

LLW *notes*

Volume 25, Number 4 July/August 2010

Northwest Compact/State of Utah

EnergySolutions Withdraws Italian Waste Application Announces New International Waste Strategy

On July 23, 2010, EnergySolutions sent a letter to the U.S. Nuclear Regulatory Commission seeking to withdraw its application to import up to 20,000 tons of potentially radioactively contaminated material from Italy and to export for return to generators in Italy any of the imported waste that can not be recycled or does not meet the Clive facility's waste acceptance criteria for disposal. Instead, the company says that it will try to help build and manage disposal facilities overseas.

The move follows a July 14 press conference during which EnergySolutions announced, "that it is pursuing a new international business strategy that does not include the disposal of internationally generated radioactive waste at its facility in Clive, Utah." At the time, the company did not reference the pending Italian waste import application. However, it did state that the company would focus on the long-term strategic interests of its international customers, which includes plans to provide "a wide range of engineering and technical services to facilitate final in-country disposition of these materials."

Two Utah Governors and much of the public opposed the Italian waste import proposal. In addition, legislation remains pending before the

U.S. Congress that would strip the U.S. Nuclear Regulatory Commission of its jurisdiction to authorize the importation of low-level radioactive waste.

New International Waste Strategy

Val Christensen, President and CEO of EnergySolutions, explained the basis for the company's new international waste strategy as follows:

"As a new executive management team, we have revisited our international strategy and are focusing on developing the greatest long-term value proposition for our international customers ... We have determined that we can best serve our international customers by exporting our skills

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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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Low-Level Radioactive Waste Forum, Inc.

LLW Notes

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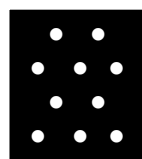
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Key to Abbreviations

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 Set to Host Fall 2010 Meeting
Saratoga Springs, New York on September 27-28, 2010

The Low-Level Radioactive Waste Forum will soon host its fall 2010 meeting at the Gideon Putnam Resort in Saratoga Springs, New York. The New York State Energy Research & Development Authority (NYSERDA) is sponsoring the meeting—which will be held on Monday, September 27, and Tuesday, September 28. The Executive Committee will meet on Monday morning.

A meeting bulletin, registration form and agenda can be found on the LLW Forum's web site at www.llwforum.org.

Attendance

Officials from states, compacts, federal agencies, nuclear utilities, disposal operators, brokers/processors, industry, and other interested parties are invited and encouraged to attend. The meeting is an excellent opportunity to stay up-to-date on the most recent and significant developments in the area of low-level radioactive waste management and disposal. It also offers an important opportunity to network with other government and industry officials and to participate in decision-making on future actions and endeavors affecting low-level radioactive waste management and disposal.

Agenda

The meeting agenda will include many interesting and exciting sessions, including among others:

- ◆ analysis of and lessons learned from the U.S. Supreme Court's recent decision in *Alabama et. al. v. North Carolina*;

- ◆ status report on the West Valley decommissioning project;
- ◆ licensing and activities update for the Texas Compact facility;
- ◆ panel session on LLRW blending including the White Paper and Commissioners' Briefing;
- ◆ EER's development of a novel reactor for the conversion of radioactive, hazardous and municipal waste into inert byproducts;
- ◆ activities and initiatives of the International Atomic Energy Agency;
- ◆ national waste management plans being implemented by foreign countries;
- ◆ commercial reprocessing and waste incidental to reprocessing;
- ◆ release of the Greater-than-Class C environmental impact statement;
- ◆ coordination and execution from a hypothetical incident involving a radiological dispersal device;
- ◆ report on the Disused Source Focus Group's recently released Part 2 deliverable; and,
- ◆ status of the NRC's rulemaking on the security of radioactive materials.

Registration

All persons must pre-register for the meeting and pay any associated registration fees in order to be allowed entry. Registration forms are needed in order to ensure that you receive a meeting packet and name badge.

Accordingly, interested attendees are asked to please take a moment to complete the registration form at your earliest convenience and return it to Alyse Peterson at NYSERDA at the address, e-mail or fax number listed at the bottom of the form.

Hotel Reservations

Persons who plan to attend the meeting are encouraged to make their hotel reservations and send in their registration forms as soon as possible. As we have exceeded our block and the Gideon Putnam Resort is completely sold out on certain nights, we have arranged for a block of rooms at the Hilton Garden Inn.

The Hilton Garden Inn is located approximately 1.5 miles from the Gideon Putnam Hotel and shuttle service will be available between the hotels for meeting participants. We have negotiated a group rate at the Hilton Garden Inn of \$129 per night, plus tax and applicable fees. (They may also have a few rooms available

at the government rate of \$106 per night, plus tax and applicable fees.) To make a reservation at the Hilton Garden Inn, please call the hotel at (518) 587-1500 and ask for the LLW Forum group rate. Reservations may also be booked online at www.saratogasprings.hgi.com by entering Group Code LLW on the booking screen.

To access the meeting bulletin, registration form and agenda, please go to www.llwforum.org and scroll down to the first bold paragraph on the Home Page. The documents may also be found on the About Page under the header "Meetings."

For additional information, please contact Todd Lovinger, the LLW Forum's Executive Director, at (202) 265-7990 or at LLWForumInc@aol.com.

Low-Level Radioactive Waste Forum Meetings 2010 and Beyond

The following information on future meetings of the Low-Level Radioactive Waste Forum is provided for planning purposes only. Please note that the information is subject to change.

For the most up-to-date information, please see the LLW Forum's web site at www.llwforum.org.

2010 Fall Meeting

The State of New York has agreed to host the fall 2010 meeting in Saratoga Springs, New York from September 27-28, 2010. The meeting will be held at the Gideon Putnam Resort & Spa. (For additional information about the hotel, please go to http://www.historichotels.org/hotel/Gideon_Putnam_Resort_Spa.) The hotel is currently undergoing a major renovation to be completed in spring 2010. The Gideon Putnam is located in the center of Saratoga Spa State Park about 1 mile outside downtown Saratoga Springs. Within walking distance on park grounds are two golf courses, the National Museum of Dance, the Saratoga Automobile

Museum, the historic Roosevelt Mineral Baths and 10 natural mineral springs.

2011 Meetings

The Southeast Compact Commission for Low-Level Radioactive Waste Management and the Central Interstate Low-Level Radioactive Waste Compact Commission have agreed to co-host the spring 2011 meeting of the LLW Forum. The meeting will be held at the Perdido Beach Resort in Alabama from March 24-25, 2011.

The Rocky Mountain Low-Level Radioactive Waste Board and the Midwest Interstate Low-Level Radioactive Waste Compact Commission will co-host the LLW Forum's fall 2011 meeting. The meeting will be held at the Inn and Spa at Loretto on October 17-18, 2011.

2012 Meetings and Beyond

The Southwestern Low-Level Radioactive Waste Compact Commission and State of California will co-host the spring 2012 meeting of the LLW

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Northwest Compact/State of Idaho

Comments Sought re AREVA's Proposed Idaho Enrichment Plant

On July 28, 2010, the U.S. Nuclear Regulatory Commission announced that the agency is seeking public comment on a Draft Environmental Impact Statement (EIS) for AREVA Enrichment Service's proposed gas centrifuge uranium enrichment plant to be built in Eagle Rock, Idaho. In addition, NRC announced that it would be holding two public meetings in August to describe the draft EIS and its preliminary conclusions and to take comments from members of the public.

Draft EIS

The draft EIS analyzes potential impacts of construction, operation and decommissioning of the proposed facility. It includes the NRC staff's preliminary conclusion that the plant, to be called the Eagle Rock Enrichment Facility, would have mostly small impacts on the local environment, primarily during construction. The staff's preliminary recommendation is that, unless safety issues mandate otherwise, AREVA should be issued a license to construct and operate the facility.

Opportunity to Submit Comments

NRC staff held two public meetings on August 9 in Boise and on August 12 in Idaho Falls. The August 9 meeting was held in conjunction with the Snake River Alliance, an Idaho-based environmental advocacy group. NRC staff members were available informally for an hour before the Idaho Falls meeting to meet and talk with the public. In addition to the two meetings, NRC will accept comments on the draft EIS through September 13 via regular mail to the agency's headquarters or e-mail to

EagleRock.EIS@nrc.gov. The report number, "NUREG-1945 draft," should be specified in the subject line of any comments submitted.

The draft EIS for the Eagle Rock Enrichment Facility is available on the NRC web site at <http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1945/>.

US Ecology Awarded GE Hudson River Disposal Contract

On June 30, 2010, US Ecology, Inc. announced that General Electric has selected the company as one of three vendors to dispose of sediment removed from the Upper Hudson River in New York State during the first phase of a major environmental dredging project.

With approval and oversight from the U.S. Environmental Protection Agency, GE performed Phase I of this cleanup project between May and October 2009. The sediment contains polychlorinated biphenyls, or PCBs, and a portion of the waste will be disposed of at the US Ecology Idaho facility located near Grand View, Idaho. The facility, which is permitted by both the EPA and the State of Idaho, is located approximately 60 miles southeast of Boise, Idaho. It is expected that services under this contract will be completed in the third and fourth quarters of 2010.

"We are very pleased that General Electric has chosen US Ecology for the safe, secure and environmentally sound disposal of material from this important cleanup project," said Jim Baumgardner, US Ecology's President and Chief Executive Officer.

US Ecology, Inc. (formerly known as American Ecology Corporation), through its subsidiaries,

States and Compacts *continued*

provides radioactive, PCB, hazardous, and non-hazardous waste services to commercial and government customers throughout the United States including steel mills, medical and academic institutions, petro-chemical facilities and the nuclear power industry. The company—which is headquartered in Boise, Idaho—is the oldest radioactive and hazardous waste services company in the United States.

(Continued from page 1)

and technologies and building longer term relationships to assist them in developing their own local facilities and capabilities, rather than pursuing a short-term disposal solution at the company's Clive, Utah facility.”

Christensen states that *EnergySolutions* existing facilities and operations will be used as models for developing safe and efficient long-term disposal operations in other countries that generate low-level radioactive waste. As an example, he notes that *EnergySolutions* recently signed a multi-million dollar contract to provide engineering services and equipment to manage liquid and solid waste streams at a new nuclear power plant in China.

Christensen emphasized that *EnergySolutions* plans to use its facilities in Clive, Utah and Oak Ridge, Tennessee as “reference sites for building international customer confidence in safe and environmentally sustainable long-term management of low-level radioactive waste materials.”

Background

Italian Waste Import Proposal *EnergySolutions* filed an initial license application regarding the Italian waste with NRC on September 14, 2007. (See *LLW Notes*, November/December 2007, pp. 6-9.) The Northwest Compact objected to the proposal, maintaining that its current resolution and order authorizing *EnergySolutions*' Clive facility to dispose of low-level radioactive waste

from other compacts and unaffiliated states did not apply to foreign waste.

Litigation On May 5, 2008, *EnergySolutions* initiated a lawsuit in the U.S. District Court for the District of Utah, Central Division that, among other things, challenges the Northwest Compact's authority over the Clive facility. (See *LLW Notes*, May/June 2008, pp. 25-28.)

On October 6, 2008, the Commission issued Order CLI-08-24 holding in abeyance *EnergySolutions*' import and export applications relating to the Italian waste proposal, as well as a decision on hearing requests—including one from the State of Utah. (See *LLW Notes*, October/November 2008, pp. 18-20.) In so doing, the Commission found “it would be ineffective to devote further adjudicatory (and NRC Staff) resources to this proceeding ... [u]ntil a court of competent jurisdiction determines that the Northwest Compact cannot exclude foreign waste from the Clive facility.”

On May 15, 2009, the district court ruled that Clive is not a “regional disposal facility” as defined under law and that, with regard to the importation of low-level radioactive waste from outside of the compact region, the Northwest Compact does not have the authority to restrict access to the Clive disposal facility. (See *LLW Notes*, May/June 2008, pp. 25-28.) The court further ruled, however, that the Northwest Compact has authority to regulate the disposal of low-level radioactive waste that is generated within the compact's regional boundaries—including restricting disposal access for such waste to the Clive facility.

Notice of appeal of the district court's decision was filed in June 2009, with the associated appellate briefs being filed between August through September. (See *LLW Notes*, September/October 2009, pp. 18-21.)

Also in September 2009, an Amicus Curiae Brief in support of all defendants-appellants and

seeking reversal of the district court's decision was filed jointly by the Atlantic Interstate Low-Level Radioactive Waste Compact, Central Interstate Low-Level Radioactive Waste Compact, Central Midwest Interstate Low-Level Radioactive Waste Compact, Southeast Interstate Low-Level Radioactive Waste Compact, Texas Low-Level Radioactive Waste Disposal Compact, and the Council of State Governments. The Midwest Interstate Low-Level Radioactive Waste Management Commission and the State of New Mexico also filed two separate Amicus Curiae Briefs in support of the defendants-appellants. (See *LLW Notes*, September/October 2009, pp. 18-21.)

On January 14, 2010, the United States Court of Appeals for the Tenth Circuit heard oral arguments in the appeal. To date, the court has not issued a final ruling.

Congressional Legislation On December 2, 2009, the full U.S. House of Representatives approved H.R. 515, the "Radioactive Import Deterrence Act." (See *LLW Notes*, November/December 2010, pp. 21-23.) The bill—which was originally introduced by Representative Bart Gordon (D-TN)—proposes, among other things, to strip the U.S. Nuclear Regulatory Commission of its jurisdiction to authorize the importation of low-level radioactive waste.

