

LLW *notes*

Volume 25, Number 5 September/October 2010

U.S. Nuclear Regulatory Commission

Commission Issues SRM re Blending

On October 13, 2010, Commissioners at the U.S. Nuclear Regulatory Commission issued a staff requirements memorandum (SRM) regarding the blending of low-level radioactive waste. In so doing, the Commission approved the staff's recommendation to revise the Commission's current position on blending to be risk-informed and performance-based. The revisions will be implemented through a combination of rulemaking and the issuance of guidance.

The complete October 13 SRM is available on the NRC web site in ADAMS using accession number ML1028617640.

Commission Instructions

In the October 13 SRM, the Commission provides instructions to staff regarding process, interim actions, homogeneity, performance assessments, stakeholder involvement and education, and other related concerns.

The full text of the SRM states as follows:

The Commission has approved the staff's recommended Option 2 to revise the Commission's current position on blending to be risk-

informed and performance-based. As described in SECY-10-0043, Option 2 will be implemented through a combination of rulemaking and the issuance of guidance.

After the staff develops the revised Branch Technical Position regarding the circumstances under which the large scale blending described in SECY-10-0043 is acceptable, it should be reviewed by the Advisory Committee on Reactor Safeguards (ACRS). Following ACRS review, the guidance should be published for public comment.

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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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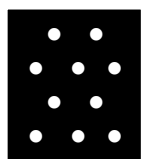
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Key to Abbreviations

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.

Spring 2011 LLW Forum Meeting
Registration Now Open
Orange Beach, Alabama on March 24-25, 2011

The Low-Level Radioactive Waste Forum will host its spring 2011 meeting at the Perdido Beach Resort in Orange Beach, Alabama. The Central Interstate Low-Level Radioactive Waste Compact Commission and the Southeast Compact Commission for Low-Level Radioactive Waste Management are co-sponsoring the meeting—which will be held on Thursday, March 24, and Friday, March 25. The Executive Committee will meet on Thursday morning.

A meeting bulletin and registration form 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.

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 Linda Walters of the Southeast Compact Commission 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 at the last few meetings.

A block of 60 rooms has been reserved for Wednesday (March 23) and Thursday (March 24) for meeting attendees at the special, discounted rate of \$119 (single and double occupancy rate) plus tax. A \$10 surcharge may be applied for each additional person occupying a room. The rate is available for three days prior to and after the meeting.

To make a reservation, please call the Perdido Beach Resort directly at (800) 634-8001 and ask for a room in the LLW Forum Meeting Block, Booking ID #7602. You may also make reservations online at www.perdidobeachresort.com by entering Booking ID #7602 on the booking screen.

Transportation

The Perdido Beach resort is located approximately 30 miles from the Pensacola Regional Airport in Pensacola, Florida, and 71 miles from the Mobile Regional Airport in

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.

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.

Mobile, Alabama. Shuttle service is available from either airport through Mobile Bay Transportation at <http://www.mobilebaytransportation.com>.

To access the meeting bulletin and registration form, 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.

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 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.

LLW Forum Holds Fall 2010 Meeting *Saratoga Springs, New York*

The Low-Level Radioactive Waste Forum met in Saratoga Springs, New York on September 27-28, 2010. The meeting, which was hosted by the New York State Energy & Research Development Authority, was held at the Gideon Putnam Hotel.

Low-Level Radioactive Waste Forum, Inc. *continued*

Executive Committee Meeting

The LLW Forum's Board of Directors met on Monday morning before the start of the regular meeting. During the course of the meeting, the Board received the financial report for 2010 and approved a budget for 2011. The Board also reviewed the current membership dues and subscription fee rates and determined to maintain them at current levels for the coming year.

The Board next met with a representative from the Nuclear Energy Institute in preparation for the international focus session and review of the development and implementation of national waste management plans by France, Spain and Japan.

The Board also received reports from future meeting hosts and was provided information regarding the panel session that was organized by the LLW Forum for the Exchange Monitor's Rad Waste Summit in Las Vegas, Nevada earlier the same month. The Board also began planning for an LLW Forum sponsored panel presentation at the upcoming Waste Management Symposia in Phoenix, Arizona during the first week of March 2011. The panel will address "Hot Topics and Emerging Issues in Commercial LLRW Management."

The Board closed the meeting by discussing NRC's consideration of revisions to Part 61 and the potential impacts to states and compacts, including consideration of the development of a brief document providing an analysis of implications to individual compact laws and state regulations.

Regular LLW Forum Meeting

During the regular meeting of the LLW Forum, the following topics—among others—were addressed and discussed:

- ♦ 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;
- ♦ 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.

Dinner Event

All meeting attendees were invited to join the LLW Forum for a special evening event featuring a buffet at the Tiznow Restaurant in Saratoga Springs.

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

Appalachian Compact/State of Delaware

CO-60 Production Pilot Program Approved at Hope Creek

On October 8, 2010, the U.S. Nuclear Regulatory Commission announced that the agency has approved a license amendment request from PSEG Nuclear for a pilot program to explore the production of Cobalt-60 at the Hope Creek Generating Station, located about 18 miles southeast of Wilmington, Delaware.

The amended Hope Creek license gives PSEG permission to generate and transfer Cobalt-60 under the NRC's regulations for byproduct material. Cobalt-60, as a radioactive material licensed by the NRC and Agreement States, is used in applications such as cancer treatment and sterilization of foods and medical devices.

Under the amended license, PSEG may alter the reactor's core by inserting up to 12 modified fuel assemblies containing rods filled with Cobalt-59, which would absorb neutrons during reactor operation and become Cobalt-60. PSEG's pilot program will gather data to verify that the modified fuel assemblies perform satisfactorily in service prior to use on a production basis. PSEG plans to insert the modified assemblies during Hope Creek's planned fall 2010 refueling outage.

NRC staff approved the amendment after evaluating the potential effects of the modified fuel assemblies on plant operation and accident scenarios. The staff concluded that the modified core will continue to meet the agency's safety requirements.

On March 2, 2010, the agency issued a *Federal Register* notice offering an opportunity to comment or request a hearing on the license

amendment request. (For a copy of the *Federal Register* notice, please go to http://www.access.gpo.gov/su_docs/fedreg/a100302c.html.) No hearing requests were submitted, but members of the public offered several comments that the staff addressed in the amendment's safety evaluation.

The public version of the safety evaluation is available on the NRC's website at <http://adamspublic.nrc.gov/fnopenclient/> by entering accession number ML102710156.

Atlantic Compact/State of South Carolina

SER Issued for Proposed Savannah River MOX Facility

In late August, the U.S. Nuclear Regulatory Commission announced the publication of the agency's draft Safety Evaluation Report (SER) for the license application by Shaw AREVA MOX Services, LLC to possess and use radioactive material at the Mixed-Oxide Fuel Fabrication Facility at the Department of Energy's Savannah River Site near Aiken, South Carolina.

The SER, which has been redacted to remove security-related and proprietary information, documents the NRC staff's technical safety review of MOX Services' operating license application for the facility. It does not represent a decision to issue a license—which will be issued only if NRC verifies that the applicant has properly constructed principle structures, systems and components. That stage is expected to be several years away.

The SER contains the staff's conclusion that the applicant's descriptions, specifications, commitments and analyses provide an adequate basis for safety and safeguards of facility operations. It also contains the staff's conclusion

that operation of the facility would not pose an undue risk to worker and public health and safety.

In March 2005, NRC issued a Construction Authorization for the facility and construction is now underway. The facility is part of an agreement between the United States and the Russian Federation to dismantle thousands of Cold War-era nuclear weapons by using the plutonium from warheads to manufacture fuel for civilian nuclear power reactors. The facility would combine plutonium and uranium oxides to make the mixed-oxide, or MOX, fuel. It is the only MOX fuel fabrication facility being built in the United States.

The draft SER reviews the applicant's financial qualifications, plans for protection of classified matter, organization and administration, integrated safety analysis, nuclear criticality safety, fire protection, chemical safety, radiation safety, environmental protection and plant systems.

The redacted SER for the MOX facility is available on the NRC website at <http://www.nrc.gov/materials/fuel-cycle-fac/mox/license-application.html>. Additional information about the MOX review is available at <http://www.nrc.gov/materials/fuel-cycle-fac/mox/licensing.html>.

Central Midwest Compact and the State of Illinois

Central Midwest and Illinois to Host LLRW Generators Conference

On December 6, 2010, the Central Midwest Interstate Low-Level Radioactive Waste Commission and the Division of Nuclear Safety of the State of Illinois' Emergency Management Agency will co-host an LLRW Generators/Radioactive Materials Licensee Conference. The purpose of the conference is "to bring users and regulators together to highlight recent activities and discuss program and regulatory changes." The compact and state last hosted the conference two years ago.

Topics of interest for waste generators will be discussed in the morning session. The afternoon session will be tailored to radioactive materials licensees and will include discussion on the latest security requirements, emergency response, patient release criteria and the latest changes to 32 Ill. Adm. Code. Among other items, the draft agenda includes the following topics:

- ◆ status reporting on the planned Waste Control Specialists' Texas LLRW Compact disposal facility and associated importation issues;
- ◆ discussion of waste reduction by a representative of the Northshore University Health System;
- ◆ overview of 49 CFR 172 Subpart H HAZM/T training;
- ◆ highlights from the 10 CFR Part 37 proposed security rule;
- ◆ review of and developments concerning the National Source Tracking System;

States and Compacts *continued*

- ♦ hot topics presentation regarding licensing issues; and,
- ♦ Illinois medical events review.

