the NRC a better place to work."

This past April, NRC captured the top ranking among large federal agencies in the *2007 Best Places to Work in the Federal Government* by the Partnership for Public Service and the American University Institute for the Study of Public Policy Implementation.

Details of the survey can be found at http://www.diversitycareers.com/index.htm.

McCabe Named CFO at NRC

The U.S. Nuclear Regulatory Commission has named William McCabe as its new Chief Financial Officer. McCabe—who has more than 28 years of experience in financial management—has directed domestic and international corporate operations, financial system design and architecture of business operating solutions and public service financial management. Prior to his selection, McCabe served at the U.S. Department of Education as Chief of Staff and Senior Advisor, and Acting Chief Financial Officer and key advisor to senior management since 2002.

"I am pleased that Mr. McCabe is joining our team," said NRC Chairman Dale Klein. "He brings a wealth of experience to the agency that should help us greatly as we enhance our performance and accountability to keep pace with our growth while continuing sound financial reporting practices." In response, McCabe said that he looks forward "to contributing to the NRC's current high standards of financial management and reporting."

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opportunities. The sites new "How It Works" section gives fundamental information on the use of nuclear technologies in everything from agriculture to space exploration.

Other information contained on the site includes access to contemporary public policy developments, viewpoints, testimony, public opinion and expert commentary by leading environmentalists, academics, financial analysts and the media. The site also contains a comprehensive library with links to policy briefs, fact sheets, speeches and a wide range of publications.

NEI's new site can be found at http://www.nei.org/.

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for low-level radioactive waste. "Increasing our options," he concludes, "will go a long way to improving outcomes at decommissioning sites/facilities and meeting the demand placed on waste disposal by potentially building new nuclear facilities."

A copy of Jaczko's remarks can be found at http://www.nrc.gov/reading-rm/doc-collections/commission/speeches/2007/S-07-033.html.

To Obtain Federal Government Information

by telephone

- DOE Public Affairs/Press Office ..... (202) 586-5806
- DOE Distribution Center ..... (202) 586-9642
- DOE's National Low-Level Waste Management Program Document Center ..... (208) 526-6927
- EPA Information Resources Center ..... (202) 260-5922
- GAO Document Room ..... (202) 512-6000
- Government Printing Office (to order entire *Federal Register* notices) ..... (202) 512-1800
- NRC Public Document Room ..... (202) 634-3273
- Legislative Resource Center (to order U.S. House of Representatives documents) ..... (202) 226-5200
- U.S. Senate Document Room ..... (202) 224-7860

by internet

- NRC Reference Library (NRC regulations, technical reports, information digests, and regulatory guides). ..... **www.nrc.gov**

- EPA Listserve Network • Contact Lockheed Martin EPA Technical Support at (800) 334-2405 or e-mail (leave subject blank and type help in body of message). ..... **listserver@unixmail.rtpnc.epa.gov**

- EPA • (for program information, publications, laws and regulations) ..... **www.epa.gov**

- U.S. Government Printing Office (GPO) (for the Congressional Record, *Federal Register*, congressional bills and other documents, and access to more than 70 government databases). ..... **www.access.gpo.gov**