Senator Alexander Lamar (R-TN) has introduced a companion bill, S. 232, in the U.S. Senate. On January 14, 2009, S. 232 was referred to the Senate Committee on Environment and Public Works. However, no further action has been taken on that piece of legislation to date.

For additional information, please contact Michael Garner, Executive Director of the Northwest Compact, at (360) 407-7102; Brad Johnson of the Utah Department of Environmental Quality at (801) 536-4405; Leonard Slosky, Executive Director of the Rocky Mountain Compact, at (303) 825-1912; or Mark Walker of EnergySolutions, at (801) 231-9194.

Utah Seeks Comments re Byproduct Material Rulemaking

On August 10, 2010, the Utah Radiation Control Board (the "Board") published its "Statement of Basis for Administrative Rulemaking Regarding Expanded Definition of Byproduct Material" (the "Statement of Basis").

The Statement of Basis was prepared to support the proposed rule changes to the following portions of the Utah Administrative Code: R313-12, R313-15, R313-21, R313-22 and R313-25.

Background

For over 20 years, the State of Utah has regulated Naturally Occurring Radioactive Materials (NORM) and Accelerator Produced Radioactive Materials (NARM). Until 2007, the U.S. Nuclear Regulatory Commission did not have authority to regulate these materials. Through the Conference of Radiation Control Program Directors (CRCPD), states developed and published a document titled, "The Suggested State Regulations for the Control of Radiation." The document, which was compiled with input from professional organizations and federal entities, included regulation of NORM and NARM in the same manner as byproduct material. Utah used the document as a template to write requirements to regulate radioactive materials, including NORM and NARM.

In 2005, NRC's definition of byproduct material was expanded and rules were promulgated to address the regulation of certain NORM and certain NARM. NRC's expanded authority extends only to materials specifically processed so that the radionuclide concentration within the material has been increased for commercial, medical or research purposes. As a result, NRC does not have authority over material that has not been processed to intentionally concentrate NORM or NARM.

States and Compacts *continued*

NRC defines NORM and NARM that has been intentionally concentrated (processed, extracted, or converted after extraction) for use in commercial, medical or research activities as “discrete sources.”

Statement of Basis

The proposed rulemaking now out for public comment introduces a definition for “diffuse sources” in order to allow the State of Utah to continue to regulate NORM and NARM not otherwise regulated by the NRC. In the proposed definition, “diffuse source” means a radionuclide that has been unintentionally produced or concentrated during the processing of materials for use for commercial, medical or research activities.

According to the Board, radiation emitted from diffuse sources can pose the same hazard to employees, the general public, and the environment that would exist for discrete sources of the same radionuclide. According to the Board, the only difference between the two sources would be the origin of the concentrated radionuclide.

As noted in the rulemaking Statement of Basis, “If the State of Utah’s regulatory authority is changed and is limited to that of the NRC, regulation of radioactive materials in Utah will become based on how radioactive material is produced rather than based on the risks and hazards associated with the radioactive material.”

Next Steps

Under Utah Radiation Control Act § 19-3-104, the Board may not adopt rules “that are more stringent than corresponding federal regulations which address the same circumstances” unless “it makes a written finding after public comment and hearing and based on evidence in the record that corresponding federal regulations are not adequate to protect public health and the environment of the [S]tate.”

The Board intends to issue a determination, after the public comment period, about whether there are “corresponding federal regulations that are not adequate to protect public health and the environment of the [S]tate.”

It is the staff’s initial recommendation that § 19-3-104 does not apply to the continued state regulation of diffuse sources of NORM and NARM since there are no corresponding federal regulations governing such materials.

Even if it is found that there are corresponding federal regulations, however, staff believes that the proposed rule would still satisfy § 19-3-104(9) since hazards caused by radionuclides are identical regardless of whether or not the material is a discrete source and since diffuse sources must therefore also be managed in order to prevent a potentially significant health hazard.

Comments on the Statement of Basis will be accepted through October 4, 2010.

To obtain a copy of the Statement of Basis, please go to http://www.radiationcontrol.utah.gov/Board/public_notice_9110.pdf.

Utah Radiation Control Board Holds Summer Meetings

The Utah Radiation Control Board held regularly scheduled meetings on Tuesday, July 13, 2010, and on Tuesday, August 10, 2010. The meetings—which were open to the public—were held at the board’s offices in Salt Lake City, Utah.

The Radiation Control Board is appointed by the Utah Governor with the consent of the Utah Senate and guides development of Radiation Control policy and rules in the state.

The following items, among others, were on the July and August meeting agendas:

States and Compacts *continued*

- ◆ approval of minutes of past meetings;
- ◆ final approval of rule changes for R313-19-13, R313-19-30 and R313-21-22;
- ◆ public comments on Performance Assessment Rule (see *LLW Notes*, May/June 2010, pp. 10-11);
- ◆ presentation to the U.S. Nuclear Regulatory Commission on the Board's Waste Blending Position Statement (see *LLW Notes*, May/June 2010, pp. 7-8);
- ◆ comments from HEAL Utah;
- ◆ introduction of Division Director and new Board Members;
- ◆ election of Board Chairman and Vice-Chairman; and,
- ◆ quarterly division activities report.

The Board holds open meetings ten times per year at locations throughout the state. A public comment session is held at the end of each meeting.

Copies of the Utah Radiation Control Board meeting agendas can be found at <http://www.radiationcontrol.utah.gov/Board/minagd/agenda.pdf>.

For additional information, please contact Rusty Lundberg of the Utah Department of Environmental Quality, Radiation Control Board, at (801) 536-4250 or at rlundberg@utah.gov.

Denison Mines License & Permit Amended

On June 17, 2010, the Utah Department of Environmental Quality approved amendments to the Denison Mines (USA) Corp Ground Water Quality Discharge Permit (UGW370004) and Radioactive Materials License (UT1900479).

A copy of the final Ground Water Quality Discharge Permit and Radioactive Materials License, as well as the Public Participation Summary for these actions, can be found on the agency's web site.

To obtain copies of these documents, please go to http://www.radiationcontrol.utah.gov/Uranium_Mills/IUC/cell4b/permitMod_licenseAmend.htm.

Rocky Mountain Board

Rocky Mountain Board to Meet in September

The Rocky Mountain Low-Level Radioactive Waste Board will hold a Regular Meeting in Denver, Colorado on September 14, 2010. The meeting—which will be held at the Denver Marriott Tech Center—will begin at 2:00 p.m.

The following items are on the Regular Meeting agenda:

- ◆ approval of minutes of the April 2010 Regular Meeting and notice of actions taken during the July 2010 telephonic meeting,
- ◆ continuation of public hearing and consideration of a declaratory order on a request from International Isotopes for the Board to consider whether the depleted uranium that it will receive would be subject to the Board's jurisdiction,
- ◆ update on operations and waste generation at the URENCO USA facility,
- ◆ status of Clean Harbors' regional facility,
- ◆ status of EnergySolutions' litigation and Italian waste importation,
- ◆ update on national developments,
- ◆ Executive Director's report including fiscal status/investment summary, permit fee revenue for 2010, expenditure/budget comparison, and status of volumes authorized for export and disposal in 2010,
- ◆ consideration of investment of the Board's funds, and
- ◆ Executive Session to discuss legal issues.

Interested parties are welcome to attend the meeting, and there will be an opportunity for public comment.

The order of matters on this agenda is subject to change without notice.

For additional information, please contact Leonard Slosky, Executive Director of the Board, at (303) 825-1912 or at lslosky@rmlwb.us.

Rocky Mountain Compact/State of New Mexico

Public Meeting Held re New Mexico Uranium Deconversion Plant

On July 23, 2010, the U.S. Nuclear Regulatory Commission announced that the agency is seeking public comment on issues to be considered in an Environmental Impact Statement for a proposed uranium deconversion plant to be built in Lea County, New Mexico.

Shortly thereafter, on July 29, 2010, NRC hosted a public meeting to explain the agency's environmental review process.

The Application

During 2009, International Isotopes made significant progress on the project including completion of the conceptual design and signing an agreement with the New Mexico Environment Department. On December 30, 2010, International Isotopes submitted an application to the U.S. Nuclear Regulatory Commission to construct the first ever uranium de-conversion and fluorine extraction processing facility at a location west of Hobbs, New Mexico—which is approximately 30 miles from the URENCO USA facility.

As planned, the plant would process depleted uranium hexafluoride tails from the enrichment of uranium for production of commercial nuclear reactor fuel. The processed depleted uranium would then be in a form more stable and suitable

for disposal. International Isotopes intends to sell the extracted fluorine for industrial uses. The plant would be capable of deconverting up to 7.5 million pounds per year of depleted uranium hexafluoride provided by commercial enrichment facilities throughout the United States.

On February 23, 2010, NRC docketed the application, thereby accepting it for formal review. The agency announced availability of the license application on April 13, 2010. (See *LLW Notes*, March/April 2010, p. 12.) An opportunity to request a hearing on the application, as well as instructions for filing a request for hearing and petition to intervene, were published in the *Federal Register* on April 5, 2010. The deadline for requesting a hearing was June 4, 2010.

International Isotopes license application and information on the NRC review process can be found at <http://www.nrc.gov/materials/fuel-cycle-fac/ininfacility.html>. Information on filing a hearing request can be found at <http://edocket.access.gpo.gov/2010/pdf/2010-7600.pdf>.

Agreement with LES

On April 19, 2010, International Isotopes Inc. announced that it has entered into an agreement with Louisiana Energy Services (LES) to provide depleted uranium de-conversion services for the URENCO USA facility located in Eunice, New Mexico. (See *LLW Notes*, May/June 2010, pp. 12-13.) The agreement is contingent upon International Isotopes meeting certain performance milestones in the construction and planned start-up of its facility by the end of 2013. The agreement provides that LES will provide certain minimum volumes of depleted material to International Isotopes for de-conversion with the option to process further material. The term of the agreement extends for the first five years of operation of International Isotopes planned de-conversion facility.

According to International Isotopes, the agreement represents one of four potential

revenue streams that the company anticipates will be produced by the planned facility. In addition to payment for de-conversion services under the LES agreement and from other potential enrichment facilities, International Isotopes intends to sell anhydrous hydrofluoric acid and valuable industrial fluoride gases that are each extracted during the de-conversion and fluorine extraction processes, respectively. The gases can be used to make various products such as silicon for solar cells and computer chips. The agreement with LES also calls for International Isotopes to provide some ancillary “for-fee” services, such as uranium hexafluoride cylinder cleaning, inspection and re-testing.

Environmental Review

A notice of intent to prepare an Environmental Impact Statement was published on July 15 in the *Federal Register*. Comments on the proposed environmental review were accepted at the July 29 public meeting, as well as in writing through August 30. Written comments may be submitted through the federal rulemaking web site at <http://www.regulations.gov> by searching for Docket ID NRC-2010-0143. They may also be submitted by e-mail to INIS_EIS@nrc.gov. Commenters are requested to include Docket ID NRC-2010-0143 in the subject line of their comments.

NRC Hosts Meeting re LES Startup and Inspection Issues

On July 8, 2010, the U.S. Nuclear Regulatory Commission hosted a meeting in Eunice, New Mexico to discuss issues related to the startup of the Louisiana Energy Services’ (LES) gas centrifuge uranium enrichment plant in Lea County, New Mexico. LES is a subsidiary of URENCO, a company that has been using centrifuge technology in Europe for more than 30 years.

On June 10, 2010, NRC announced that the agency has completed its readiness review of the plant and concluded that the facility could begin operation of the first cascade—a series of rotating cylinders using centrifugal force to separate uranium isotopes—under its NRC license. (See *LLW Notes*, May/June 2010, p. 14.)

Background

The LES URENCO USA Facility, formerly known as the National Enrichment Facility, is located near the town of Eunice, New Mexico. It was granted a license from the NRC in June of 2006 and shortly thereafter began construction of the site's buildings, centrifuges and security structures. Pursuant to the license, LES may enrich up to five percent of the isotope uranium-235 for use in the manufacture of nuclear fuel for commercial nuclear power plants.

During construction of the LES facility, NRC inspectors conducted extensive evaluations to independently assess whether the plant was built in accordance with its design and NRC regulations. Upon completion of construction, further detailed NRC inspections were conducted to review safety systems, training, operating procedures, security and other aspects of safe facility operation before the agency authorized operation of the enrichment facility's first cascade.

The LLW Forum provided an optional site tour of the LES plant—along with the Waste Control Specialists LLC facility in Andrews County, Texas—to attendees after its fall 2010 meeting in Texas.

Meeting

During the July 8 meeting, NRC staff discussed the agency's decision to allow the plant to begin operation, the inspections that led to that decision, the operational inspection program and continued construction inspections.

The meeting began with brief presentations by NRC staff, after which members of the public

were provided an opportunity to make comments or ask further questions.

For additional information, please contact Clint Williamson of Louisiana Energy Services at (505) 975-3335 or at cwilliamson@nefnm.com.

Southeast Compact

Southeast Compact Holds 95th Meeting in July 2010

Committee Meetings Held in August

The Southeast Compact Commission for Low-Level Radioactive Waste Management held its 95th meeting on July 29, 2010. The meeting, which began at 3:00 p.m., was conducted via teleconference.