The conference will be held at the Embassy Suites Downtown in Chicago, Illinois. A rate of \$99 per room plus appropriate taxes has been secured for conference attendees.

To register online for the conference, please go to www.iema.illinois.gov and look for the LLRW Generator/Licensee Conference logo/button. To make hotel reservations, please contact the Embassy Suites directly at (800) EMBASSY and ask for a room in the CMC block.

For additional information, please contact Marcia Marr of the Illinois Emergency Management Agency/Central Midwest Commission at (217) 785-9982 or at marcia.marr@illinois.gov.

Midwest Compact/State of Ohio

Meetings Held re USEC's Portsmouth Facilities

On October 14, 2010, the U.S. Nuclear Regulatory Commission held two public meetings in Piketon, Ohio to discuss the results of the agency's most recent reviews of the United States Enrichment Corporation's Portsmouth Gaseous Diffusion Plant and USEC, Inc.'s American Centrifuge Lead Cascade Facility. USEC Inc. is the parent company of the United States Enrichment Corporation. Both facilities are located at the same site.

During the first meeting, NRC staff discussed with company officials the results of the agency's two-year review of the Portsmouth plant. The discussions included performance in the areas of safety operations, safeguards, radiological

controls, facility support and special topics. During the review, NRC found no areas needing improvement, but did note that the agency's inspection program for the facility will likely be revised because the company plans to turn several facilities at the site over to the Department of Energy this fall.

During the second meeting, NRC staff discussed the agency's review of the American Centrifuge Lead Cascade facility. The same areas of review were covered as for the Gaseous Diffusion Plant. NRC found no areas needing improvement at the lead cascade facility. The agency will continue the current level of inspections based on the performance and the limited amount of material currently at the site.

A copy of the Licensee Performance Review for the gaseous diffusion plant is publicly available online at www.nrc.gov/reading-rm/adams/web-based.html using accession number ML102370403. The document number for the lead cascade review is ML102370410.

Northwest Compact/State of Idaho

SER Issued for Proposed Eagle Rock Enrichment Facility

On September 30, 2010, the U.S. Nuclear Regulatory Commission announced that the agency has issued its Safety Evaluation Report (SER) for the proposed Eagle Rock Enrichment Facility in Bonneville County, Idaho. The report contains the agency staff's conclusion that operation of the facility, as described in the application by AREVA Enrichment Services, will not pose an undue risk to worker and public health and safety.

AREVA submitted the original application for the gas centrifuge uranium enrichment plant on

States and Compacts *continued*

December 30, 2008. If the NRC grants a license, the facility would be authorized to possess natural, depleted and enriched uranium and to enrich uranium up to a maximum of 5 percent uranium-235.

The NRC staff's safety review assessed whether the proposed equipment, facilities and procedures will adequately protect public health and safety. The staff evaluated AREVA's existing facility designs and procedures, nuclear material control plan, physical security plan (including transportation security), and procedures for protection of classified matter. The staff also reviewed AREVA's quality assurance program description and its emergency response plan.

Potential environmental impacts of the proposed facility will be assessed in a Final Environmental Impact Statement, which is expected to be issued in February 2011. A draft of that report was issued for public comment in July. An Atomic Safety and Licensing Board will hold hearings through summer 2011 on safety and environmental issues addressed in the two staff reports. A decision on whether to grant a license is expected no later than January 2012.

A copy of the SER for the proposed AREVA Eagle Rock Enrichment Facility, along with additional information on the NRC review of the application, is available on the NRC web site at <http://www.nrc.gov/materials/fuel-cycle-fac/arevanc.html>.

Northwest Compact/State of Utah

Utah Seeks Comments re Draft Performance Assessment Rule

The Utah Radiation Control Board (the "Board") has drafted revisions to Section R313-25-8 of the Utah Administrative Code to incorporate requirements regarding site-specific performance

assessments. If implemented, the rule would apply to licensees or applicants seeking to dispose of low-level radioactive waste.

For additional information, please go to the Division of Radiation Control website at: <http://www.radiationcontrol.utah.gov/Board/minagd/Draft%20Rule%20Revisions%20R313-25-8%20Oct2010.pdf>.

Purpose of Draft Rule Revisions

The purpose of the draft rule revisions is to establish specific circumstances under which a performance assessment would be required. According to the Board's notice, "A site-specific performance assessment is one of the primary tools to help determine levels of risk, characterize potential hazards, and demonstrate compliance with applicable requirements associated with the land disposal of low-level radioactive waste."

Proposed Changes in Prospective Rule

The prospective rule provides that a site-specific performance assessment shall be conducted by a licensee or applicant, and Executive Secretary approval must be granted prior to the acceptance of any radioactive waste, if:

- ◆ the waste is likely to result in greater than 10 percent of the dose limits in R313-25-19 during the time period at which peak dose would occur;
- ◆ the waste will result in greater than 10 percent of the total site source term over the operational life of the facility; or,
- ◆ for any other reason, the disposal of the waste would result in unanalyzed condition.

It further provides that, "A licensee that has a previously-approved site-specific performance assessment that addressed a radioactive waste for which a site-specific performance assessment would otherwise be required under R313-28-8(1) shall notify the Executive Secretary of the

applicability of the previously-approved site-specific performance assessment at least 60 days prior to the anticipated acceptance of the radioactive waste.”

The prospective rule also adds a requirement that the licensee or applicant must include analysis of changing lake levels in the specific technical information to demonstrate that the performance objectives of R313-25 will be met.

Opportunity for Public Comment

Prior to beginning the formal rulemaking process, the Board is seeking advance comment about the draft rule revisions. Comments received will assist the Board in its subsequent consideration for proceeding with formal rulemaking. Should the Board proceed with formal rulemaking, additional public comment will be accepted during that process.

Comments should be submitted to:

Rusty Lundberg, Executive Secretary
Utah Radiation Control Board
195 North 1950 West
Salt Lake City, UT 84116

Comments may also be sent via electronic mail to deqinfo@utah.gov and should be identified in the subject line with “Comments on the Draft Rule Revisions for Performance Assessments.”

Board members will consider the comments at their next meeting on November 9, 2010. In order for Board members to have adequate time to review and evaluate received comments on the draft rule revisions, comments will be accepted until the close of business on November 3, 2010.

For additional information, please contact Rusty Lundberg, Executive Secretary of the Utah Radiation Control Board, at (801) 536-4257 or at rlundberg@utah.gov. You may also contact Craig Jones of the Utah Division of Radiation Control at (801) 536-4264 or at cwjones@utah.gov.

Utah DEQ Seeks Comments re Administrative Proceedings Rule

The Utah Department of Environmental Quality (DEQ) is in the process of updating its rules governing administrative proceedings used to make and challenge DEQ decisions. On October 5, 2010, DEQ announced that it will provide an informal opportunity for public comment on the rule before bringing it to DEQ’s boards for rulemaking. The public comment period, which was originally set to expire on October 7, has been extended to October 14, 2010.

Written comments should be submitted to Denise Chancellor at the Utah Attorney General’s Office at Post Office Box 140873 in Salt Lake City, Utah 84114-0873. Chancellor can be reached at (801) 366-0286.

DEQ has received some requests for a redline/strike-out version of the rule. However, because the rule has been completely re-written and re-organized, the department has determined that it is not feasible to provide a redline/strike-out version of the rule at this time.

A copy of draft rule R305-6, “Administrative Procedures for the Department of Environmental Quality,” can be found at <http://www.radiationcontrol.utah.gov/Admin%20rules,%20draft%209-21-10.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.

Utah Radiation Control Board Holds Fall Meetings

The Utah Radiation Control Board held regularly scheduled meetings on Tuesday, September 14, 2010 and on Tuesday, October 12, 2010. The meetings—which are open to the public—were held in a conference room of the Multi Agency State Office Building in Salt Lake City, Utah.

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

September Meeting Agenda

The following items, among others, were on the September meeting agenda:

- ♦ approval of minutes of past meeting;
- ♦ a report on Radon Tee: World Trek 2010;
- ♦ recognition of community members regarding radon reduction, prevention and awareness;
- ♦ evaluation update for Lean Six Sigma;
- ♦ monthly activities report; and,
- ♦ public comment period.

October Meeting Agenda

The following items, among others, were on the October meeting agenda:

- ♦ approval of minutes from the September 14 meeting;
- ♦ board determination regarding 19-3-104(8)(a) and (9) UCA;
- ♦ final adoption of rule changes for R313-12; R313-15; R313-18; R313-19; R313-21; R313-22; R313-25; and R313-32;

- ♦ EnergySolutions permit modification approval for temporary storage of containerized Depleted Uranium (DU); and,
- ♦ updates from the Performance Assessment Rule Development Subcommittee (see *LLW Notes*, May/June 2010, pp. 10-11).

The Board holds open meetings ten times per year at locations throughout the state. The next meeting is scheduled for November 9, 2010. 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.

Utah Creates New Website re EnergySolutions' Licenses and Permits

In mid-October 2010, the Utah Division of Radiation Control (the “Division”) announced the establishment of a new Website that provides information about the radioactive material licenses and environmental permits for EnergySolutions’ low-level radioactive waste disposal facility in Tooele County, Utah.

The Division developed a new electronic mail server in order to communicate meeting notices and updates that pertain to EnergySolutions. In so doing, the Division stated, “It is not our intent to use the Radiation Issues mail server to distribute information on issues involving EnergySolutions.”