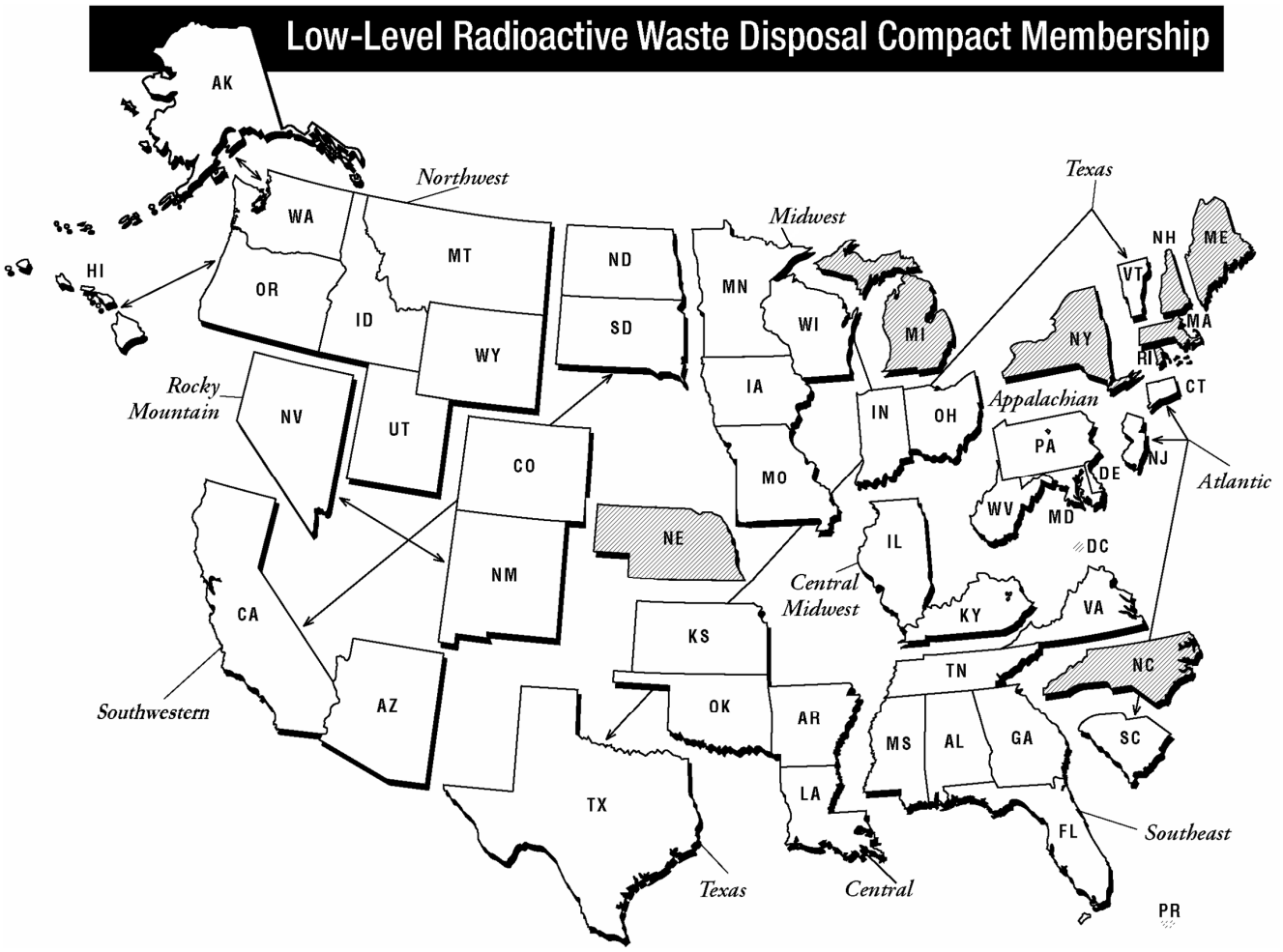
- GAO homepage (access to reports and testimony) ..... **www.gao.gov**

To access a variety of documents through numerous links, visit the web site for the LLW Forum, Inc. at www.llwforum.org

Accessing LLW Forum, Inc. Documents on the Web

LLW Notes, LLW Forum Meeting Reports and the *Summary Report: Low-Level Radioactive Waste Management Activities in the States and Compacts* are distributed to the Board of Directors of the LLW Forum, Inc. As of March 1998, *LLW Notes* and LLW Forum Meeting Reports are also available on the LLW Forum web site at www.llwforum.org. The *Summary Report* and accompanying Development Chart, as well as LLW Forum News Flashes, have been available on the LLW Forum web site since January 1997.

As of March 1996, back issues of these publications are available from the National Technical Information Service at U.S. Department of Commerce, 5285 Port Royal Road, Springfield, VA 22161, or by calling (703) 605-6000.



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Alaska
Hawaii
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Oregon
Utah
Washington
Wyoming

Midwest Compact
Indiana
Iowa
Minnesota
Missouri
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Wisconsin

Rocky Mountain Compact
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New Mexico

Northwest accepts Rocky Mountain waste as agreed between compacts

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