During the course of the meeting, the Commission went into Executive Session to discuss the Supreme Court case (*Alabama, et. al. v. North Carolina*) and how to proceed regarding the remaining claims against the State of North Carolina. (See related story, this issue.) Other business was discussed as it came before the Commission.

On August 4, the Administrative Committee of the Southeast Compact Commission met via teleconference to review budgetary issues. Shortly thereafter—on August 9 and 20, 2010—the Ad Hoc Budget Review Committee met to review the Commission's mission and responsibilities and to discuss any changes that might be necessary in the 2010-11 budget.

All Committee and Commission meetings are open to the public.

For additional information, please contact the Southeast Compact Commission at (919) 821-0500 or at secc@secompact.org.

Nomination Deadline Extended for 2011 Hodes Award

The Southeast Compact Commission for Low-Level Radioactive Waste Management extended the deadline for submitting nominations for the 2011 Richard S. Hodes, M.D. Honor Lecture Award—a program that recognizes an individual, company, or organization that contributed in a significant way to improving the technology, policy, or practices of low-level radioactive waste management in the United States. The deadline for submitting nominations—which was originally set for June 30, 2010—was extended until August 6, 2010.

The award recipient will present the innovation being recognized at a lecture during the Waste Management '11 Symposium in Phoenix, Arizona. The award recipient will receive a \$5,000 honorarium and all travel expenses will be paid.

Background

Dr. Richard S. Hodes was a distinguished statesman and a lifetime scholar. He was one of the negotiators of the Southeast Compact law, in itself an innovative approach to public policy in waste management. He then served as the chair of the Southeast Compact Commission for Low-Level Radioactive Waste Management from its inception in 1983 until his death in 2002. Throughout his career, Dr. Hodes developed and supported innovation in medicine, law, public policy, and technology. The Richard S. Hodes, M.D. Honor Lecture Award was established in 2003 to honor the memory of Dr. Hodes and his achievements in the field of low-level radioactive waste management.

Past Recipients

The following individuals and entities are past recipients of the Richard S. Hodes, M.D. Honor Lecture Award:

- ◆ W.H. “Bud” Arrowsmith (2004);
- ◆ Texas A & M University Student Chapter of Advocates for Responsible Disposal in Texas (2004 *honorable mention*);
- ◆ William Dornsife (2005);
- ◆ California Radioactive Materials Management Forum (2006);
- ◆ Larry McNamara (2007);
- ◆ Michael Ryan (2008);
- ◆ Susan Jablonski (2009); and,
- ◆ Larry Camper (2010).

The Award

The Richard S. Hodes Honor Lecture Award—established in March, 2003—is awarded to an individual, company, or organization that contributed in a significant way to improving the technology, policy, or practices of low-level radioactive waste management in the United States. The award recipient will be recognized with a special plaque and an invitation to present a lecture about the innovation during the annual international Waste Management Symposium (WM '11). The 2011 symposium is sponsored by the University of Arizona and will be held in Phoenix, Arizona in the spring of 2011. A special time is reserved during the Symposium for the lecture and the award presentation. The Southeast Compact Commission will provide the award recipient a \$5,000 honorarium and will pay travel expenses and per diem (in accordance with Commission Travel Policies) for an individual to present the lecture.

Criteria

The Richard S. Hodes Honor Lecture Award recognizes innovation industry-wide. The award is not limited to any specific endeavor—

States and Compacts *continued*

contributions may be from any type of work with radioactive materials (nuclear energy, biomedical, research, etc.), or in any facet of that work, such as planning, production, maintenance, administration, or research. The types of innovations to be considered include, but are not limited to:

- ◆ conception and development of new approaches or practices in the prevention, management, and regulation of radioactive waste;
- ◆ new technologies or practices in the art and science of waste management; and,
- ◆ new educational approaches in the field of waste management.

The criteria for selection include:

1. *Innovation.* Is the improvement unique? Is it a fresh approach to a standard problem? Is it a visionary approach to an anticipated problem?
2. *Safety.* Does the practice enhance radiation protection?
3. *Economics.* Does the approach produce significant cost savings to government, industry or the public?
4. *Transferability.* Is this new practice applicable in other settings and can it be replicated? Does it increase the body of technical knowledge across the industry?

Eligibility

To be eligible for the award, the individual/group must consent to being nominated and must be willing to prepare and present a lecture about the innovation being recognized at the Waste Management Symposium. Individuals or organizations can nominate themselves or another individual, company, institution, or organization.

Nominations

To nominate yourself or another individual, company, or organization for this distinguished award, please contact:

Ted Buckner, Associate Director
Southeast Compact Commission
21 Glenwood Avenue, Suite 207
Raleigh, NC 27603
919.821.0500
tedb@secompact.org

or visit the Southeast Compact Commission's website at <http://www.secompact.org/>.

Nominations must be received by August 6, 2010.

Southeast Compact/Commonwealth of Virginia

Meeting Held re Lynchburg Fuel Fabrication Facility Decommissioning

On August 5, 2010, AREVA NP, Inc. met with officials from the U.S. Nuclear Regulatory Commission to discuss the company's plans to end fuel fabrication at its manufacturing facility in Lynchburg, Virginia. During the meeting, which was open to the public, AREVA also discussed potential future uses of the building. Members of the public in attendance were given an opportunity to ask questions of NRC staff after the business portion of the meeting.

The meeting follows a July 26 meeting between company officials and NRC staff to discuss the results of an NRC review of the company's commercial facility. NRC inspectors reviewed license performance at the facility from April 2008 through April 2010 in the areas of safety operations, radiological controls, facility support, safeguards and special topics. The review found that AREVA continued to conduct its activities safely and securely. It did not identify any specific areas needing improvement.

States and Compacts *continued*

Copies of the July meeting notice and the NRC letter to the company outlining the results of the review can be found on the NRC web site at www.nrc.gov/reading-rm/adams/web-based.html. The numbers to access the documents are ML101900341 and ML101690060.

For additional information on the August meeting, please contact Mary Thomas of the NRC at (404) 997-4561 or at marylynne.Thomas@nrc.gov.

Texas Compact/State of Vermont

Public Meeting and Roundtable Held re Vermont Yankee

On June 22, 2010, staff of the U.S. Nuclear Regulatory Commission held a public meeting regarding the agency's annual assessment of safety performance for the Vermont Yankee nuclear power plant during 2009. In addition to reviewing the results of the plant's performance, agency staff discussed work being done by the NRC's Groundwater Contamination Task Force and inspections associated with a Demand for Information (DFI) issued in March to Entergy regarding Vermont Yankee.

Shortly thereafter, on July 14, 2010, NRC Chairman Gregory Jaczko held a roundtable discussion with Vermont Yankee area-stakeholders in Brattleboro, Vermont. After the roundtable, the Chairman visited the Vermont Yankee nuclear facility in nearby Vernon. He also met with reporters prior to his plant tour.

Background

Vermont Yankee is the site of a single boiling-water reactor. It is located in Vernon, Vermont and is operated by Entergy Nuclear.

In January 2010, Entergy notified the NRC that it had received positive sample results for tritium from a groundwater well at Vermont Yankee. The tritium contamination does not pose any health or safety concerns for members of the public or plant workers.

June Meeting

During the June meeting, NRC staff made brief presentations on the 2009 annual assessment of performance, as well as on the work of the groundwater task force and the DFI. Following these presentations, attendees were given the opportunity to ask questions on these topics. Attendees were also provided an opportunity to ask questions about the plant's performance and the agency's oversight of the facility.

Overall, Vermont Yankee operated safely during 2009. At the conclusion of last year, there were no negative performance indicators for the facility and no inspection findings that would result in the plant receiving a higher level of oversight. However, on April 7, NRC announced that it planned to conduct additional inspections at the plant to oversee Entergy's efforts to address groundwater contamination at the site and to review and assess the company's response to the DFI.

July Roundtable

Members of the public were invited to attend the July roundtable with NRC Chairman Jaczko.

While at the Vermont Yankee facility, Chairman Jaczko met with the NRC resident inspectors that carry out the agency's inspection program at the site on a daily basis. In addition, he toured the site, talked with plant officials and held an all-hands meeting with plant employees.

Current performance information for Vermont Yankee is available on the NRC web site at http://www.nrc.gov/NRR/OVERSIGHT/ASSESS/VY/vy_chart.html.

State of New York

New York Annual LLRW Report Available

The twenty-fourth annual *New York State Low-Level Radioactive Waste Status Report* is now available on the New York State Energy and Research Development Authority's (NYSERDA's) web site. The report covers calendar year 2009.

The New York State Low-Level Radioactive Waste Management Act (Chapter 673, Laws of 1986) requires facilities in the State that produce low-level radioactive waste to file annual reports with NYSERDA detailing the types and quantities of waste generated. The Act further requires NYSERDA to prepare an annual status report summarizing this information and to submit the report to the Governor and the New York State Legislature.

The 2009 Status Report provides data on the volume and activity of low-level radioactive waste shipped to out-of-state disposal sites and data on low-level radioactive waste stored at the end of the year pending disposal.

To obtain a copy of the 2009 Status Report, please go to http://www.nyserda.org/Energy_Information/llrwr.asp. For additional information, please contact Alyse Peterson, Senior Project Manager for Radioactive Waste Policy and Nuclear Coordination at NYSERDA, at (518) 862-1090 ext. 3274 or at alp@nyserda.org.

State of North Carolina

Comment Sought re Proposed North Carolina Uranium Plant

On June 24, 2010, the U.S. Nuclear Regulatory Commission announced that the agency is seeking public comment on a Draft Environmental Impact Statement (EIS) for a laser-based uranium enrichment plant proposed to be built in Wilmington, North Carolina. General Electric Hitachi (GEH) is the applicant for the proposed facility.

Background

GEH submitted its environmental report for the proposed facility, to be called the Global Laser Enrichment (GLE) Uranium Enrichment Facility, on January 30, 2009. A complete license application was received on June 26, 2009.

As proposed, GEH is seeking to use laser-based technology to enrich uranium in the U-235 isotope to concentrations up to 8 percent by weight. The enriched uranium would be used in manufacturing reactor fuel for commercial nuclear power plants.

Draft Environmental Report

The draft EIS analyzes potential impacts of construction, operation and decommissioning of the proposed facility. It includes the NRC staff's preliminary conclusion that the plant would have small to moderate impacts on the local environment, primarily during construction. The staff recommends that, unless safety issues mandate otherwise, GEH should be issued a license to construct and operate the facility.

NRC staff held two public meetings in Wilmington on July 22 to discuss the report and receive public comments. NRC staff hosted informal open house sessions an hour in advance of the meetings.

Comments on the draft EIS will be accepted through August 9. Comments may be submitted by e-mail to GLE.EIS@nrc.gov, or over the federal government's rulemaking web site at <http://www.regulations.gov> by searching for Docket ID NRC-2010-0157.

The draft EIS for the proposed GLE facility is available on the NRC web site at <http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1938>.

First Uses of Advance Fire Protection Standard Approved at Harris

On July 1, 2010, the U.S. Nuclear Regulatory Commission announced that the agency has approved the Shearon Harris Nuclear Power Plant's adoption of the National Fire Protection Association's "Performance-Based Standard for Fire Protection for Light-Water Reactor Electric Generating Plants," (NFPA 805).

"Our approval marks an important milestone in advancing fire protection at nuclear power plants," said NRC Chairman Gregory Jaczko. "While current fire protection regulations provide adequate protection, NFPA 805 enhances fire safety using risk insights. The agency has worked with recognized experts to incorporate an updated understanding of fire risks into our regulations through NFPA 805. This process gives nuclear power plant licensees more refined tools to comprehensively evaluate their fire safety measures and focus their resources when they will do the most good."

Background

The NFPA issued the standard in 2001, and the NRC provided extensive opportunity for the

public and the fire safety community to participate in the agency's examination of the standard. NRC incorporated the standard in 2004 as a voluntary alternative to existing fire protection regulations. In 2005, Shearon Harris and the Oconee plant in South Carolina volunteered to lead the industry's pilot implementation program. Shearon Harris submitted its formal application to switch to NFPA 805 in May 2008.

NFPA 805 Standard

NFPA 805 describes how existing U.S. reactors can upgrade their fire protection programs by applying risk-informed, performance-based requirements and fundamental fire protection design elements. Under the NFPA 805 standard, reactor owners and operators perform engineering analyses to demonstrate their installed fire protection systems and features will meet specific fire protection and nuclear safety goals, objectives and performance criteria.

Shearon Harris Plant

Plant owners must also install additional equipment or take other measures if the analyses call for them. In the case of the Shearon Harris plant, the NFPA 805 analysis led the plant to make several modifications, including installation of an additional fire protection system and an additional diesel generator.

Other Plants

An additional 47 reactors at 31 sites, representing 17 utilities, have told NRC that they plan to adopt the NFPA 805 approach. In addition, NRC expects other U.S. nuclear power plants will consider adopting this approach once the industry gains experience in implementing the standard.

Additional information on the NFPA 805 approach and fire protection at U.S. nuclear power plants is available on the NRC web site at www.nrc.gov/reactors/operating/ops-experience/fire-protection.htm.