States and Compacts *continued*

Persons interested in receiving messages from the Division about EnergySolutions are encouraged to join the EnergySolutions issues mail server. Upon signing up, you will be sent a message asking to confirm your desire to join the mail server. Please note that some e-mail systems filter or direct mail server messages to a junk mail folder, so you should check this folder for the confirmation message and adjust your mail settings to receive future messages.

The Utah Division of Radiation Control's website address regarding EnergySolutions' licenses and permits can be found at <http://www.deq.utah.gov/Issues/energysolutions/index.htm>. If you normally view information from the Division's home page, then click on the "Low Level Waste" link to access the EnergySolutions page.

To subscribe to the mail server, please go to Subscribe-deq-energysolutionsissues@list.utah.gov.

Northwest Compact/State of Wyoming

License Issued to Wyoming Uranium Recovery Facility

On October 1, 2010, the U.S. Nuclear Regulatory Commission announced that the agency has issued an operating license to Uranium One Americas, Inc. for the Moore Ranch in situ uranium recovery facility in the Powder River Basin region of Wyoming.

Uranium One Americas submitted the application for the facility on October 2, 2007. It was the first application for a uranium recovery license accepted by the NRC in two decades. The license is the first issued by the NRC for a uranium recovery facility since 1998.

NRC's review of the application included an environmental review published on August 27 as a Supplemental Environmental Impact Statement

(EIS), which referenced the agency's Generic EIS for in situ leach uranium recovery facilities.

The review also included a Safety Evaluation Report (SER), which concluded that the proposed facility can operate safely, including management of radiological and chemical hazards, groundwater protection, and eventual cleanup and decommissioning.

The Moore Ranch facility covers approximately 7,100 acres in northeastern Wyoming.

The Moore Ranch EIS, NUREG-1910 Supplement 1, is available on the NRC website at <http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/>. The SER and the license are available through the NRC's online ADAMS document database at <http://www.nrc.gov/reading-rm/adams/adams-public/html> by searching for accession number ML101180487. Additional information on the Moore Ranch application is available at <http://www.nrc.gov/info-finder/materials/uranium/apps-in-review/moore-ranch-new-app-review.html>.

Russian Firm Seeks to Acquire Wyoming Uranium Recovery Facility

On September 20, 2010, the U.S. Nuclear Regulatory Commission announced the opportunity to request a hearing and comment on the proposed transfer of control of Uranium One USA to JSC Atomredmetzoloto (ARZM), a Russian Corporation. Uranium One USA holds an NRC license for a uranium recovery facility in Wyoming. Rosatom, the Russian Federation's state agency that oversees the Russian nuclear industry, controls ARMZ.

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Southeast Compact

Christine Gelles to Receive 2011 Hodes Award

The Southeast Compact Commission for Low-Level Radioactive Waste Management has selected Christine Gelles of the U.S. Department of Energy (DOE) as its recipient 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.

“Ms. Gelles is being recognized for her extraordinary leadership and innovative efforts to develop and implement several key DOE waste programs, which have enhanced public safety, as well as contributed to the efficient management of radioactive waste. She developed a strategy to bring industry and government together to find commercial treatment and disposal options for problem DOE waste streams. She was also instrumental in developing a Memorandum of Agreement (MOA) with the Texas Commission on Environmental Quality that paved the way for the development of disposal facilities in Texas for DOE and commercial waste.”

As the award recipient, Gelles will present a lecture during the Waste Management '11 Symposium in Phoenix, Arizona. The symposium—which is sponsored by Waste Management Symposia—will be held from February 27 – March 3, 2011. A special time is reserved during the Symposium for the lecture and the award presentation.

Recipient Background

Gelles is the Director of the Office of Disposal Operations within the Environmental Management Program (EM) at DOE. In this

capacity, she is responsible for ensuring that disposal paths are defined and available for all radioactive waste streams generated by EM site cleanup activities, and for providing leadership in DOE's waste management efforts. In addition, Gelles is responsible for fulfilling DOE's statutory responsibilities related to commercial low-level radioactive waste management as assigned by the Low-Level Radioactive Waste Policy Act of 1980 and its 1985 amendments. These responsibilities include providing technical assistance to the states and compacts, as well as providing disposal capacity for Greater-than-Class C waste.

Award 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. It 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.

Past Recipients

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

- ◆ W.H. “Bud” Arrowsmith (2004)

States and Compacts *continued*

- ♦ Texas A & M University Student Chapter of Advocates for Responsible Disposal in Texas (2004 *honorable mention*)
- ♦ William Dornsife of Waste Control Specialists, LLC (2005)
- ♦ California Radioactive (CalRad) Materials Management Forum (2006)
- ♦ Larry McNamara of Perma-Fix Environmental Services (2007)
- ♦ Michael Ryan of the U.S. Nuclear Regulatory Commission's Advisory Committee on Nuclear Waste and Materials (2008)
- ♦ Susan Jablonski of the Texas Commission on Environmental Quality (2009)
- ♦ Larry Camper of the U.S. Nuclear Regulatory Commission (2010)

For additional information, please contact Ted Buckner of the Southeast Compact Commission at (919) 821-0500 or tedb@secompact.org or visit the Southeast Compact Commission's website at <http://www.secompact.org/>.

Southeast Compact Committee Holds Teleconference Meeting

The Southeast Compact Commission for Low-Level Radioactive Waste Management's Ad Hoc Budget Review Committee met by teleconference on October 1, 2010. The purpose of the meeting was "to review the Commission's mission and responsibilities and discuss any changes that might be necessary in the 2010-11 Budget."

The following items, among others, were on the draft meeting agenda:

- ♦ introduction and remarks;
- ♦ public comment pertaining to agenda items only;
- ♦ staff report: update on Commission activities since the August 20, 2010 Commission meeting;
- ♦ consolidation of previous comments;
- ♦ development of recommendations to the Commission;
- ♦ other business; and,
- ♦ public comment.

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.

Southeast Compact/State of Tennessee

Comments Sought re NFS License Renewal

The U.S. Nuclear Regulatory Commission is seeking public comment on a draft Environmental Assessment and draft finding of no significant impact on the proposed renewal of the operating license of Nuclear Fuel Services, Inc. (NFS) of Erwin, Tennessee. NFS is a manufacturer of nuclear fuel for use in government operations and commercial domestic operations. On June 30, 2009, the company submitted an application for renewal of its operating license for an additional 40 years.

The draft Environmental Assessment, conducted as part of the relicensing review, preliminarily concludes that renewing the NFS license for 40 years will not significantly affect the quality of the human environment.

On October 26, 2010, NRC staff held a public meeting in Erwin to present the assessment's preliminary findings and receive comments from members of the public. In addition, agency staff members conducted an informal open house to meet members of the public and answer individual questions. Discussions during the open house will not be transcribed, however, and are not considered formal comments.

Written comments will be accepted through November 13, 2010. Comments may be submitted over the federal government's rulemaking website at <http://www.regulations.gov> using Docket ID NRC-2009-0435. Comments may also be submitted via e-mail to NuclearFuel_DraftEA@nrc.gov.

The draft Environmental Assessment, the draft finding of no significant impact, and a notice of public meeting were published in the *Federal Register* on October 15, 2010. The documents are

available online at <http://edocket.access.gpo.gov/2010/pdf/2010-25997.pdf>.

Southwestern Compact

Southwestern Compact Holds 60th Commission Meeting

On October 8, 2010, the Southwestern Low-Level Radioactive Waste Commission held its 60th meeting. The meeting, which was open to the public, was held at the Hyatt Regency Hotel in Sacramento, California.

The following items were on the meeting agenda:

- ◆ activity and/or status reports from the Commission Chair, Executive Director, licensing agency, former licensee and party states;
- ◆ ratification of approved exportation petitions;
- ◆ review of various amendments related to export policy, requirements and forms;
- ◆ discussion regarding the status of the incompatibility issue,
- ◆ status of the lawsuits *EnergySolutions v. Northwest Compact* and *Southeast Compact Commission v. North Carolina*;
- ◆ status of NRC initiative regarding the blending of radioactive material;
- ◆ status of the registry request from South Dakota, North Dakota and Arizona;
- ◆ discussion regarding participation at the International High-Level Radioactive Waste Management Conference;

- ♦ review of the *2010 Radiation Source Protection & Security Task Force Report*; and,
- ♦ review and approval of various organizational and financial reports and issues—including the adoption of a fee schedule and election of officers.

The public was invited to comment on specific agenda items as the Commission considered them. The total public comment time on each agenda item was limited to 15 minutes. A 15-minute public comment period was also provided near the end of the meeting to allow members of the public to bring before the Commission items relating to low-level radioactive waste that were not on the agenda.

For additional information, please contact Kathy Davis, Executive Director of the Southwestern Compact Commission, at (916) 448-2390 or at swllrwcc@swllrwcc.org.

Cal Rad Technical Director Alan Pasternak Passes Away

It is with great sadness that the Low-Level Radioactive Waste Forum reports that Alan Pasternak passed away peacefully on Friday evening September 24, 2010. Pasternak, who served as the Technical Director of the California Radioactive Materials Management (Cal Rad) Forum, was a tireless proponent of his organization's efforts to develop waste management solutions for generators throughout the country and, in particular, in the State of California.

Cal Rad Forum is an association of public and private institutions and corporations that use radioactive materials and generate low-level radioactive waste in the four-state Southwestern Low-Level Waste Disposal Compact region: Arizona, California, North Dakota, and South Dakota. The organization's corporate and institutional members include universities, medical centers, electric utilities with nuclear power plants, numerous industrial and manufacturing firms, and professional societies in engineering, science, radiation safety, and the medical sciences. Cal Rad Forum's primary interest is the safe management and disposal of low-level radioactive waste.