Alabama, et. al. v. North Carolina

Southeast Compact Commission Votes to Proceed with Legal Action Against North Carolina

On July 29, 2010, following a meeting with legal counsel, the Southeast Interstate Low-Level Radioactive Waste Management Commission voted to proceed with unresolved issues in *Alabama et. al. v. North Carolina*—a lawsuit brought by the Commission and several of its member states against the State of North Carolina for its alleged failure to develop a regional low-level radioactive waste disposal facility.

The U.S. Supreme Court issued an opinion in the lawsuit on June 1, 2010. Although the Court found in favor of the defendant, holding that North Carolina did not breach its duties under the Southeast Compact, the Court also denied North Carolina's motion to dismiss the Commission's claims on the grounds of sovereign immunity and its motion for summary judgment on equitable claims contained in Counts III – V of the action.

“The Commission lost on the counts related to breach of contract and the Commission's power to sanction a state,” said Commission attorney Henry Jones. “But there are still equitable claims that are unresolved and the Commission wants to pursue those.”

The Court's ruling and its potential impact on powers of other low-level radioactive waste compact commissions, as well as post-ruling policy decisions of the Southeast Compact Commission and its plans for moving forward, will be the subject of a one hour special focus session at the upcoming LLW Forum meeting in Saratoga Springs, New York on September 27-28, 2010. (To obtain a Meeting Bulletin and

Registration Form for the upcoming LLW Forum meeting, please go to the LLW Forum's web site at www.llwforum.org and scroll down to the first bold paragraph on the Home Page.)

Quotes from Commission Officials

In announcing the vote to proceed with legal action, Southeast Compact Commission Chairman Michael Mobley stated as follows:

“I have spent my entire career working for safe disposal of low-level radioactive waste and protecting the health and safety of the public. The other states in the Southeast Compact were wronged when North Carolina walked out on its promise to them. We can't let them get away with that. We're determined to pursue all of our options to bring this suit to a successful end. It's the right thing to do.”

John Lanza, M.D., Ph.D.—who is a Commissioner from Florida and the Director of the Escambia County Health Department—added the following:

“As a public health physician and health physicist, I believe it is critical that we solve this issue of radioactive waste disposal in our society. Congress has entrusted each state with the responsibility to solve this problem alone or in partnership with other states. We took the regional approach, and North Carolina let us down. We need to see this through to the end.”

Background

In September 1986, pursuant to the Southeast Compact, North Carolina was selected as the host state for the compact region. Shortly thereafter, North Carolina made a request to the Southeast Compact Commission for financial assistance. In response, the Commission, on behalf of the party states, began providing funds to North Carolina in 1988 to assist with the development of a facility.

Courts *continued*

Over the next eleven years, the party states, via the Commission, provided approximately \$80 million to North Carolina in an effort to move siting and licensing to completion. North Carolina, however, did not site or license a facility, and in 1997, ceased all activity.

In response, the Commission found North Carolina in breach of the Compact and imposed sanctions on North Carolina in the amount of \$90 million. In the interim, North Carolina took action to withdraw from the Compact. Ultimately, the State refused to comply with the sanctions.

In June 2002, the Commission and four member states filed a Complaint in the U.S. Supreme Court seeking, among other things, to enforce the sanctions order. (See *LLW Notes*, May/June 2002, pp. 1, 11.) The Court accepted the case and assigned it to a Special Master for his review and recommendations to the Court as to how the matter should be resolved.

In June 2006, the Special Master found that the Compact did not authorize the Commission to impose monetary sanctions against member states and additionally that the Commission could not impose sanctions because North Carolina withdrew from the compact prior to the sanctions determination. The Special Master found, however, that further proceedings were necessary to determine whether North Carolina breached its obligations under the compact.

The parties engaged in discovery and then filed additional motions with the Special Master. Plaintiffs argued that North Carolina breached the Compact when it ceased performance and that they are therefore entitled to restitution of the \$80 million that the Commission provided to North Carolina in reliance on the Compact, plus interest. North Carolina disagreed.

In April 2009, the Special Master submitted a second report, with exceptions thereto being filed by the parties, for the Court's consideration. (See

LLW Notes, May/June 2009, p. 25.) The Special Master found that North Carolina did not breach the Compact and that North Carolina's withdrawal did not violate its implied covenant of good faith and fair dealing.

In July 2009, several compacts—including the Rocky Mountain Low-Level Radioactive Waste Board, the Northwest Interstate Compact Committee on Low-Level Waste Management, the Central Interstate Low-Level Radioactive Waste Commission, and the Midwest Interstate Low-Level Radioactive Waste Commission—jointly filed an *amicus curiae* brief in support of the Southeast Compact Commission with the Court. (See *LLW Notes*, July/August 2009, pp. 18-21.) That same month, the Solicitor General filed an *amicus curiae* brief to address specific questions presented by the case.

On January 11, 2010, the Court heard oral arguments in the case. (See *LLW Notes*, January/February 2010, pp. 23-27.) Attorneys for the Plaintiffs and Defendants, as well as the U.S. Solicitor General, made presentations to the Court and answered questions from the Justices.

On June 1, 2010, the Court released its opinion in the lawsuit. (See *LLW Notes*, May/June 2010, pp. 1, 24-33.) Among other things, the Court agreed with the Special Master's findings that the Compact did not authorize the Commission to impose monetary sanctions against member states; the Commission could not impose sanctions because North Carolina withdrew from the Compact prior to the sanctions determination; North Carolina did not breach the Compact; and, North Carolina's withdrawal did not violate its implied covenant of good faith and fair dealing. The Court, however, denied North Carolina's motion to dismiss the Commission's claims on the grounds of sovereign immunity, as well as its motion for summary judgment on equitable claims contained in Counts III – V of the action. Three separate opinions were filed, two of which dissented in part from the majority opinion.

For additional information, please contact Kathryn Haynes or Ted Buckner of the Southeast Compact Commission at (919) 821-0500 or at khaynes@secompact.org or at tedb@secompact.org.

Pryor v. Andrews County

WCS LLRW Disposal Bond Election Upheld

On August 20, 2010, the Texas Supreme Court let stand the results of the May 2009 election in which Andrews County voters approved \$75 million in bonds to finance construction of low-level radioactive waste disposal sites at the Waste Control Specialists LLC (WCS) facility in Andrews County, Texas.

Reacting to the ruling, WCS President Rod Baltzer said, "Today's decision by the Supreme Court is great news and it will allow us to move forward with construction plans for our low-level radioactive waste disposal facility. We are proceeding as quickly as possible with plans to begin construction in the fourth quarter."

The Bond

WCS requested that the bond issue be placed on the May 2009 ballot for development of the planned low-level radioactive waste disposal facility. As proposed, the county would take out a \$75 million bond based on its credit rating and WCS would then repay it.

According to WCS officials, stock from WCS, its parent company (Valhi Inc.), and a year's worth of principle and interest would be put into an account for Andrews County as collateral while the bond is repaid in order to ensure that local taxpayers do not end up with the burden of the loan.

An opposition group called No Bonds for Billionaires opposes granting the bond for WCS' benefit. The informal group, which was started by sisters Melodye and Peggy Pryor, campaigned against passage of the bond.

Bond Election

On May 9, 2009, voters in Andrews County approved the bond for the planned low-level radioactive waste disposal facility being developed by WCS. (See *LLW Notes*, May/June 2009, pp. 17-18.) The bond, which passed by a vote of 642 to 639, will allow WCS to borrow money from the county, thereby taking advantage of its credit rating.

Shortly thereafter, however, opponents filed a formal request for a recount. Under Texas statute, a recount may be granted if 25 registered voters sign a petition within five days of the election and the item on the ballot wins by less than 10 percent of the votes.

County Judge Richard Dolgener verified that all of the signatures are from registered voters before he accepted the petition. Nonetheless, upon recount, the votes were the same.

The Lawsuit

After a recount on the bond votes, the Pryor sisters filed a lawsuit arguing that there were several irregularities among the votes cast. The sisters contend that the results of the election should therefore be invalidated.

On October 6, 2009, a state district court judge issued a decision dismissing the lawsuit. (See *LLW Notes*, September/October 2009, pp. 14-15.)

The plaintiff's appealed that decision, focusing mainly on voter registration cards from the 1970's. According to the plaintiffs, citizens were on the registrar's record as legal voters even through they had never signed their voter

registration cards. As a result, the plaintiffs argue that these ballots should not have been counted.

Andrews County District Attorney John Pool noted, however, that each voter was required to show their identification and to sign in when they voted. Accordingly, he argued that the votes were legally counted.

Chief Justice David Wellington Chew wrote in his opinion that once a registrar approves a citizen's application to vote, it remains valid until cancelled by the registrar. "An omission or error in a voter's registration application does not automatically invalidate that registration" unless the registrar rules the registration should be canceled, wrote Chew.

On April 14 2010, the Eighth Circuit Court of Appeals in El Paso, Texas upheld the results of the bond election.

Texas Supreme Court's Ruling

The appeal to the Texas Supreme Court was filed on June 2, 2010. Although the appellate held that no illegal votes were counted in the Andrews County bond election held on May 9, 2009, the plaintiffs continued to assert in their appeal that there were errors or omissions on about 90 voter registration cards.

The Texas Supreme Court's August 20 ruling dismissed the appeal of the bond election, noting it lacked jurisdiction to review the case. WCS raised the "lack of jurisdiction" argument when it challenged the appeal of the election to the Supreme Court. "Only state wide elections can be appealed to the Texas Supreme Court," stated Mr. Baltzer. "This county election [challenge] should have stopped at the appellate court."

Next Steps

WCS was not named in the lawsuit, but has been waiting for resolution of the issue to begin construction on its site.

In addition, Andrews County has filed a bond validation lawsuit with which it is proceeding.

WCS plans to begin construction of the low-level radioactive waste disposal facility in Andrews County by the end of the year.

For information on WCS license application, please go to the TCEQ web page at http://www.tceq.state.tx.us/permitting/radmat/licensing/wcs_license_app.html or contact the Radioactive Materials Division at (512) 239-6466. You may also go to the WCS web site at <http://www.wcstexas.com> or contact Chuck McDonald of WCS at (512) 708-8655.

Private Fuel Storage, LLC v. U.S. Department of the Interior

Judge Orders Interior Department to Revisit PFS Rulings

On July 26, 2010, a Colorado-based appeals court judge threw out a pair of four-year old decisions by the U.S. Interior Department that effectively killed a proposal by Private Fuel Storage, LLC—a consortium of eight nuclear utilities—to build a temporary spent nuclear fuel storage facility on the reservation of the Skull Valley Band of Goshute Indians in Utah. In one decision, the Bureau of Land Management (BLM) refused to grant the rights of way needed to build transportation methods needed to get the fuel to the site. In another, the Bureau of Indian Affairs (BIA) disapproved a lease agreement allowing PFS to use Goshute reservation land for the facility. (See *LLW Notes*, September/October 2006, pp. 20-21.)

Finding that upper-level Interior officials had taken the unusual step of injecting themselves into the controversial and highly politicized issue, and

ruling that the handling of the final decisions was “arbitrary and capricious” since the department failed to remedy difficulties in its own Environmental Impact Statement, the court ordered the Interior Department to reconsider the plaintiff’s two requests. In particular, the court stated Interior must do a better job of addressing the “unanswered questions” that they complained about in the September 2006 rulings.

The case was assigned to a Colorado-based appeals court judge after all of the federal district court judges in Utah recused themselves.

The Court’s Decision

During oral arguments in March of 2009, attorneys for PFS and the Goshute Tribe argued that Interior officials had made numerous errors in compiling their Records of Decision (ROD’s) and asserted that Interior officials had succumbed to political and public pressure when they detoured from normal department procedures. The court appears to have been swayed by such arguments, finding that “Upper level DOI officials then assumed control of PFS’ right-of-way application from the BLM and denied that application, after concluding that to grant the application would be against the public interest because there still remained too many unanswered questions about the project.” The court further found that “Upper level DOI officials also took over plaintiffs’ lease approval request from the BIA and disapproved the lease for a number of reasons, including the need to protect the reservation for future generations of the Skull Valley Band.” Both decisions, according to the court, were “arbitrary and capricious.”

In particular, the court noted that the Goshutes wrote Interior at least three times offering to provide any additional information that the department might need in regard to the proposed lease. According to the court, the Interior Department did not respond to any of the correspondence. Furthermore, instead of working with the tribe to come to a decision that was in its

best interest, the court found that Interior officials took it upon themselves to decide what is best for the Goshutes. “[T]he DOI focused only on its role as trustee for the Band, concluding that it had weigh[ed] the benefits to the Band against the significant uncertainties and other factors” to “conclude that it is not consistent with the conduct expected of a prudent trustee to approve a proposed lease that promotes storing [spent nuclear fuel] on the reservation.”

In considering the right of way application, the court pointed out that the Interior Department was charged with preparing the Environmental Impact Statement for the project. Accordingly, the court believes that many of the uncertainties cited by DOI in rejecting the request—including questions about ensuring that the spent fuel would be removed from the site one day, how the site would fare in a terrorist attack, the impacts of a new bundled waste landfill and the congressionally designated Cedar Mountain Wilderness area—could have and should have been addressed by Interior before issuance of the ROD. “But here, the DOI denied that application because its own [Environmental Impact Statement] was not adequate,” wrote the judge. “That was arbitrary and capricious.”

Many Utah politicians and much of the local citizenry, all of whom oppose the PFS proposal, criticized the court’s ruling. Yet others, including the Nuclear Waste Strategy Coalition, believe that the ruling is good for both the nuclear industry and the Goshutes. Members of the tribe are split on the proposal, with some being in favor of it while others are opposed.

A spokesperson for the U.S. Justice Department declined to comment on whether it will appeal the court’s decision, stating simply “No determinations have been made at this stage.”

Background

PFS seeks to locate its facility on the reservation of the Skull Valley Band of Goshute Indians—

about 50 miles southwest of Salt Lake City. The proposed above-ground facility would use up to 4,000 NRC-approved Holtec International HI-STORM 100 storage casks, each of which can hold up to 10 tons of spent fuel. The HI-STORM cask consists of a steel canister in which the fuel is stored and a steel and concrete overpack. To shield the spent fuel, the canister is welded closed and then placed in the overpack of two steel shells encasing a wall of concrete more than two feet thick. The concrete provides additional shielding from radiation during storage. The cask weighs 180 tons when full. Although the value of the contract between the Goshutes and PFS has never been disclosed, the July 26 ruling notes that about \$91 million has been promised to Tooele County for its help with the project.

PFS submitted its application for a license to construct and operate the spent fuel storage facility to the NRC in June 1997. The NRC issued its final Environmental Impact Statement in January 2002 and a Consolidated Safety Evaluation Report in March 2002. On September 9, 2005, NRC denied the final appeals of the State of Utah in adjudication of PFS' application. In so ruling, NRC upheld a February 24, 2005 decision by the Atomic Safety and Licensing Board (ASLB) that rejected Utah's contention that the license application should be denied because there is too high a probability of a radiation release resulting from an accidental crash of one of 7,000 flights over the Skull Valley each year by F-16 single-engine jets from Hill Air Force Base. By a 3 to 1 vote, the Commission authorized staff to issue PFS a license once the requisite findings are made under NRC regulations. (See *LLW Notes*, September/October 2005, p. 25-26.)

Other Hurdles

Although in September 2005—nine years after the initial application was filed—NRC voted to issue PFS a license, approval was conditioned upon BLM's approval of a plan to transport the waste to the site and BIA's final approval of the Goshute's lease with PFS. (See *LLW Notes*,

September/October 2005, pp. 25-26.) In addition, PFS is required to have commitments for the cost of constructing and decommissioning the site before work can begin.

After NRC's action, however, Utah's congressional delegation was successful in pushing through legislation to create the Cedar Mountain Wilderness Area adjacent to the Goshute reservation—thereby blocking rail access to the site. Members of the Utah delegation then wrote to BLM in May of 2006 arguing that the wilderness designation makes it impossible to build the proposed rail line to the site and that the alternate plan of using trucks is not viable for various security-related reasons.

PFS has also faced problems with financial support from members of the consortium. In early 2006, Senator Orin Hatch (R-UT) released two letters announcing that one partner planned to drop out of the group and another formalized a decision not to provide any additional funding to the project. (See *LLW Notes*, January/February 2006, pp. 11, 18.)

In addition, Congress has considered efforts to create one or more government-run interim storage facilities, potentially making private storage unnecessary. (See *LLW Notes*, July/August 2006, pp. 14-15.)

Congress

FY 2009 Abnormal Occurrences Report Sent to Congress

On July 12, 2010, the U.S. Nuclear Regulatory Commission delivered to Congress its annual report on abnormal occurrences for fiscal year 2009. The report was subsequently released to the public, a notice of the availability of which was published in the *Federal Register* on July 16. The report is published as NUREG-0900, Vol. 32.

For 2009, there were no abnormal occurrences at any of the 104 NRC-licensed nuclear power reactors. The report, however, cites nine events that occurred at licensed medical facilities during that period.

An accident or event is considered an “abnormal occurrence” if it involves a major reduction in the degree of protection of the public health and safety. Abnormal occurrences can include, but are not limited to, moderate exposure to or release of radioactive material licensed by the NRC or a state agency; major degradation of safety-related equipment; or major deficiencies in design, construction, use of or management controls for facilities or radioactive material licensed by the NRC.

Three of the medical facilities at which abnormal events occurred were NRC licensees, while the rest involved Agreement State licensees. Two of the events involved the exposure of an embryo or fetus. The rest were medical events, such as misadministration of radioactive material during diagnostic or therapeutic procedures. Thousands of such procedures are conducted in U.S. medical facilities each year.

The report details investigations of each incident by the NRC, Agreement States and licensees, as

well as measures taken to ensure that such incidents do not recur. This year’s report also updates information from the FY 2008’s report on medical events at the Department of Veterans Affairs, and discusses leaks in underground pipes at some nuclear power plants under “Other Events of Interest.”

The report may be found at <http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr0090/>.

Annual Nuclear Facilities Security Report Sent to Congress

In July 2010, an unclassified version of an annual report outlining the 2009 security inspection program was made available to the general public. The report is prepared annually by the U.S. Nuclear Regulatory Commission and submitted to Congress. It covers the security inspection program, including force-on-force exercises, for commercial power reactors and fuel cycle facilities for calendar year 2009.

“Regularly assessing the security of nuclear power plants is a critical part of the NRC’s overall mission to protect the public’s health and safety,” said NRC Chairman Gregory Jaczko. “This report represents hundreds of staff hours of work and our steady commitment to this responsibility.”

The report, which is required under the Energy Policy Act of 2005, states that NRC conducted 179 security inspections at commercial power reactors. Of these, 24 were force-on-force inspections that use a well-trained mock adversary force to test a facility’s ability to respond to the level of threat the facility is required to defend against.

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Advisory Committee on Reactor Safeguards (ACRS)

ACRS Hosts July Meeting

The U.S. Nuclear Regulatory Commission's Advisory Committee on Reactor Safeguards (ACRS) met on July 14-16, 2010 at the agency's headquarters in Rockville, Maryland.

The July meeting agenda included, among other things, the safety evaluation report for the South Texas Project combined license application; regulatory guidance for fuel cycle facility change processes; seismic input for site response and soil structure analyses; the implementation of seismic margin analysis for new reactors; and the quality assessment of selected NRC research projects. In addition, representatives of the Nuclear Energy Institute discussed with the Commission items of mutual interest.

The ACRS is a group of experienced technical experts that advises the Commission, independently from NRC staff, on safety issues related to the licensing and operation of nuclear power plants. It also advises the Commission on issues in health physics and radiation protection. Portions of ACRS meetings may be closed to discuss information that includes classified, proprietary, or personnel matters.

Complete agendas for ACRS meetings can be found on the NRC's web site at <http://www.nrc.gov/reading-rm/doc-collections/acrs/agenda/2010/>. For additional information on ACRS meetings, please contact Antonio Dias at (301) 415-6805.

Atomic Safety and Licensing Board (ASLB)

ASLB Rejects DOE Motion to Withdraw Yucca Application

On June 29, 2010, the U.S. Nuclear Regulatory Commission's Atomic Safety and Licensing Board (ASLB) issued LBP-10-11 that, among other things, rejected a motion by the U.S. Department of Energy to withdraw its construction authorization application for the proposed Yucca Mountain high-level radioactive waste repository.

In so doing, the board ruled that the Nuclear Waste Policy Act of 1982 (NWPA) "does not give the [S]ecretary [of Energy] the discretion to substitute his policy for the one established by Congress."

The ASLB conducts hearings for the Commission and performs such other adjudicatory functions as the Commission authorizes.

The Ruling

In the 53-page ruling, a panel of judges rejected DOE's motion to withdraw a 17-volume, 8,600-page application to build an underground repository and above-ground industrial site to dispose of spent nuclear fuel. As proposed, the fuel would arrive at the proposed Yucca Mountain facility by rail car.

DOE sought to withdraw the application after President Barack Obama's administration changed its nuclear waste policy and zeroed out the program in the administration's 2011 budget. Energy Secretary Steven Chu determined that Yucca Mountain "is not a workable option."

The judges, however, ruled that DOE does not have the authority to withdraw the application. "We conclude that Congress directed both that

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DOE file the application, and that the NRC consider the application and issue a final merits-based decision,” stated the judges. “Unless Congress directs otherwise, DOE may not single-handedly derail the legislated decision-making process by withdrawing the application.”

Next Steps

On June 30, the Secretary of the Commission issued an order inviting the parties to file briefs by July 9 advising the Commission as to whether it should review the ASLB’s order and, if so, whether it should uphold or reverse it. Several initial briefs were filed by the July 9 deadline. Reply briefs were then filed by the July 16 deadline.

NRC Chairman Gregory Jackzo is a former science adviser to Senator Reid. Jaczko, who was first named as a Commissioner in 2003, was nominated to a second term in 2008.

Earlier this year, the three newest NRC Commissioners—William Magwood, George Apostolakis and William Ostendorff—were all asked directly at their Senate confirmation hearings whether they would “second guess” DOE on Yucca Mountain. Each responded that they would not.

Related Actions

In addition to consideration by the ASLB, several states (including Washington and South Carolina) have filed a lawsuit before a federal appeals court in Washington, DC that seeks to revive the Yucca Mountain project. Hearings in the suit have been scheduled for September 2010.

Earlier this year, the Nuclear Energy Institute (NEI) and sixteen utilities also filed suit against DOE over the Nuclear Waste Fund in the U.S. Court of Appeals for the District of Columbia Circuit. (See *LLW Notes*, March/April 2010, pp. 22-23.) The lawsuit seeks to force DOE to promptly perform an annual review of the Nuclear

Waste Fund fee to account for the present status and cost of the nuclear waste program and to immediately suspend collection of fee payments to the Nuclear Waste Fund.

Background

The NWPA, as amended, created a process for the identification, characterization and approval of a site for a permanent geologic repository and for its licensing by the NRC. In 2002, over strong objections from the State of Nevada, President George W. Bush and both chambers of Congress accepted the recommendation of then-Energy Secretary Spencer Abraham and designated Yucca Mountain as the site for America’s first permanent repository. (See *LLW Notes*, January/February 2002, pp. 16-17 and *LLW Notes*, March/April 2002, p. 26.)

On June 3, 2008, DOE submitted an application to NRC for authorization to construct a spent nuclear fuel and high-level radioactive waste repository at Yucca Mountain, Nevada. (See *LLW Notes*, May/June 2008, pp. 35-36.) The application details DOE’s plans “to safely isolate spent nuclear fuel and high-level radioactive waste in tunnels deep underground at Yucca Mountain, a remote ridge on federally controlled land in the Mojave Desert 90 miles northwest of Las Vegas.” The waste is currently being stored at 121 temporary locations in 39 states throughout the nation.

A Final Environmental Impact Statement (EIS), as well as approximately 200 key supporting documents, accompanied the license application submitted by DOE. In addition, DOE has made available more than 3.6 million documents relating to the Yucca Mountain licensing proceeding on the NRC’s Licensing Support Network.

For additional information, please contact the U.S. Nuclear Regulatory Commission’s Office of Public Affairs at (301) 415-8200.

Federal Emergency Management Agency

Meetings Held re Proposed Emergency Preparedness Guidance

In July 2010, the Federal Emergency Management Agency (FEMA)—in conjunction with the U.S. Nuclear Regulatory Commission—held two additional public meetings to discuss proposed enhancements to emergency preparedness guidance document NUREG-0654/FEMA-REP-1, Supplement 3, “Guidance for Protective Action Recommendations for General Emergencies.” The additional meetings, which were requested by stakeholders, were held in Wilmington, Delaware and Tampa, Florida. Two previous meetings had been held on the same subject.

Among the proposed revisions to the guidance document are increasing the involvement of offsite response organizations in developing protective action strategies, considering staged evacuation as the initial protective action at a General Emergency (the highest classification level), and increasing the use of shelter-in-place for certain accident scenarios.

The relevant documents may be obtained at www.regulations.gov using Docket ID NRC-2010-0080.

Interagency Task Force

Interagency Task Force Report re Radiation Protection & Security

On August 11, 2010, the second report of the Radiation Source Protection and Security Task Force was submitted to President Obama and Congress. The report outlines the federal government’s efforts over the past four years to enhance the security of radioactive sources.

The Energy Policy Act of 2005 created the task force. The U.S. Nuclear Regulatory Commission, which was named as the chair, is responsible for evaluating and providing recommendations on the security of radiation sources in the United States from potential criminal or terrorist threats—including acts of sabotage, theft or use in a “dirty bomb.” Other members of the task force include representatives from the Department of Homeland Security, Defense, Energy, Transportation, Justice, State, Health and Human Services, U.S. Environmental Protection Agency, Office of Science and Technology Policy, the Conference of Radiation Control Program Directors and the Organization of Agreement States. The Director of National Intelligence is also on the task force, as are representatives from the Central Intelligence Agency and the Federal Bureau of Investigations.

Under the terms of the legislation, the task force was required to produce a report in 2006 and every four years thereafter. The 2006 report described efforts planned or underway to strengthen regulatory controls and made several recommendations to enhance the overall security of risk-significant radioactive materials, such as sources used in irradiators, radiography and certain radiation cancer treatments.

In the four years since the first draft report, the task force has met routinely to discuss progress and evaluate the protection and security of risk-significant radioactive materials. The 2010 task force report presents the status of the recommendations and actions from the 2006 report, as well as new recommendations in the following areas:

- ◆ coordination and communication improvements among government agencies and the public;
- ◆ advances in the security and controls of radioactive sources;
- ◆ recovery and disposition of unused radioactive sources; and,
- ◆ alternative technologies that could perform all or some of the functions of radiation sources.