In 2006, Pasternak accepted the Richard S. Hodes, M.D. Honor Lecture Award—which was established by the Southeast Compact Commission in 2003 to honor the memory of Dr. Hodes and his achievements in the field of low-level radioactive waste management—on behalf of Cal Rad Forum at a ceremony during the Waste Management Symposia in Tucson, Arizona. “The Commission is pleased to recognize Cal Rad for the role it has played in working to solve low-level radioactive waste management problems in the Southwestern Compact region and the U.S. through legislative and regulatory programs, public involvement and education, and the

creation of a cooperative partnership among organizations that use radioactive materials in the public and private sectors, government agencies, and the public,” said Michael Mobley, Chair of the Southeast Compact Commission, in announcing the award recipient. “The Commission commends the Cal Rad Forum. The organization’s efforts clearly exemplify the qualities that the Hodes Award is intended to recognize.”

A funeral service for Pasternak was held at Temple Isaiah in Lafayette at 3:00 pm on Tuesday September 28 followed by an open house at the Pasternak home at 4 Middle Road in Lafayette.

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In June 2010, ARZM entered into an agreement to purchase a majority share of Uranium One USA’s parent company, Uranium One Inc. of Canada. The following month, in July 2010, Uranium One USA submitted a license amendment request to the NRC seeking approval of the change of control.

Uranium One USA currently holds an NRC license for the Irigaray-Christensen Ranch in-situ leach uranium recovery (ISR) facility in eastern Wyoming. Uranium One Americas, another subsidiary of Uranium One Inc., recently received a new license for an ISR facility at the Moore Ranch and has a license application pending for a facility at Jab & Antelope. (See related story, this issue.) The Moore license and Jab & Antelope application would also be affected by the proposed change of control.

A notice of opportunity to request a hearing and opportunity to comment was published in the *Federal Register* on September 20, 2010. The notice includes detailed instructions on how to file a hearing request. The deadline for requesting a hearing was 20 days after publication. Comments were accepted for 30 days after publication.

Texas Compact/State of Texas

WCS Responds to TCEQ re Proposed Rate Setting Application

On October 15, 2010, the Texas Commission on Environmental Quality (TCEQ) received a response from Waste Control Specialists LLC (WCS) to the agency’s Request for Information (RFI) regarding the company’s proposed rate setting application for the planned Texas Low-Level Radioactive Waste Disposal Compact facility.

TCEQ sent the first RFI letter to WCS on September 1, 2010—following completion of the agency’s initial review of the rate setting application. The first RFI requested that the company submit additional information to clarify and justify several items in the application. Although the letter noted that the request does not constitute a formal audit, TCEQ pointed out that “WCS, as the rate applicant, has the burden of proof in the rate-setting process.” TCEQ gave WCS 30 days to respond to the request.

Web Link

In accordance with Title 30 Texas Administrative Code (TAC) §336.1309(a)(4), the TCEQ is maintaining a web link with all associated documents as the rate setting process moves forward.

WCS’ latest response, as well as other related documents, can be found at <http://www.tceq.state.tx.us/permitting/radmat/licensing/rates>.

States and Compacts *continued*

For a copy of the first RFI letter and the corresponding attachments, please go to <http://www.tceq.state.tx.us/assets/public/permitting/rad/wcs/rates/rfi.pdf>.

Public Comments

TCEQ will accept public comments on the process for development of a rate schedule to be recommended by the agency's Executive Director until November 16, 2010. This 60-day period is not the notice and opportunity for contested case hearing referenced in 30 TAC §336.1309, however, which will occur at the time the TCEQ Executive Director completes his review of the rate application and publishes a recommended rate schedule.

All comments should be sent to radmat@tceq.state.tx.us or mailed via USPS to TCEQ Radioactive Materials Division, P.O. Box 13087, MC-233, Austin, Texas 78711.

Background

On June 1, 2010, WCS filed an application with TCEQ to establish the maximum disposal rates for commercial low-level radioactive waste disposal at its planned facility in Andrews County, Texas. (See *LLW Notes*, May/June 2010, pp. 19-20.)

The filing included two alternative proposed rate schedules: one reflecting unlimited disposal for generators in the Texas Compact states of Texas and Vermont, and a second based on unlimited disposal by Texas Compact generators and limited disposal by generators from outside of the Texas Compact region.

TCEQ is charged with establishing the maximum disposal rates that may be collected for the disposal of compact waste under Chapter 336, Subchapter N of the agency's rules. Under TCEQ rules, disposal rates may be based on the cost of operating the disposal facility and a reasonable

rate of return—including allowable expenses, the funding of local public projects, the provisions of a revenue requirement comprised of a return of and on its investments, and the payment of other required fees and expenses. Estimated volumes of the various types of low-level waste expected to be disposed at the facility are then used to determine the maximum disposal rates for each type of waste.

The rate setting application filed by WCS also provides information for consideration by the TCEQ in the determination of an appropriate inflation adjustment, volume adjustment, extraordinary volume adjustment, and relative hazard.

License Application Status

On January 14, 2009, by a vote of 2 to 0, TCEQ Commissioners denied hearing requests and approved an order on Waste Control Specialists LLC (WCS) Radioactive Material License application, No. R04100. (See *LLW Notes*, January/February 2009, pp. 1, 9-11.) Following the completion of condemnation proceedings and the acquisition of underlying mineral rights, TCEQ's Executive Director signed the final license on September 10, 2009. (See *LLW Notes*, September/October 2009, pp. 1, 12-13.) Facility construction may not commence, however, until certain pre-construction requirements have been fulfilled and the TCEQ Executive Director has granted written approval.

The license allows WCS to operate two separate facilities for the disposal of Class A, B and C low-level radioactive waste—one being for the Texas Low-Level Radioactive Waste Disposal Compact, which is comprised of the States of Texas and Vermont, and the other being for federal waste as defined under the Low-Level Radioactive Waste Policy Act of 1980 and its 1985 amendments.

The WCS facility is currently authorized for the processing, storage and disposal of a broad range of hazardous, toxic, and certain types of

States and Compacts *continued*

radioactive waste. WCS is a subsidiary of Valhi, Inc.

For additional 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.

For additional information on the rate setting application and associated review process, please contact TCEQ Project Manager Sage Chandrasoma at (512) 239-6069 or at schandra@tceq.state.tx.us.

Northwest Compact/State of Idaho

US Ecology Announces Third Quarter Earnings

On October 26, 2010, US Ecology, Inc. (NASDAQ: ECOL) reported results for the quarter ended September 30, 2010. For the 22nd consecutive quarter, all four of the company's disposal facilities were profitable.

Third Quarter Financial Results

Net income for the third quarter of 2010 was \$3.9 million, or \$0.22 per diluted share. This is down from net income of \$4.2 million, or \$0.23 per diluted share, for the same quarter last year. Operating income for the third quarter of 2010 was \$6.4 million compared to \$6.8 million for the third quarter of 2009. While net income and operating income declined from year ago levels, they both increased 70% sequentially from the second quarter of 2010.

Revenue for the third quarter of 2010 was \$26.0 million, down from \$37.5 million in the same quarter last year. This mostly reflects declines in

transportation revenue associated with the completion of the Honeywell project in early October of 2009. Excluding Honeywell, which contributed \$16 million in total revenue during the third quarter of 2009, revenue would have increased approximately 20% quarter over quarter.

Total volumes disposed at the company's Idaho, Nevada and Texas waste facilities (including thermal recycling services) were 237,000 tons in the third quarter of 2010. This is an increase of 18% from the 201,000 tons disposed in the third quarter of 2009, which included 89,000 tons from Honeywell.

"We are pleased with the growth in volume and disposal revenue and the sequential rebound in earnings," commented Vice President and Chief Financial Officer, Jeff Feeler. "Our disposal margin once again topped 50%, demonstrating the strong operating leverage in our business when volumes increase."

2010 Outlook

US Ecology continues to expect full year earnings per share of between \$0.57 and \$0.67 per diluted share when excluding one-time business development costs associated with the recently announced acquisitions of Stablex Canada and Siemens Water Technologies' facility in Vernon, California. This represents 10% to 29% growth in earnings over 2009 when Honeywell earnings and one-time proceeds from insurance are excluded. The company now expects its 2010 capital expenditures to be approximately \$14.0 million, down from its previous estimate of \$15.6 to \$16.6 million. Much of the capital expenditure decline relates to in process construction projects that will now be completed in 2011.

"[W]e expect that the fourth quarter of 2010 will be a solid quarter and we will achieve our full year earnings guidance of between \$0.57 and \$0.67 earnings per fully diluted share excluding

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International Convention on Nuclear Safety

US Issues Fifth National Report for Convention on Nuclear Safety

In early October 2010, the U.S. Nuclear Regulatory Commission announced that the agency has issued its updated report on the safety of U.S. nuclear power plants. The report—which is titled, “United States of America Fifth National Report for the Convention on Nuclear Safety”—demonstrates how the nation maintains a high level of safety for its nuclear power plants and contributes to nuclear safety worldwide through international cooperation.

In particular, this report discusses

- ♦ the issues identified in the peer review of the fourth review meeting;
- ♦ challenges and issues that have arisen since the fourth review meeting;
- ♦ hiring and training initiatives;
- ♦ NRC’s handling of unexpected material degradation problems associated with operation and power uprates;
- ♦ maintaining a positive and adequate safety culture; and,
- ♦ NRC’s licensing program support of new and different technologies.