The task force will continue to meet to implement and monitor the progress of efforts to improve the security of radioactive sources and identify any additional gaps that may arise.

Additional information about the task force, including the 2010 and 2006 reports, is available on the NRC web site at www.nrc.gov/security/byproduct/task-force.html.

U.S. Nuclear Regulatory Commission

NRC Amends Import and Export Regulations

On July 28, 2010, the U.S. Nuclear Regulatory Commission published a final rule in the *Federal Register* that amends the agency's regulations that govern the export and import of nuclear equipment and material as contained in 10 CFR Part 110, "Export and Import of Nuclear Equipment and Material."

In addition to making clarifications, updates and corrections to several provisions, the amendments—which are intended to improve the

agency's regulatory framework—allow imports of sources under a general license and revise the definition of radioactive waste for the purposes of export and import.

The *Federal Register* notice announcing the final rule can be found on-line at <http://edocket.access.gpo.gov/2010/pdf/2010-18219.pdf>.

The Amendments

General Overview As finalized, the amendments remove the requirements for licensees to obtain a specific license before importing Category 1 and Category 2 quantities of radioactive materials listed in Appendix P to 10 CFR 110. NRC or Agreement State licensees must be authorized to possess these sources domestically in order to import them under a general license. (Thirty-seven states have agreements with the NRC under which the states license and regulate radioactive material.) Under the amended regulations, importers are still required to provide notification of the import prior to shipment.

Security Enhancements According to the agency's press release, NRC is making this change due to enhancements that have been made to the domestic materials licensing and regulatory framework since the terrorist attacks of September 11, 2001. These security enhancements include background investigations, fingerprint checks and trustworthiness and reliability checks of personnel that are granted unescorted access to risk-significant materials. Other security enhancements include physical intrusion barriers, greater coordination with law enforcement and enhanced security measures during transport.

National Source Tracking System NRC further notes that the National Source Tracking System (NSTS), which was implemented in 2009, provides "cradle-to-grave" tracking of Category 1 and Category 2 radiation sources. Under NRC regulations, licensees are required to report to the system any new tracked source and note where

the source came from within 24 hours receipt. As a result, there is significantly more information available to NRC staff about imported sources with the NSTS in place and pre-shipment notification requirements.

Definition of Radioactive Waste Finally, the final rule revises the definition of radioactive waste to make the export and import requirements more consistent with domestic licensing requirements. The changes clarify that exporting or importing radioactive material for recycling, waste treatment or other waste management processes that generates waste for disposal requires a specific export or import license.

Background and Discussion

On June 23, 2009, NRC published at 74 *Federal Register* 29,614 a proposed rule to amend the agency's regulations that govern the export and import of nuclear equipment and material. (See *LLW Notes*, July/August 2009, pp. 32-33.)

NRC accepted comments on the proposed rule through September 8, 2009. Comments were then made available to the public in their entirety. Personal information—such as name, address, telephone number, e-mail address, etc.—were not removed.

Public comments on the proposed rule are discussed in the current *Federal Register* notice.

For additional information, please contact Brooke Smith, International Policy Analyst, Office of International Programs, U.S. Nuclear Regulatory Commission, MS-04E21, Washington, DC 20555-0001; telephone at (301) 415-2347; or e-mail at brooke.smith@nrc.gov.

Staff Responds to Commission SRM re Blending

On August 16, 2010, staff of the the U.S. Nuclear Regulatory Commission responded to a July 1 staff requirements memorandum (SRM) regarding the public briefing on the blending of low-level radioactive waste that was held at the agency's headquarters in Rockville, Maryland on June 17, 2010. (See *LLW Notes*, May/June 2010, pp. 37-38.)

In the SRM, Commissioners direct staff to take the following actions:

- ◆ determine the resource and schedule impact of completing separate rulemakings on depleted uranium and blending, including pros and cons of such action, and report back to the Commission by August 16, 2010;
- ◆ provide the Commission with the staff's approach to initiate activities related to a risk-informed, performance-based comprehensive revision to Part 61, including the resources and the timeline for completing the rulemaking, by December 28, 2010; and,
- ◆ informally provide the Commission, through a TA brief, additional information on the kinds of site-specific inadvertent intruder analyses that would be required, including how they would be done, and any difficulties licensees may encounter, by August 16, 2010.

Staff's Response

The staff's August 16 response notes that the unique waste streams rulemaking, which was initiated at the beginning of this year, is budgeted for 10.4 full time equivalent (FTE) and \$1.5 million. It is scheduled to be completed by the end of fiscal year 2012. According to the staff's analysis, the addition of blended waste to this

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rulemaking would have a nominal impact on currently budgeted resources.

On the other hand, staff projects that a separate, limited rulemaking on blending would require 4.3 FTE and approximately \$1.0 million over a 2.5-year period. Staff states that “[t]he range in funding is due to the variability in the scope and extent of environmental review that will be required” and that the “rulemaking would, as a minimum, specify that a site-specific intruder analysis would be required for large-scale blended wastes.” In addition, an assessment of the environmental impacts would be completed.

If the Commission were to pursue a separate blending rulemaking, staff recommends that it not begin until the unique waste streams rulemaking is completed, in order to ensure the public adequate opportunity to participate. In particular, staff expresses concern about being forced to pre-judge the outcome of the unique waste streams rulemaking before it is finalized. Accordingly, if separate rulemakings were initiated, staff recommends that a separate blending rulemaking would begin in fiscal year 2013 with completion in fiscal year 2015.

Staff identifies the following pros and cons of pursuing a separate blending rulemaking, instead of “piggybacking” onto the unique waste streams rulemaking, as the staff recommended in SECY-10-0043:

Pros:

- ◆ Would minimize the risk of delays in completion of the unique waste streams rulemaking due to the incorporation of blending.
- ◆ By minimizing the possibility of delays to the unique waste streams rulemaking, generators of depleted uranium, commercial enrichment plants and the U.S. Department of Energy, as well as Agreement States and disposal facility operators, would have regulatory certainty as

soon as possible on the criteria that will govern disposal of depleted uranium.

Cons:

- ◆ Would require additional resources, 4.3 FTE and approximately \$1.0 million, to accomplish a separate rulemaking on blended waste.
- ◆ Large-scale blended waste is a “unique waste stream” and logically fits into the planned rulemaking scope.
- ◆ A separate rulemaking for blended waste would delay resolution until 2015 at the earliest.

The staff continues to recommend the preferred option as stated in SECY-10-0043 in order to provide clear, timely, and precise regulatory direction for the disposal of depleted uranium and blended waste.

The staff’s memorandum to the Commissioners is available on the NRC web site in ADAMS using accession number ML102070414 or by going directly to http://adamswebsearch.nrc.gov/scripts/rwisapi.dll/@pip1.env?CQ_SESSION_KEY=FGBUWIECIWWV&CQ_QUERY_HANDLE=124474&CQ_QNUM=1&CQ_DOCUMENT=YES&CQ_SAVE [ResultsReturnPage]=results_list.html&CQ_CUR_DOCUMENT=1.

Background

By memorandum dated October 8, 2009, NRC Chairman Gregory Jaczko directed staff to develop a paper to identify policy, safety and regulatory issues associated with the blending of low-level radioactive waste, as well as to provide options for an agency position on the issue and to make recommendations for a future blending policy. NRC attributed the review to the closure of Barnwell to out-of-region waste generators, which has caused the industry to examine methods for reducing the generation of Class B and C wastes—including the blending of some types of Class B and C waste with similar Class A

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waste to produce a Class A mixture that may be disposed of at a currently licensed facility.

The Commission paper was issued on April 7, 2010. (See *LLW Notes*, March/April 2010, pp. 1, 25-29.) In the document, NRC staff examines the blending or mixing of LLRW with higher concentrations of radionuclides with LLRW with lower concentrations of radionuclides to form a final homogeneous mixture. Staff evaluates the agency's previous positions and policies on blending in light of changing circumstances. Staff also examines the assumption that blending is *a priori* undesirable in light of risk-informed, performance-based regulation that focuses on the safety hazard of blending and the blended materials. Finally, staff considers other alternatives for a blending position, including several that would pose additional constraints.

The paper details staff's conclusion that improvements could be made to the current LLRW blending guidance if it were risk-informed and performance-based, consistent with the agency's overall policy for regulation. Staff states that this change could be accomplished in part through revisions to two guidance documents: CA BTP and the Policy Statement. Staff also recommends clarifying that large quantities of blended waste are considered a unique waste stream and are included in NRC's ongoing rulemaking on this topic. These changes would ensure continued safety, according to staff, by requiring that disposal of large-scale blended waste is subjected to a site-specific intruder analysis as part of the overall performance assessment of a disposal facility.

The NRC Commission paper may be found at <http://www.nrc.gov/reading-rm/doc-collections/commission/secys/2010/secy2010-0043/2010-0043scy.pdf>.

Public Meeting

On June 17, 2010, NRC held a public briefing on the blending of low-level radioactive waste at the

agency's headquarters in Rockville, Maryland. It lasted approximately three hours.

NRC staff began the briefing with a 30-minute presentation on the Commission paper on blending that was issued on April 7, 2010. (See *LLW Notes*, March/April 2010, pp. 1, 25-29.)

Following a question and answer session by the Commissioners and a short break, there was a panel of presentations by state representatives from Utah, Texas, Tennessee and Pennsylvania.

Following another question and answer session by the Commissioners, there was a panel of presentations by stakeholders including representatives from EnergySolutions, Waste Control Specialists LLC, Studsvik, the Nuclear Information and Resource Service (NIRS), and the Nuclear Energy Institute (NEI).

Another question and answer session by the Commissioners followed before a short five-minute discussion and wrap-up.

To view the archived web cast of the meeting, go to www.nrc.gov.

For additional information, please contact James Kennedy of the U.S. Nuclear Regulatory Commission at (301) 415-6668 or at James.Kennedy@nrc.gov.

NRC Hosts Workshop re LLRW Engineered Barrier Performance

On August 3-5, 2010, the U.S. Nuclear Regulatory Commission hosted a workshop on engineered barrier performance related to low-level radioactive waste, decommissioning, and uranium mill tailings facilities.

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The NRC Offices of Nuclear Regulatory Research (RES) and the Federal and State Materials and Environmental Management Programs (FSME) organized the workshop.

A prospectus and registration materials for the workshop are available on the NRC's public web site at [http://www.nrc.gov/public-involve/public-meetings/index.cfm?](http://www.nrc.gov/public-involve/public-meetings/index.cfm?fuseaction=Search.Detail&MC=20100473&NS=1&CFID=464041&CFTOKEN=87868010)

[fuseaction+Search.Detail&MC=20100473&NS=1&CFID=464041&CFTOKEN=87868010](http://www.nrc.gov/public-involve/public-meetings/index.cfm?fuseaction=Search.Detail&MC=20100473&NS=1&CFID=464041&CFTOKEN=87868010).

Background

Over the past few years, research results from various organizations—including NRC/RES—have raised technical questions regarding performance of engineered surface barriers, and assumptions in performance of these facilities.

Operators, regulators, and researchers of engineered barriers recognize the need to discuss these technical issues from all aspects.

Participants

The workshop was coordinated with the following:

- ◆ *States*—including Texas, South Carolina, Utah, Colorado, Washington and New York;
- ◆ *Federal Agencies*—including the U.S. Department of Energy, the U.S. Environmental Protection Agency, the U.S. Geological Survey, and DOE National Laboratories; and,
- ◆ *Tribal Governments*—including Navajo and Yakama.

Topics

The workshop focused on engineered surface covers and bottom liners designed to isolate waste by impeding surface water infiltration into the

waste systems or by retarding the migration of contaminants from the waste disposal site. Topics included engineered barrier performance, modeling, monitoring, and regulatory experiences at low-level radioactive waste, decommissioning, and uranium mill tailings sites.

Objectives

According to NRC's workshop announcement, the workshop objectives included:

- ◆ to facilitate communication among federal and state staff, contractors and selected experts on current engineered barrier issues and technical and regulatory experiences;
- ◆ discuss lessons learned and approaches for monitoring and modeling;
- ◆ prepare recommendations to address monitoring of engineered barrier performance over time; and,
- ◆ identify topics for future research and the potential need to update technical guidance.

Logistics

The workshop was held at the NRC Headquarters Auditorium at 11545 Rockville Pike in Rockville, Maryland. It was also available to be viewed live via web streaming at <http://video.nrc.gov/live>.

There was no workshop registration fee; however, prior registration was encouraged in order to assist NRC security.

For additional information, please contact Steve Salomon of the U.S. Nuclear Regulatory Commission at (301) 415-2368 or at Stephen.Salomon@nrc.gov.

Senior Management Group to Review Groundwater Task Force Report

The U.S. Nuclear Regulatory Commission has established a senior management review group to evaluate the findings and recommendations of the internal Groundwater Task Force and to identify possible policy issues for consideration by the Commission.

Among other things, the management group is charged with determining whether or not it agrees with the analysis by the independent task force and, if so, to decide how best to act upon the conclusions and recommendations contained in the final report. In addition, the group will also identify policy issues for Commission consideration and refer non-policy decisions to the staff for action. The group will also determine whether the task force's conclusions or recommendations should be expanded and will seek feedback from external stakeholders.

Background

The Groundwater Task Force issued its final report on June 11, 2010. The report contains conclusions that are based upon several months of evaluation of the agency's past, current and planned actions regarding radioactive contamination of groundwater and soil at U.S. nuclear power plants. The staff task force consulted numerous stakeholders during development of the report.

Among other things, the report concludes that NRC is meeting its mission of protecting the public health, safety, and the environment by correctly applying existing requirements and properly characterizing the relevant issues. Identified releases have not exceeded the limits that NRC sets to ensure public health and safety,

nor have the leaks interfered with the proper functioning of plants' safety systems.

The report includes recommendations intended to improve and strengthen the agency's response to groundwater incidents. The recommendations cover the NRC's policies, programs and communications associated with the oversight of groundwater incidents. They fall into four broad categories:

- (1) reassessing the NRC's regulatory framework to better include groundwater protection;
- (2) maintaining the barriers designed to confine tritium and other licensed material;
- (3) creating more reliable NRC responses; and,
- (4) strengthening trust.

The task force issued 16 conclusions that cover communications, the regulatory framework, and processes and practices associated with the oversight of groundwater incidents.

The reports key recommendations to strengthen NRC response to groundwater incidents include:

- ◆ Identify policy issues associated with assessing the NRC's groundwater protection regulatory framework.
- ◆ Once the policy issues are assessed, implement appropriate enhancements.
- ◆ Consider developing specific actions to address the report's key themes and conclusions.
- ◆ Work with the U.S. Environmental Protection Agency, state agencies and international regulators to develop a collaborative approach for enhancing groundwater protection strategies.
- ◆ Consider including discussions on public health when communicating with stakeholders.

The Groundwater Task Force Report and the EDO's memorandum establishing the senior management review group, as well as additional information, are available on the NRC's web site at <http://www.nrc.gov/reactors/operating/ops-experience/grndwtr-contam-tritium.html>.

Comment Sought re Protection of Cesium Chloride Sources

On June 29, 2010, the U.S. Nuclear Regulatory Commission published a draft policy statement in the *Federal Register* on the protection of cesium-137 chloride radiation sources that are widely used in medicine and industry. The statement describes the Commission's proposed policy and expectations on the secure uses of cesium chloride sources, as well as the agency's potential actions should the threat environment change. It emphasizes that the security of radiation sources is an essential part of the agency's mission, cesium chloride sources are adequately protected under current NRC requirements, and the agency encourages voluntary design improvements that could further enhance their security.

Cesium chloride sources are used in blood irradiation, bio-medical and industrial research, and calibration of instrumentation and dosimetry. They have received special attention because the cesium chloride powder is highly soluble and dispersible, thereby presenting security concerns that terrorists could use the sources in a radiological dispersal device, or "dirty bomb."

The draft policy statement acknowledges the beneficial uses of cesium chloride radiation sources, but states that developing alternative technologies would be "prudent." It also states the agency's view that it is "imperative to develop a pathway for the long-term storage and disposal of these sources."

Since 2001, the NRC and state agencies have imposed security improvements on such sources. In addition, the National Nuclear Security Administration initiated a voluntary program to enhance security beyond NRC requirements. The Interagency Radiation Source Protection and Security Task Force that was created by the Energy Policy Act of 2005 and is chaired by NRC Chairman Gregory Jaczko has also addressed the subject of cesium chloride radiation sources. In August, the task force issued its second report to the President. (See related story, this issue.)

NRC plans to conduct a public meeting on November 16-17 to solicit additional public input on major issues relating to the policy statement. Exact details of the meeting have not been announced, except that the agency plans to hold the meeting in the vicinity of the agency's headquarters in Rockville, Maryland.

In addition, NRC will accept comments on the draft policy statement through December 17, 2010. Comments may be submitted through the federal government's rulemaking web site at <http://www.regulations.gov> using Docket ID NRC-2010-0209.

Information on the November 2010 public meeting can be found at <http://www.nrc.gov/materials/miau/licensing.html#cc>. The information will be updated regularly.

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 took the following actions:

- ◆ On August 20, 2010, NRC staff issued a final environmental impact statement (EIS) for the proposed renewal of the operating license for Kewaunee Power Station—located in Kewaunee, Wisconsin. The report concluded that there are no environmental impacts that would preclude renewal of the operating license for an additional 20 years of operation. The Kewaunee power station has one pressurized water reactor. The current operating license for the plant—which is located 27 miles east of Green Bay, Wisconsin—is due to expire on December 21, 2013. The plant’s operator, Dominion Energy Kewaunee Inc., submitted its license renewal application on August 14, 2008. *The Kewaunee final EIS and other related documents can be found at <http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1437/supplement40/>.*
- ◆ On August 19, 2010, NRC held two public meetings in Hampton, New Hampshire to discuss the agency’s review process for a license renewal application for the Seabrook nuclear power plant—which is located in Seabrook, New Hampshire. During the sessions, members of the public were provided with an opportunity to comment on environmental issues that they believe the agency should consider during its review of the application, which requests an additional 20 years of operation. Earlier, on July 20, NRC announced the opportunity to request a hearing on the application for 60 days following notice in the *Federal Register*.
- ◆ Seabrook is a pressurized-water reactor owned and operated by NextEra Energy Seabrook, LLC. The company submitted a license renewal application for the plant to NRC on May 25, 2010. The facility’s current operating license is set to expire on March 15, 2030. *The Seabrook application is available at www.nrc.gov/reactors/operating/licensing/renewal/applications/seabrook.html.*
- ◆ On August 17, 2010, NRC announced that the agency is seeking public comments on its preliminary conclusion that there are no environmental impacts that would preclude renewal of the operating licenses for the Palo Verde Nuclear Generating Station in Maricopa County, Arizona. The agency will accept comments on the draft supplemental environmental impact statement (SEIS) until October 29, and will hold two public meetings on the draft SEIS on September 15. The current operating licenses for Palo Verde’s Units 1, 2 and 3 expire on June 1, 2025, April 24, 2026 and November 25, 2027, respectively. *The Palo Verde plants’ draft SEIS and related documents can be found at www.nrc.gov/reading-rm/adams/web-based.html using accession number ML102180167.*
- ◆ On August 16, 2010, NRC issued its final SEIS for the proposed renewal of the operating license for the Cooper Nuclear Station in Nemaha County, Nebraska. The report concluded that there are no environmental impacts that would preclude license renewal for an additional 20 years of operation. The Cooper plant—which is located 23 miles south of Nebraska City, Nebraska—has one boiling water reactor. The current operating license expires on January 18, 2014. Cooper’s owner, the Nebraska Public Power District, submitted the renewal application on September 30, 2008. *The Cooper plant’s final SEIS can be found online at <http://www.nrc.gov/reading-rm/doc->*

collections/nuregs/staff/sr1437/supplement41/.

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 59 reactor units. In addition, NRC is currently processing license renewal requests for 20 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>.

ESP & COL Application Reviews Continue

The U.S. Nuclear Regulatory Commission continues to process Early Site Permit (ESP) and Combined License (COL) applications.

An ESP, if approved, means that the site is suitable for a nuclear power facility, contingent on the approval of an additional application for a construction permit or combined license. An ESP is valid for 10 to 20 years and can potentially be renewed for an additional 10 to 20 years.

If issued, a COL provides authorization to construct and, with conditions, operate a nuclear power plant at a specific site and in accordance with laws and regulations.

In this regard, the agency recently took the following actions:

- ◆ On August 9, 2010, NRC staff announced that the agency is seeking public comments on its preliminary finding that there are no environmental impacts that would preclude issuing a COL for two new nuclear reactors at

the Comanche Peak site near Glen Rose, Texas. Staffs from NRC and the U.S. Army Corps of Engineers, Fort Worth District, plan to discuss their draft environmental impact statement (DEIS) in meetings at the Glen Rose Expo Center on September 21, 2010. NRC will accept written comments on the DEIS for 75 days following its publication in the *Federal Register*. Luminant Generation Company submitted its application for a COL on September 19, 2008, and supplemented the application on November 20, 2009. Luminant is applying for a license to build and operate two U.S. Advanced Pressurized-Water Reactors (US-APWR) at the Comanche Peak site, approximately four miles north of Glen Rose. *The Comanche Peak DEIS is available at <http://www.nrc.gov/reactors/new-reactors/col/comanche-peak.html>.*

- ◆ On August 9, 2010, NRC staff announced that the agency is seeking public comments on its preliminary finding that there are no environmental impacts that would preclude issuing a COL for two new nuclear reactors at the Levy County site near Crystal River, Florida. Staffs from NRC and the U.S. Army Corps of Engineers, Jacksonville District, plan to discuss their DEIS in meetings at the Plantation Inn on September 23, 2010. NRC will accept written comments on the DEIS for 75 days following its publication in the *Federal Register*. Progress Energy Florida submitted its application for a COL on July 30, 2008, and supplemented the application on October 22, 2009. Progress Energy is applying for a license to build and operate two AP1000 reactors at the Levy County site, approximately 10 miles northeast of Crystal River. *The Levy County DEIS is available at <http://www.nrc.gov/reactors/new-reactors/col/levy.html>.*
- ◆ On August 6, 2010, NRC staff announced that the agency has accepted for review the ESP application for the PSEG site near Salem, New Jersey. The applicants, PSEG Power and

PSEG Nuclear, submitted the application and associated information on May 25. It seeks resolution of safety and environmental issues for the site, which is located approximately seven miles southwest of Salem. In the near future, NRC plans to publish in the *Federal Register* a notice of opportunity to intervene in the required adjudicatory hearing. Petitions to intervene in a hearing must be filed within 60 days of the notice, by anyone whose interest may be affected by the proposed permit and who wishes to participate as a party in the proceeding. *A copy of the PSEG ESP application, minus proprietary and security-related details, is available at <http://www.nrc.gov/reactors/new-reactors/esp/pseg.html>.*

- ◆ On July 15, 2010, NRC held public meetings in Homestead, Florida to allow the public an opportunity to comment on environmental issues related to Florida Power & Light's (FPL's) application to build two nuclear reactors at the Turkey Point site near Homestead, Florida. NRC is preparing an EIS as part of its review of the application and the meetings provide the public with opportunities to submit comments on the scope of the EIS. FPL submitted an application for a COL on June 30, 2009. It seeks NRC approval to build and operate two AP1000 reactors at the site, located about 40 miles south of Miami. FPL currently operates two existing nuclear units at the site. *The environmental report on FPL's application is available at <http://www.nrc.gov/reactors/new-reactors/col/turkey-point.html>.*
- ◆ On June 14, 2010, NRC staff announced that the agency has accepted for review the ESP application for the Victoria County site near Victoria, Texas. The applicant, Exelon, submitted its ESP application on March 25, 2010. It seeks resolution of safety and environmental issues for the site, which is located about 13 miles south of Victoria. NRC has established docket number 52-042

for this application. The agency will subsequently publish a notice of opportunity to intervene in the required adjudicatory hearing. Petitions to intervene in a hearing must be filed within 60 days of the notice, by anyone whose interest may be affected by the proposed permit and who wishes to participate as a party in the proceeding. *A copy of the Victoria ESP application, minus proprietary and security-related details, is available at <http://www.nrc.gov/reactors/new-reactors/esp/victoria.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>.

AREVA Notified of Safety Issues with EPR Reactor

On July 23, 2010, the U.S. Nuclear Regulatory Commission announced that the agency had notified AREVA NP that the company has yet to demonstrate how some aspects of the Evolutionary Power Reactor's (EPR's) digital instrumentation and control system meet NRC requirements.

Although NRC's correspondence with the company acknowledges that progress has been made in resolving the issues, staff notes that additional information is required to determine the system's acceptability. Specifically, AREVA needs to better demonstrate that each safety division in the system can perform its function without relying on information originating from outside the division. AREVA also needs to better demonstrate that data exchanged between safety and non-safety divisions are processed in a manner that does not adversely affect the function of the safety division.

NRC staff continues to work on the remainder of the EPR design certification application. The impact of the overall EPR certification review schedule will be established after AREVA provides more details on its plans to revise the reactor's digital instrumentation and control system.

NRC's letter to AREVA is available in the agency's electronic documents database, ADAMS, by entering ML101940253 into the search engine at <http://adamspublic.nrc.gov/fnopenclient/>. Additional information on the EPR design certification review is available at <http://www.nrc.gov/reactors/new-reactors/design-cert.epr.html>.

Draft Rule re New Reactor Construction Site Security

On August 27, staff of the U.S. Nuclear Regulatory Commission conducted a public meeting at the agency's headquarters in Rockville, Maryland to discuss proposed language for a rule that would set requirements for access authorization and physical security at new reactor construction sites.

The meeting began with a session during which NRC staff provided an update on the proposed rule and a schedule for finalizing the rule, after which followed an extended question and answer session. During the afternoon session, NRC staff discussed how cyber security commitments are being incorporated into new reactor designs.

To view the draft rule, go to [http://www/regulations.gov](http://www.regulations.gov) and enter Docket Ids NRC-2009-0195. To view the meeting agenda, go to <http://www.nrc.gov/public-involve/public-meetings.index.cfm>.

Comment Sought re Definition of Construction for Materials Applicants

On August 5, 2010, the U.S. Nuclear Regulatory Commission announced that the agency is seeking public comment on proposed changes to its regulations for nuclear materials licensees that would change the meaning of "construction" and "commencement of construction" and allow applicants for some materials licensees to conduct certain site preparation activities before a license is issued. The proposed rule was published in the *Federal Register* on July 27, 2010.