Overall, the report addresses

- ♦ the safety of nuclear power plants;
- ♦ the legislative and regulatory framework;
- ♦ the regulatory body;
- ♦ responsibility of the licensee;
- ♦ the priority given to safety;

- ♦ financial and human resources;
- ♦ human factors;
- ♦ quality assurance;
- ♦ assessment and verification of safety;
- ♦ radiation protection;
- ♦ emergency preparedness;
- ♦ siting, design and construction; and,
- ♦ operation.

Because the prime responsibility for the safety of a nuclear power plant rests with the license holder, the updated report includes a section developed by the Institute of Nuclear Power Operations describing work done by the nuclear industry to ensure safety.

Every three years, the countries participating in the Convention must submit a report on their programs for peer review as an incentive to achieve the highest level of safety. As a result, the 2010 report, which updates a report issued in 2007, will be peer-reviewed by parties to the Convention. The Fifth National Report review meeting will be held in April 2011 at the International Atomic Energy Agency in Vienna, Austria.

Copies of the updated “United States of America Fifth National Report for the Convention on Nuclear Safety” (NUREG-1650, Revision 3) will be available for public inspection in the NRC Public Document Room at the agency’s headquarters in Rockville, Maryland. The report will also be available electronically through the Agencywide Documents Access and Management System (ADAMS) through the NRC web site at www.nrc.gov/reading-rm/adams/web-based.html using accession number ML102670530.

International Agreements

US Signs Nuclear Safety Cooperation Agreements with Foreign Nations

In late September 2010, the U.S. Nuclear Regulatory Commission announced that Chairman Gregory Jaczko signed agreements with representatives of seven countries for peaceful cooperation in nuclear safety matters. Jaczko signed the agreements while in Vienna, Austria to participate in the annual International Atomic Energy Agency's (IAEA's) General Conference (GC) as a member of the American delegation.

"These agreements are an important part of the NRC's program to enhance safety and security by exchanging information with our international counterparts," said Chairman Jaczko.

NRC renewed four arrangements for the exchange of technical information with Japan, Lithuania, Slovakia, and South Korea and initiated one new agreement with Poland. In addition, NRC renewed a Memoranda of Cooperation (MOC) for the import and export of certain radioactive sources with Canada and initiated a new MOC with Australia.

Agreements are typically renewed on a five-year basis. They represent a commitment of mutual interest in nuclear safety and facilitate bilateral activities and information sharing between the NRC and other countries. With the agreements signed at the GC, NRC now has agreements in place with 41 countries.

NRC's international cooperation program includes discussions, participation and exchange of information on areas of mutual interest such as operating reactors, control over radioactive sources, safety research, radiation protection, emergency preparedness, risk assessment,

licensing, inspection, enforcement, waste management, and security. NRC also provides assistance to countries developing regulatory programs through training, workshops, peer reviews, and exchange of technical specialists.

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the one-time costs to close our pending acquisitions," commented President and Chief Executive Officer, Jim Baumgardner. "We are on track to close the acquisition of Stablex Canada on October 31st and the Siemens facility in Vernon, California by the end of the year. Transition planning and integration activities are in full swing and we are very excited about the increased geographic footprint, expanded services, and new customers these acquisitions bring to the US Ecology family."

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

Integrated Regulatory Review Service (IRRS)

NRC Hosts 2-Week Visit for International Regulators

During October 2010, the U.S. Nuclear Regulatory Commission hosted an international group of 19 senior nuclear regulators as part of the Integrated Regulatory Review Service (IRRS)—an International Atomic Energy Agency (IAEA) program that assesses a country's regulatory infrastructure against international safety standards and good practices. The NRC's IRRS mission focused on technical and policy issues regarding the agency's oversight of operating nuclear power plants in the United States.

"We look forward to demonstrating the NRC's strong commitment to nuclear safety and sharing our approach with our international counterparts," said NRC Chairman Gregory Jaczko prior to the visit. "We asked the IAEA for this IRRS mission. When the team's report is complete, our senior managers will review the team's conclusions and determine what actions the NRC should take."

Jukka Laaksonen, Director General of Finland's Radiation and Nuclear Safety Authority, led the IRRS team during the visit, which occurred from October 18 to 29. His deputy is Kuniyoshi Soda, Commissioner of the Japanese Nuclear Safety Commission. The remainder of the team was comprised of senior members of nuclear safety agencies in North America, Europe and Asia. Three observers accompanied the team.

As the host regulator, NRC spent approximately two years preparing for the IRRS visit, including assembling a detailed self-assessment of 12 subject areas covering U.S. nuclear reactor safety regulations and their relationship to IAEA safety standards. During the visit, the IRRS mission team provided an independent peer review of the

self-assessment by interviewing NRC staff, examining documents and observing inspection activities. At the conclusion of the visit, the team drafted a report outlining its observations and recommendations. The report's final version will be made public in a few months.

The IAEA has conducted IRRS missions in several countries—including Romania, the United Kingdom, France, Australia, Japan, Mexico and Canada.

The NRC's IRRS efforts are outlined on the NRC web site at <http://www.nrc.gov/public-involve/conference-symposia/irrs-mission-review.html>. Additional information on the IRRS program is available on the IAEA web site at <http://www-ns.iaea.org/reviews/rs-reviews.html>.

Advisory Committee on Medical Uses of Isotopes (ACMUI)

ACMUI Invites Nominations for Patients' Rights Advocate

The U.S. Nuclear Regulatory Commission's Advisory Committee on Medical Uses of Isotopes (ACMUI) is seeking nominations for the position of patients' rights advocate. Nominees must be U.S. citizens and be able to devote approximately 160 hours per year to Committee business and have professional or personal experience with or knowledge about patient advocacy. Also, involvement or leadership with patient advocacy organizations is preferred. The selected nominee will undergo a thorough security background check. Committee members currently serve a four-year term and may be considered for reappointment to an additional term.

The ACMUI advises the NRC on policy and technical issues related to the regulation of medical uses of certain radioactive materials. Responsibilities include providing comments on changes to NRC regulations and guidance documents; evaluating certain non-routine uses of radioactive material; providing technical assistance in licensing, inspection, and enforcement cases; and bringing key issues to the attention of the NRC for appropriate action. Portions of ACMUI meetings may be open to the public.

A notice about the open position was published in the *Federal Register* on September 19, 2010. Nominations will be accepted through November 15, 2010.

Interested nominees should submit an electronic copy of their resume or curriculum vitae, along with a cover letter, to Ashley Cockerham of the NRC at Ashley.Cockerham@nrc.gov. For additional information, please contact Ashley Cockerham at the above-listed e-mail address or at (240) 888-7129.

Advisory Committee on Reactor Safeguards (ACRS)

ACRS Hosts September and October Meetings

The U.S. Nuclear Regulatory Commission's Advisory Committee on Reactor Safeguards (ACRS) met on September 9-11, and then again on October 7-9, 2010, at the agency's headquarters in Rockville, Maryland.

September Meeting Agenda

The September meeting agenda included, among other things, discussion of the following topics:

- ♦ potential approaches to resolve generic safety issue (GSI) 191 on assessment of debris accumulation on pressurized-water reactor sump performance;
- ♦ amendment to the design control document for the certified advance boiling-water (ABWR) design;
- ♦ long-term core cooling approach for the economic simplified boiling-water reactor (ESBWR) design; and,
- ♦ the license application for the mixed-oxide (MOX) fuel fabrication facility under construction in Aiken, South Carolina.

In addition, the Committee held discussions with representatives of the NRC staff regarding proposed staff guidance on assessing the consequences of an accidental release of radioactive materials from liquid waste tanks and assessing groundwater flow and transport of accidental radionuclide releases.

October Meeting Agenda

The October meeting agenda included, among other things, discussion of the following topics:

Federal Agencies and Committees *continued*

- ♦ final safety evaluation report for the economic simplified boiling-water reactor design certification application;
- ♦ draft final rule for risk-informed changes to the loss-of-coolant (LOCA) accident technical requirements;
- ♦ interim staff guidance on the licensing process regarding digital instrumentation and controls;
- ♦ containment liner corrosion at nuclear reactor facilities; and,
- ♦ final safety evaluation reports for the Cooper and Duane Arnold nuclear power plant license renewal applications.

Background

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.

U.S. Department of Energy

Volume 1 of Yucca Mountain SER Published

In late August 2010, the first volume of the Safety Evaluation Report (SER) was published regarding the U.S. Department of Energy's license application seeking authorization to construct a high-level radioactive waste repository at Yucca Mountain, Nevada. This first volume contains the U.S. Nuclear Regulatory Commission staff's evaluation of the "General Information" section of the DOE license application, which contains introductory and overview information about the proposed facility and its operation.

Publication of Volume 1 does not represent a licensing decision or indicate what might be that eventual decision. No decision to grant or deny a construction authorization can be made until after completion of the NRC staff's independent technical review of the application, the adjudicatory hearing and subsequent Commission review.

This is one of five planned volumes of the NRC staff's Safety Evaluation Report. The staff is currently continuing its safety review of the application according to the schedule it provided to the Construction Authorization Board conducting the adjudicatory hearing.

DOE submitted the license application for the proposed Yucca Mountain repository on June 3, 2008. On March 3, 2010, DOE filed a motion to withdraw its license application with prejudice. On June 29, 2010, the Construction Authorization Board denied the withdrawal motion, which is now before the Commission.