The proposed changes would apply to the licensing and approval processes for byproduct, source and special nuclear material licenses and irradiators. They would make the definition of construction and commencement of construction consistent with NRC regulations for nuclear power plant applicants and licensees as amended in 2007. Currently, applicants for uranium recovery, fuel cycle facilities and other materials facilities must apply for exemptions to conduct site preparation activities similar to those that power plant applicants are allowed to perform.

The proposed rule would allow applicants to perform site preparation activities that do not implicate radiological health and safety or common defense and security considerations. Such activities include exploration; site clearing; grading; installation of drainage, erosion and other environmental mitigation measures; and construction of temporary roads and support buildings.

The proposed rule does not include a "limited work authorization" provision similar to that in NRC regulations for nuclear power plants because recent exemption requests by materials applicants would be satisfied by the revised definition of construction. However, the agency welcomes

public comment on whether the final rule should include such a provision.

Comments on the proposed rule will be accepted through September 27, 2010. Comments may be submitted over the federal rulemaking web site at <http://www.regulations.gov> by using Docket ID NRC-2010-0075.

A copy of the proposed rule may be found at <http://edocket.access.gpo.gov/2010/pdf/2010-18344.pdf>.

Seismic Workshop Scheduled in California in September

The U.S. Nuclear Regulatory Commission will hold a seismic workshop in San Luis Obispo, California on September 8 – 9, 2010. The purpose of the workshop is to share information about seismic hazard and its application to the safe operation of nuclear power plants. The workshop will begin at 8:00 a.m. at the Embassy Suites Hotel.

The first day of the workshop will focus on fundamental concepts of seismic hazard including the science employed to measure and monitor geologic conditions, and the methods used to translate data into commercial nuclear power plant design specifications. The second day will focus on seismic hazard information specific to the Diablo Canyon nuclear power plant in San Luis Obispo, including the history of seismic reviews at the site and a briefing on current seismic studies.

Invited guests will address topics including

- ◆ an explanation of the science of seismology and how it is used to design buildings and other structures in geologically active areas;
- ◆ state of the art techniques for identifying and profiling faults;

- ◆ nuclear power plant seismic monitoring programs; and,
- ◆ the state of current seismic studies involving Diablo Canyon.

“We know there is a great deal of interest in the community about seismic issues and how they relate to the Diablo Canyon nuclear power plant,” said NRC Region IV Administrator Elmo Collins. “The workshop will provide an opportunity for people to hear from a wide range of experts in the field and ask questions of the presenters.”

A workshop agenda and free on-line registration can be found at www.nrc.gov.

Proposed Changes re Distribution of Radioactive Material

On June 24, 2010, the U.S. Nuclear Regulatory Commission published in the *Federal Register* a proposed rule that seeks to make several changes to the agency’s regulations for distributors of radioactive material. The purposes of the proposed changes include making requirements clearer, less prescriptive, more risk-informed and up-to-date.

The proposed rule would also redefine categories of devices to be used under exemptions from regulation, add explicit provisions regarding the sealed radioactive sources and device registration process, and add flexibility to the licensing of users of sealed sources and devices.

The proposed rule is primarily intended to make licensing processes more efficient and effective, while ensuring continued safe use of radioactive material. The changes would affect manufacturers and distributors of radiation sources and devices containing radioactive material, as well as future uses of some products

(such as static eliminators) currently used under a general or specific license.

NRC will accept public comments on the proposed rule through September 7, 2010. Comments may be submitted through the federal rulemaking web site at <http://www.regulations.gov> by using Docket ID NRC-2008-0338. They may also be submitted via e-mail to Rulemaking.Comments@nrc.gov.

Comments Sought re Source Material Distribution Regulations

The U.S. Nuclear Regulatory Commission is seeking public comment on proposed amendments to its regulations regarding the distribution and licensing of unenriched uranium and thorium (also known as source material). The proposed rule, which was published in the *Federal Register* on July 26, would require specific licenses for the initial distribution of source material to exempt persons and certain general licensees. Such licenses would impose certain labeling and quality control requirements, as well as new reporting and record-keeping requirements. The purpose of the amendments is to help ensure the protection of public health and safety by ensuring that licensees safely possess source material and that the NRC has a better understanding of how much source material is being distributed annually.

In addition, the rule would modify the existing possession and use requirements for the general license to possess source material. Under current NRC regulations, commercial and industrial firms, research, education and medical institutions, and federal, state and local government agencies are allowed to use and transfer up to 15 pounds of source material at any one time, and up to 150 pounds in any one

calendar year. The proposed rule would lower those possession limits to 1.5 kilograms (3.3 pounds) and 7 kilograms (15.4 pounds) for source material in a dispersible form or being processed.

The proposed rule would not change possession limits for persons possessing source material in a solid, non-dispersible form (such as display samples of depleted uranium metal) or processing uranium for drinking water. The proposed rule would also exempt certain lenses coated with source material from licensing, though the manufacturers, some of whom are currently operating under a general license, would require a specific license.

NRC will accept comments on the proposed rule for 120 days following publication in the *Federal Register*. Comments may be accepted over the federal government's rulemaking web site at <http://www.regulations.gov> using Docket ID NRC-2009-0084. They may also be submitted via e-mail to Rulemaking.Comments@nrc.gov or via facsimile to (301) 415-1101.

The proposed rule may be found at <http://edocket.access.gpo.gov/2010/pdf/2010-18223.pdf>.

NRC to Host Meeting re Draft Safety Culture Policy Statement

On September 28, 2010, the U.S. Nuclear Regulatory Commission will host a meeting with interested stakeholders on the agency's draft safety culture policy statement (SCPS). The meeting, which is scheduled from 8:30 a.m. to 4:30 p.m., will be held at the Las Vegas Hearing Facility. Members of the public are invited to attend and participate.

The purposes of the meeting are to provide an opportunity for stakeholders to

- ◆ gain understanding and a status of the draft SCPS;

Federal Agencies and Committees *continued*

- ♦ offer their thoughts on the proposed revision to the SCPS, definition and traits; and,
- ♦ learn about the next steps associated with the SCPS.

In addition, the NRC will receive comments on the draft SCPS—which is expected to be issued on or around September 10, 2010. A 30-day public comment will be provided upon publication of the document.

For additional information, please contact Jose Ibarra of the NRC at (301) 415-2581 or at jose.Ibarra@nrc.gov or Catherine Thompson of the NRC at (301) 415-3409 or at Catherine.Thompson@nrc.gov. Additional meeting materials—such as background information, agenda and presentation materials—will be posted at <http://www.nrc.gov/about-nrc/regulatory/enforcement/safetyculture.html>.

(Continued from page 25)

The security inspections yielded 180 findings from these reviews, of which 168 (94 percent) were of very low security significance and 12 were of low to moderate security significance. The results of the security inspections conducted at fuel cycle facilities are discussed in the Safeguards Information version of this report.

Under the security inspection program, licensees are expected to promptly fix or put compensatory measures in place if any potentially significant deficiencies are identified in the protective strategy of a plant. According to this report, 25 force-on-force inspections are scheduled for the 2010 calendar year.

The public version of the report can be found at <http://www.nrc.gov/reading-rm/doc-collections/congress-docs/correspondence/2010/boxer-06-30-2010.pdf>.

(Continued from page 5)

Forum. The meeting will be held at the Hyatt Regency San Francisco Airport Facility in Burlingame, California on April 24-25, 2012. The hotel—which is rated AAA Four Diamond Award Winning Service & Accommodations—has 24 hr complimentary shuttle service to and from the airport, as well as shuttle service from the hotel to the Bay Area Rapid Transit (BART) station.

The LLW Forum is currently seeking volunteers to host the other 2012 meeting and those thereafter. Although it may seem far off, substantial lead-time is needed to locate appropriate facilities.

Anyone interested in potentially hosting or sponsoring a meeting should contact one of the officers or Todd D. Lovinger, the organization's Executive Director, at (202) 265-7990 or at LLWForumInc@aol.com.

Obtaining Publications

To Obtain Federal Government Information

by telephone

- DOE Public Affairs/Press Office (202) 586-5806
- DOE Distribution Center (202) 586-9642
- 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). listserv@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

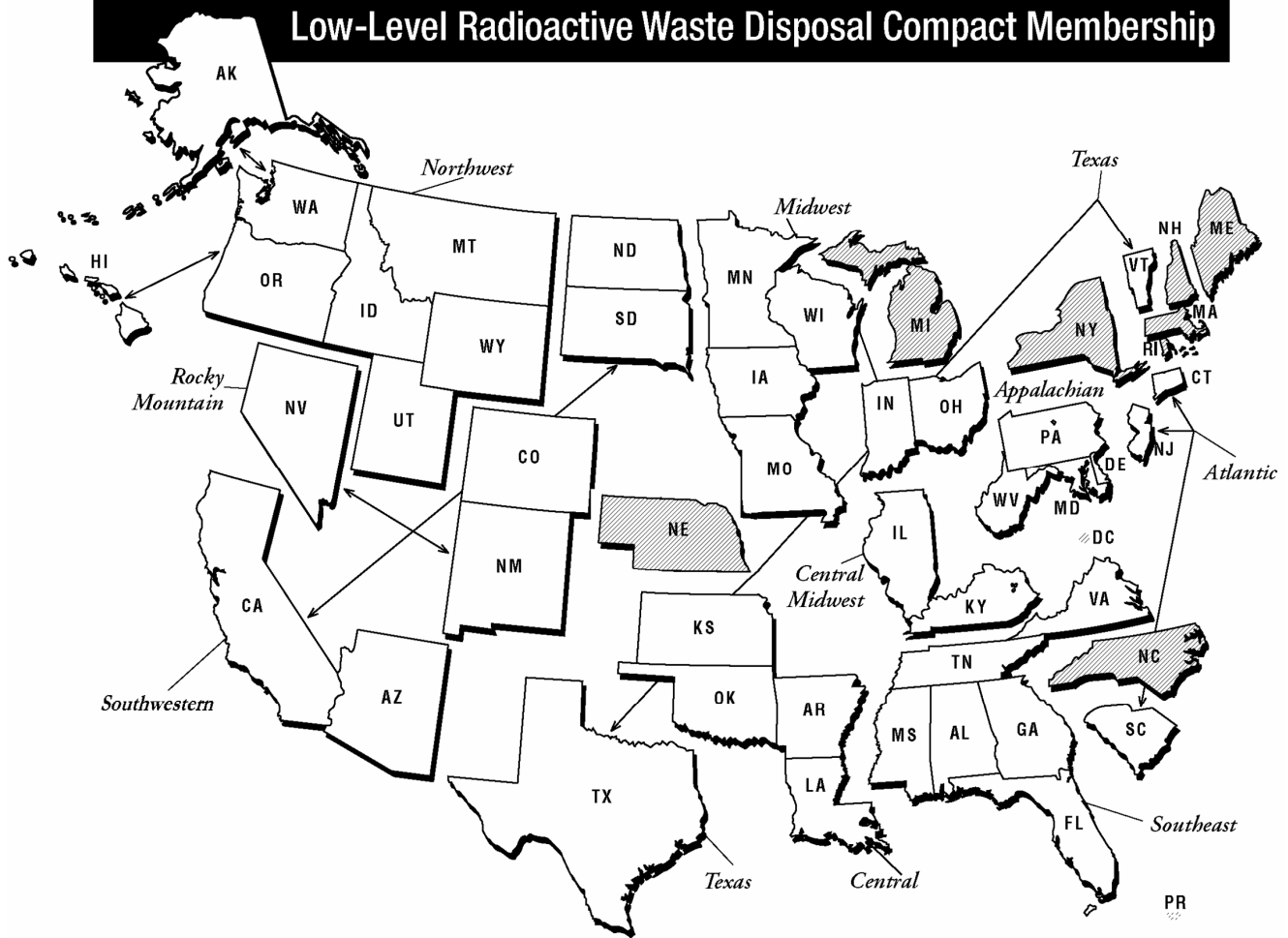
To access a variety of documents through numerous links, visit the web site for the LLW Forum, Inc. at www.llwforum.org

Accessing LLW Forum, Inc. Documents on the Web

LLW Notes, LLW Forum *Contact Information* 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 membership information are also available on the LLW Forum web site at www.llwforum.org. The *Summary Report* and accompanying Development Chart 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.

Low-Level Radioactive Waste Disposal Compact Membership



Appalachian Compact

Delaware
Maryland
Pennsylvania
West Virginia

Atlantic Compact

Connecticut
New Jersey
South Carolina

Central Compact

Arkansas
Kansas
Louisiana
Oklahoma

Central Midwest Compact

Illinois
Kentucky

Northwest Compact

Alaska
Hawaii
Idaho
Montana
Oregon
Utah
Washington
Wyoming

Midwest Compact

Indiana
Iowa
Minnesota
Missouri
Ohio
Wisconsin

Rocky Mountain Compact

Colorado
Nevada
New Mexico

Northwest accepts Rocky Mountain waste as agreed between compacts

Southeast Compact

Alabama
Florida
Georgia
Mississippi
Tennessee
Virginia

Southwestern Compact

Arizona
California
North Dakota
South Dakota

Texas Compact

Texas
Vermont

Unaffiliated States

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