"Safety Evaluation Report Related to Disposal of High-Level Radioactive Wastes in Geologic Repository at Yucca Mountain, Nevada, Volume

Federal Agencies and Committees *continued*

1: General Information” (NUREG-1949, Vol. 1) is available through the NRC’s web site at <http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/>.

National Academy of Sciences

NAS Seeks Nominations for Cancer Risk Study

The National Academy of Sciences (NAS) is seeking nominations for membership on the “Committee on the Analysis of Cancer Risks in Populations near Nuclear Facilities: Phase 1” in response to a request from the U.S. Nuclear Regulatory Commission to perform a state-of-the-art study regarding cancer risks for populations surrounding nuclear power facilities.

Background

As proposed, NAS would update a 1990 U.S. National Institutes of Health/National Cancer Institute report titled, “Cancer in Populations Living Near Nuclear Facilities.” (See <http://www.cancer.gov/cancertopics/factsheet/Risk/nuclear-facilities>.) The report showed no increased risk of death from cancer for people living in the 107 counties containing or closely adjacent to 62 nuclear facilities, including all of the nuclear power reactors operational before 1982.

NRC uses the report as a primary resource when communicating with the public about cancer mortality risk in counties that contain or are adjacent to nuclear power facilities. In the new study, NRC has asked NAS to evaluate cancer diagnosis rates, as well as to explore how to divide the study areas around the facilities into geographical units smaller than the counties used in the original report.

NAS is a non-governmental organization chartered by the U.S. Congress to advise the nation on issues of science, technology and medicine. Through the National Research Council and Institute of Medicine, it carries out studies independently of the government using processes designed to promote transparency, objectivity, and technical rigor.

Nominations

Two primary criteria will be used by the NAS to screen committee nominations: technical expertise and conflicts of interest.

In terms of technical expertise, NAS is seeking nominees with expertise and experience in one or more of the following technical disciplines: demography/spatial analysis, dosimetry, epidemiology (radiation and general), health physics, industrial toxicology, medicine/oncology, nuclear engineering (familiarity with nuclear plant operations), public health, radiobiology, radionuclide fate and transport and modeling (air and water), risk communication/public communication, social science (environmental justice), and statistics/biostatistics.

In terms of conflict of interest, nominees should not have any financial or other interest that would conflict with their service on the committee. The NAS conflict of interest guidance applicable to this project can be found at <http://dels.nas.edu/global/nrsb/conflictinterest>.

Nominations (including nominee name, contact information, and biographical information) can be submitted via e-mail (crs@nas.edu), phone (202-334-3066), or fax (202-334-2077).

Information on the study background, task and schedule can be found at <http://www.nationalacademies.org/cancerriskstudy>.

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(Continued from page 1)

The staff should work closely with the Agreement States to ensure maximum state flexibility in drafting the rule language and determining the appropriate compatibility category of the rule while also ensuring that the rule provides a clear requirement for a site specific analysis to ensure that blended waste is disposed of safely.

The sense of the Commission is that entities wishing to pursue large scale blending should be encouraged to wait until the revised Branch Technical Position (BTP) is published in a final form. However, until such time as the BTP revision is in final form, licensing actions received by the NRC for large scale commercial blending facilities should be reviewed on a case-by-case basis. Any new policy issues that arise during this interim time period should be communicated to the Commission.

The staff should not include waste at Greater-Than-Class-C (GTCC) concentrations in the scope of this rulemaking; GTCC waste is a Federal responsibility and these volumes should not be made into a State responsibility, even if the waste has been blended into a lower classification.

The staff should develop a clear standard for determining homogeneity and should obtain stakeholder input on the approach as part of the revised BTP. The staff should evaluate homogeneity in the context of the volumes of the waste an intruder could encounter in reasonably foreseeable inadvertent intruder exposure scenarios, and also evaluate it in relation to mathematical averaging. The staff should also consider whether

limits on mathematical averaging are appropriate.

The staff should provide clear guidance indicating the approach that should be used in conducting performance assessments for this type of waste. The staff should also consider whether any performance assessment information should be included as part of the rule instead of being contained in guidance.

The staff should ensure that communications as part of the rule are tailored to the heightened public interest in blending and appropriately educate our stakeholders on the risks of blending. The staff should also consider additional opportunities for stakeholder involvement and education in development of the rule, such as additional public meetings or extension of the public comment period on the rule.

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

SECY-10-0043 The Commission paper, SECY-10-0043, was issued on April 7, 2010. (See *LLW Notes*, March/April 2010, pp. 1, 25-29.) The

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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. (See *LLW Notes*, May/June 2010, pp. 37-38.) NRC staff began the briefing with a 30-minute presentation on the Commission paper on blending that was issued on April 7, 2010. 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.

July SRM On July 1, 2010, NRC Commissioners issued an SRM regarding the June 17 public briefing on the blending of low-level radioactive waste. In the SRM, Commissioners directed staff to take the following actions: (1) 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; (2) 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, (3) 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 Response On August 16, 2010, staff responded to the July SRM. (See *LLW Notes*, July/August 2010, pp. 30-32.) The staff's response identified various 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. It also contained staff's recommendation of 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.

NRC Hosts Workshop re Groundwater Protection

On October 4, 2010, the U.S. Nuclear Regulatory Commission hosted a public workshop to hear from a variety of government, industry, academic and public experts on potential policy issues and changes regarding the agency's regulation of groundwater contamination at nuclear power plants. The workshop—which was held in the Commission Hearing Room at NRC Headquarters—was web cast.

Recent incidents at several nuclear power plants involving groundwater contamination have prompted plant owners and the NRC to look at the sources of the contamination. While the actions in each case have identified the sources and ensured that licensees correct problems, they have prompted the agency to examine the adequacy of the actions and the NRC's regulatory framework.

Topics discussed at the workshop included:

- ♦ reassessing NRC's regulatory framework;
- ♦ maintaining barriers as designed to confine licensed material; and,
- ♦ creating more reliable NRC responses and strengthening public trust.

The workshop served as a forum for members of the public to provide oral comments on these and other issues. The meeting included a roundtable discussion by invited experts in an open forum. Each roundtable participant was given the opportunity to make a short presentation in their area of expertise followed by a facilitated open discussion.

The document and public meeting agenda are available at <http://adamswebsearch2.nrc.gov/idmws/ViewDocByAccession.asp?AccessionNumber=ML102460197>. For additional information on groundwater issues and documents, please go to <http://www.nrc.gov/reactors/operating/ops-experience/grndwtr-contam-tritium.html>.

Nuclear Waste Confidence Finding & Rule Updates Approved

The U.S. Nuclear Regulatory Commission has approved final revisions to the agency's "Waste Confidence" findings and regulation. The updates express the Commission's confidence that the nation's spent nuclear fuel can be safely stored for at least 60 years beyond the licensed life of any reactor and that sufficient repository capacity will be available when necessary.

In a Staff Requirements Memorandum (SRM) approved and issued on September 15, 2010, the Commission approved the revisions to the draft final rule and additionally directed staff to initiate a long-term rulemaking to address impacts of storage at onsite storage facilities, offsite storage facilities or both for extended periods.

"Today the Commission affirmed our confidence that spent nuclear fuel can be stored safely and securely without significant environmental impacts for at least 60 years after operation at any nuclear power plant," said NRC Chairman Gregory Jaczko. "We also directed the NRC staff to conduct additional analysis for longer-term storage to ensure that we remain fully informed by current circumstances and scientific knowledge relating to spent fuel storage and disposal. This decision was carefully considered by the Commission. It is an important step forward as it provides a measure of certainty to all of our stakeholders."

The Commission made clear in its SRM that the revisions of the waste confidence findings and rule are not intended to signal an endorsement of indefinite storage of spent fuel at reactor sites.

The current Waste Confidence rule (10 CFR Part 51.23) and findings that this new rule and findings will update express confidence that commercial high-level radioactive waste and spent fuel generated by any reactor "can be stored safely and

without significant environmental impacts for at least 30 years beyond the licensed life for operation (which may include the term of a revised or renewed license) of that reactor” in its spent fuel basin or either onsite or offsite independent spent fuel storage installations.

Under the terms of the SRM, the staff has 60 days to incorporate these revisions to the Waste Confidence rule and findings before sending them to the *Federal Register* for publication. It also directs the staff to provide a plan to the Commission for the long-term rulemaking by the end of the calendar year.

Meetings Held re Physical Protection Rules for Rad Materials

The U.S. Nuclear Regulatory Commission recently held two public meetings to solicit public comment on draft guidance for implementing new security requirements for certain radioactive materials. The first meeting was held in Austin, Texas on September 1. The second meeting was held at the NRC Auditorium in Rockville, Maryland on September 20.

NRC published proposed regulations for the physical protection of Category 1 and Category 2 radiation sources in the *Federal Register* on June 15, 2010. NRC published a notice of availability for the draft implementation guidance on July 14. These sources, as categorized by the International Atomic Energy Agency (IAEA), are considered the most risk-significant from a safety and security standpoint. The public comment period for the proposed rule ended on October 13 of this year.

The draft guidance is available through the NRC’s ADAMS online database at <http://www.nrc.gov/reading-rm/adams/web-based.html>

by using accession number ML101470684 and can also be found at <http://www.regulations.gov> by searching on Docket ID NRC-2010-0194.

NRC Hosts Reprocessing Workshops

The U.S. Nuclear Regulatory Commission recently held two public workshops to solicit input on major issues associated with the development of a regulatory basis document that, if necessary, will form the basis of a potential rulemaking for spent nuclear fuel reprocessing facilities.

The first workshop was held in Rockville, Maryland on September 7-8, 2010. The second workshop was held at the Sheraton Albuquerque Uptown Hotel in New Mexico on October 19-20, 2010.

For additional information, please contact Francis (Chip) Cameron at fxcameo@gmail.com or at (240) 205-2091.

Background

Under the Atomic Energy Act, NRC has the authority to license commercial spent fuel reprocessing facilities. Currently, 10 CFR Part 50 (“Domestic Licensing of Production and Utilization Facilities”) provides the licensing framework for production and utilization facilities. Although a reprocessing facility is one type of production facility, its industrial processes are more similar to fuel cycle processes.

Although reprocessing initiatives essentially stalled beginning with the Carter administration, the Global Nuclear Energy Partnership (GNEP) has rekindled interest in commercial reprocessing. In response, the Commission directed staff to complete an analysis of 10 CFR Chapter I to

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identify regulatory gaps for licensing an advanced reprocessing facility and recycling reactor.

In mid-2008, two nuclear industry companies informed NRC of their intent to seek a license for a reprocessing facility in the United States. An additional company expressed its support for updating the regulatory framework for reprocessing. As a result, staff efforts were shifted from specific GNEP-facility regulations to a more broadly applicable framework for commercial reprocessing facilities. (For additional information, see SECY-08-0134 titled, "Regulatory Structure for Spent Fuel Reprocessing," September 2, 2008, at ADAMS ML082110363.)

Subsequently, staff performed a regulatory gap analysis, as summarized in SECY-09-0082, "Update on Reprocessing Regulatory Framework—Summary of Gap Analysis," May 28, 2009 (ADAMS ML 091520243). It identified 14 high priority gaps that must be resolved to establish an effective and efficient regulatory framework.

Building on the gap analysis, efforts are currently underway to develop a regulatory (technical) basis to pursue rulemaking that would enable the effective licensing and regulation of reprocessing facilities. The workshops are intended to solicit stakeholder input for these efforts.

Workshops

The first public workshop on the reprocessing scoping effort was held in Rockville, Maryland on September 7-8, 2010. A second public workshop was held in Albuquerque, New Mexico on October 19-20, 2010. All interested stakeholders were invited and encouraged to attend the meetings.

The public workshops are intended to solicit the views of representatives of interests that may be affected by a potential rulemaking for reprocessing facilities. During each session, the

NRC discussed one of four major categories of regulatory gaps for reprocessing facilities, as discussed in SECY-09-0082 (ADAMS ML091520243). NRC used a roundtable discussion format for all four discussion sessions.

The four main categories of regulatory gaps are: (1) reprocessing waste related gaps, (2) physical protection and material control and accounting gaps, (3) risk gaps, and (4) licensing gaps.

A complete list of issues for discussion, and a brief discussion of the individual gaps in each category, can be found in the associated *Federal Register* notice.

Comment Period

Members of the public are invited to provide written comments on the issues presented in the *Federal Register* notice and at the workshops. The comment period closes on November 5, 2010. NRC plans to consider stakeholder views in the development of a regulatory basis for a potential rulemaking on reprocessing.

Written comments may be submitted to

Cindy Bladely
Chief of the Rules, Announcements, and
Directives Branch
Division of Administrative Services
Office of Administration
U.S. Nuclear Regulatory Commission
Mail Stop TWB 5B01M
Washington, DC 20555-0001

Comments may also be submitted via facsimile to (301) 492-3446 or electronically at <http://www.regulations.gov> by searching for documents filed under Docket ID NRC-2010-0267.

Commenters are requested to cite the publication date and page number of the associated *Federal Register* notice (75 *Federal Register* 45,168 August 2, 2010). Commenters are cautioned that

comments will not be edited to remove any identifying or contact information.

For additional information, please contact Carol Gallagher at (301) 492-3668 or at Carol.Gallagher@nrc.gov.

Comments Sought re Protection of Irradiated Nuclear Fuel

The U.S. Nuclear Regulatory Commission is seeking public comment on proposed amendments to its regulations for the physical protection of irradiated nuclear reactor fuel during transit. The proposed regulations would establish generic security requirements similar to measures imposed by the agency in Orders to licensees following the terrorist attacks of September 11, 2001. They would establish acceptable performance standards and objectives for the protection of spent nuclear fuel shipments from theft, diversion, or radiological sabotage.

Specific details of the measures imposed by Orders over the past several years are protected as Safeguards Information. In general, the Orders resulted in enhancements in the following areas:

- ◆ pre-planning and coordination with states and local law enforcement agencies;
- ◆ improved communications among movement and local law enforcement agencies;
- ◆ improved communications among movement control personnel;
- ◆ the development of normal and contingency procedures; and,
- ◆ more thorough background investigations of individuals associated with the shipment.

The proposed rule would address all of these areas. It also addresses several issues raised by the State of Nevada in a 1999 petition for rulemaking. NRC's review of the Nevada petition was put on hold following the 2001 attacks.

The proposed rule and draft guidance documents were published on October 13 in the *Federal Register*. Comments will be accepted through January 11, 2011. Comments may be submitted over the federal government's rulemaking web site, <http://www.regulations.gov>, using Docket ID NRC-2009-0163. Comments may also be e-mailed to Rulemaking.Comments@nrc.gov or faxed to (301) 415-11-1.

The proposed rule is available online at <http://edocket.access.gpo.gov/2010/pdf/2010-25392.pdf>. The implementation guidance is available online at <http://edocket.access.gpo.gov/2010/pdf/2010-25784.pdf>.

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 September 20, the NRC announced that an application for a 20-year renewal of the operating license for the Davis-Besse Nuclear Power Station is available for public review. The Davis-Besse plant is a pressurized-water nuclear reactor located 21 miles east-southeast of Toledo, Ohio. Its current operating license expires on April 22, 2017. First Energy Nuclear Operating Company, the site's licensee, submitted the renewal application on August 30, 2010. NRC staff is conducting an initial review to determine whether the

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application contains sufficient information for the required formal review. If the application has sufficient information, NRC will formally “docket,” or file, the application and will announce an opportunity to request a public hearing. *The Davis-Besse renewal application is available on the NRC web site at <http://www.nrc.gov/reactors/operating/licensing/renewal/applications.html>.*

- ◆ On September 8, NRC issued its final Safety Evaluation Report (SER) for the proposed renewal of the operating license for the Cooper Nuclear Station in Nemaha County, Nebraska. The SER concluded that there are no open items that would preclude license renewal for an additional 20 years of operation. The report documents the results of NRC staff’s review of the application and site audits of the plant’s aging management programs. Overall, the results show that the applicant has identified actions that have been or will be taken to manage the effects of aging in the appropriate safety systems, structures and components of the plant and that their functions will be maintained during the period of extended operation. The SER and the renewal application have been provided to the Advisory Committee on Reactor Safeguards (ACRS). The ACRS discussed the SER during its October meeting and will later issue a letter discussing the results of its review. 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. *Documents related to the Cooper plant’s renewal application and SER can be found online at <http://www.nrc.gov/reactors/operating/licensing/renewal/applications/cooper.html>.*
- ◆ On September 8, NRC issued its final SER for the proposed renewal of the operating license for the Duane Arnold Energy Center. The

SER concluded that there are no open items that would preclude license renewal for an additional 20 years of operation. The report documents the results of NRC staff’s review of the application and site audits of the plant’s aging management programs. Overall, the results show that the applicant has identified actions that have been or will be taken to manage the effects of aging in the appropriate safety systems, structures and components of the plant and that their functions will be maintained during the period of extended operation. The SER and the renewal application have been provided to the Advisory Committee on Reactor Safeguards (ACRS). The ACRS discussed the SER during its October meeting and will later issue a letter discussing the results of its review. The Duane Arnold Energy Center’s single boiling-water reactor is located in Palo, Iowa—approximately eight miles northwest of Cedar Rapids. The plant’s owner, FPL Energy Duane Arnold, submitted the license renewal application on October 1, 2008. The current operating license expires on February 21, 2014. *Documents related to the Duane Arnold plant’s renewal application and SER can be found online at <http://www.nrc.gov/reactors/operating/licensing/renewal/applications/duane-arnold-energy-center.html>.*

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 21 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 will take and/or recently took the following actions:

- ♦ On November 4, NRC staff will conduct public meetings in Carneys Point, New Jersey to discuss the agency's review of an ESP application for the PSEG site near Salem, New Jersey, as well as the environmental issues that the agency should consider in reviewing the application. In addition, NRC will accept written comments on environmental issues until December 14. 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. 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. *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 October 28, the Atomic Safety and Licensing Board (ASLB)—an independent body within the NRC that presides over hearings where the public can challenge proposed licensing and enforcement actions—heard oral argument on several matters in the Comanche Peak COL proceeding in Granbury, Texas. The public was permitted to observe the proceeding, but participation was limited to admitted parties (several public interest groups and the applicant) and NRC staff. 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. *Documents related to the Comanche Peak COL application are available at <http://www.nrc.gov/reactors/new-reactors/col/comanche-peak.html>.*
- ♦ On October 21, an ASLB panel heard oral arguments in the South Texas Project COL proceeding in Bay City, Texas. The session was open for public observation, but participation was limited to admitted parties (several public interest groups and the applicant) and NRC staff. STP Nuclear Operating Company submitted the application on September 20, 2007 and supplemented it several times thereafter. The company is applying for a license to build and operate two Advanced Boiling Water Reactors (ABWR) at the South Texas site. *Documents related to the South Texas Project COL application are available on the NRC web site at <http://www.nrc.gov/reactors/new-reactors/col/south-texas-project.html>.*

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- ♦ On October 19, the ASLB held a pre-hearing conference regarding a revived challenge to a COL application for the Vogtle site in Georgia. Petitioners challenging the application (the Blue Ridget Environmental Defense League, the Center for a Sustainable Coast, and Georgia Women's Action for New Directions) participated in the conference, as did the applicant and NRC staff. An ASLB decision had previously ended the contested portion of the proceeding on the Vogtle application, but petitioners are attempting to raise a new objection regarding the coating and inspection program associated with the containment for the reactor design envisioned for the site. Arguments at the October 19 conference were limited to whether the petitioners have standing to participate, whether the record of the proceeding's contested portion should be reopened, and whether the new objection can be appropriately introduced at this point in the licensing process and meets the standards for admitting objections into an adjudicatory hearing. Southern Nuclear Operating Company submitted the COL application and associated information on March 28, 2008. It seeks a license to build and operate two AP1000 reactors at the site, which is located about 26 miles southeast of Augusta, Georgia.
- ♦ On September 23, NRC held two meetings in Crystal River, Florida to hear public comments on the agency's Draft Environmental Impact Statement (DEIS) for a COL application at the Levy County site. The DEIS includes a preliminary finding that there are no environmental impacts that would preclude the issuance of a COL to build and operate the Levy County units. 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>.

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>.

NRC Hosts Workshop re Cesium Chloride Policy Statement

On November 8 - 9, 2010, the U.S. Nuclear Regulatory Commission will hold a public workshop to solicit input on its draft policy statement on the protection of cesium-137 chloride (CsCl) sources. The meeting—which will be held at The Universities at Shady Grove Conference Center—will include a roundtable discussion on major issues associated with the proposed policy. Details on registering for the meeting and on the issues to be discussed were published in the *Federal Register* on September 29 at <http://www.gpo.gov/fdsys/pkg/FR-2010-09-29/pdf/2010-24392.pdf>.

The draft policy statement on protection of CsCl sources was published in the *Federal Register* on June 29. It describes the NRC's proposed policy and expectations on the secure uses of CsCl sources and the agency's potential actions should the threat environment change. The draft statement emphasizes that the security of radiation sources is an essential part of the NRC's mission, CsCl sources are adequately protected under current NRC requirements, and the NRC encourages voluntary design improvements that could further enhance their security.

Written comments on the draft policy statement are being accepted through December 17. They may be submitted through the federal government's rulemaking web site, <http://>

www.regulations.gov, using Docket ID NRC-2010-0209. They may also be submitted via regular mail to Cindy Bladey, Chief, Rules, Announcements and Directives Branch, Office of Administration, MS: TWB-5 B1M, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

The draft statement and additional information about it are available on the NRC web site at <http://www.nrc.gov/materials/miau/licensing.html>. For additional information, please contact John Jankovich at (301) 415-7904 or john.jankovich@nrc.gov or Cynthia Jones at (301) 415-0298 or cynthia.jones@nrc.gov.

NRC Revises Agency's Enforcement Policy

The U.S. Nuclear Regulatory Commission has published a major revision to the agency's Enforcement Policy, which contains policy and procedures that the NRC follows to respond to apparent violations of agency requirements. The revisions—which were published in the *Federal Register* on September 30, 2010—represent the first major revision to the Enforcement Policy since 1995. The policy has been updated since that time to reflect the NRC's Reactor Oversight Process and the use of Alternative Dispute Resolution. The current revision will ensure that the Enforcement Policy closely parallels agency practice and will incorporate enforcement issues associated with combined licenses for proposed new reactors, the construction phase of proposed fuel facilities, and new requirements related to safeguards and security.

"The NRC's Enforcement Policy is a crucial tool in our mission to protect public health and safety, the common defense and security, and the environment," said NRC Chairman Gregory Jaczko. "It emphasizes the importance of

compliance with NRC regulatory requirements, as well as the prompt identification and prompt, comprehensive correction of violations."

A proposed revision to the Enforcement Policy was published for public comment on September 15, 2008. A corrected version was published on October 16, 2008.

The September 30 Federal Register notice with the final revised policy is available online at <http://edocket.access.gpo.gov/2010/pdf/2010-24561.pdf>.

NRC Issues Mid-Cycle Assessment Letters

The U.S. Nuclear Regulatory Commission has issued mid-cycle assessment letters to the nation's 104 operating nuclear power plants. These recent assessments show that all plants continue to operate safely.

There are five levels of plant performance based on a detailed assessment of performance indicators (i.e., safety system availability and reliability, control of radiation exposure and unplanned shutdowns) and inspection findings. Levels range from "meeting all safety and cornerstone objectives" (highest level) to "unacceptable performance" (lowest level).

According to the latest round of assessments, 97 of the plants are performing in the two highest performance categories. If a nuclear plant's performance declines, the NRC increases the level of inspection to ensure that the plant operator is taking the steps necessary to correct the situation. The additional amount of inspection is commensurate with the level of plant performance.

The latest round of assessments shows that 85 of the plants were performing at the highest level and require only normal NRC inspection and oversight. Twelve plants were performing at the next highest level, needing to resolve items of low to moderate safety significance. These plants will receive additional NRC inspection and attention to follow up on corrective actions. Seven plants were performing at the third level of performance with one degraded safety cornerstone. These plants will need even more NRC inspections, senior management attention, and oversight focused on the cause of the degraded performance.

Every six months, each plant receives either a mid-cycle review letter or an annual assessment letter, along with an NRC inspection plan. The next annual assessment letters will be issued in March 2011.

A list of each plant's current performance rating is available on the NRC web site at http://www.nrc.gov/NRR/OVERSIGHT/ASSESS/actionmatrix_summary.html. The mid-cycle assessment letters sent to each licensee are available on the NRC web site at <http://www.nrc.gov/NRR/OVERSIGHT/ASSESS/index.html>.

NRC Announces Fall Agenda

On October 6, 2010, the U.S. Nuclear Regulatory Commission published its fall schedule with an agenda focused on safety and security.

Tasks Completed

The new agenda follows a busy summer for the Commission, during which time the agency moved forward with several proposed rules, received briefings on key programs, and completed work on important policy issues. In addition, agency staff participated in several international meetings and several emergency preparedness exercises. Highlights of some of the agency's accomplishments this summer include

- ◆ approving a comprehensive update on the Enforcement Policy;
- ◆ taking steps to enhance the Fuel Cycle Oversight Process and the licensing approach for small modular reactors;
- ◆ finalizing the update of the Waste Confidence Rule;
- ◆ making progress on resolving an important reactor safety issue concerning sump performance, formally known as Generic Safety Issue 191;
- ◆ approving a final revision of the Part 110 rule on the export and import of nuclear equipment and material;
- ◆ issuance of a proposed rule for new security requirements for the use of category 1 and 2 quantities of radioactive materials (new Part 37);
- ◆ moving forward with a proposed rule on security requirements for research and test reactors (Part 73); and,
- ◆ submittal of a report to the President and Congress from the interagency Radiation Source Protection and Security Task Force

that outlines significant steps that have been taken since 2006 to enhance the security of domestic radioactive sources and provides additional recommendations for further improving source security.

Fall Agenda

This fall, the Commission will be tackling several safety and security issues for existing reactor and materials licenses, as well as proactively planning to address emerging issues.

As the staff continues safety reviews for new reactor licensing applications, the Commission will also be focusing on emerging oversight issues for potential new reactors. Briefings on alternative risk metric options for new light water reactors and the Construction Reactor Oversight Process are scheduled for later this fall. The Commission also expects to receive proposed amendments to AP1000 and ABWR reactor design certification rules from staff.

Materials issues will remain a focus for the Commission throughout the rest of the year. On October 20, the Commission held a meeting on medical issues, with staff providing a broad overview on several ongoing initiatives. The Commission is currently completing work on the agency's waste blending policy, as well as measures to enhance security initiatives, such as the National Source Tracking System.

NRC Shares Seismic Research with Power Plants

The U.S. Nuclear Regulatory Commission has informed U.S. nuclear power plants about the agency's ongoing examination of updated earthquake information and modeling for the eastern and central parts of the country.

Recent applications for new nuclear power plants referenced this updated seismic information, which includes models of earthquake ground motion from the Electric Power Research Institute. NRC staff has used the agency's Generic Issues Program to analyze that data, as well as recent U.S. Geological Survey findings, with regard to existing eastern and central reactor sites. Western U.S. reactor locations already take into account that area's greater seismic activity. NRC also used the updated information to confirm spent reactor fuel storage sites and fuel cycle facilities remain safe.

"Reactors in eastern and central states remain safe, since our analysis confirms that overall seismic risk remains low," said Eric Leeds, Director of the NRC's Office of Nuclear Reactor Regulation. "Nuclear power plants have been designed and built considering the most severe historical earthquake in their vicinity, taking into account the uncertainties in the area's seismic record. We're continuing to examine the recently updated earthquake information."

NRC's information notice on the subject is available from the agency's electronic documents database, ADAMS, by entering accession number ML101970221 in the ADAMS search engine at <http://adamspublic.nrc.gov/fnopenclient/>.

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

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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.

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Missouri
Ohio
Wisconsin

Rocky Mountain Compact

Colorado
Nevada
New Mexico

Northwest accepts Rocky Mountain waste as agreed between compacts

Southeast Compact

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Florida
Georgia
Mississippi
Tennessee
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