LLW notes

Volume 26, Number 4 July/August 2011

U.S. Nuclear Regulatory Commission

NRC Responds to Japan Task Force Recommendations

On August 19, 2011, the U.S. Nuclear Regulatory Commission announced that staff has been directed to complete several actions within the next 45 days in response to recommendations from the agency's Near-Term Task Force examination of the Fukushima Dai-ichi nuclear accident in Japan.

The Commission established the Task Force to examine the agency's regulatory requirements, programs, processes, and implementation in light of information from the accident following the March 11 earthquake and tsunami. The Task Force presented its report to the Commission on July 12, proposing 12 recommendations on improving several safety-related areas. The recommendations covered areas including loss of electrical power, earthquakes, flooding, spent fuel pools, venting and preparedness.

Commission Direction

The Commission has asked the staff for a series of papers in the next two months covering various aspects of the Task Force's work including:

- The staff has until September 9 to produce a paper outlining which of the Task Force's recommendation's 2 through 12, either in part or in whole, the staff believes should be implemented without unnecessary delay. The 21-day effort will include a public dialogue on the staff's proposal, and the staff expects to announce a public meeting shortly.

- The staff has until October 3 to produce a paper which prioritizes Task Force recommendations 2 through 12. This paper is expected to lay out all agency actions to be taken in responding to lessons learned from the Fukushima Dai-ichi accident. The paper will also lay out a schedule for interacting with the public, other stakeholders and the Advisory Committee on Reactor Safeguards (ACRS).

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In This Issue

COPYRIGHT POLICY

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

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

Current members are allowed to distribute these written materials to a limited number of persons within their particular organization (e.g. compact commissioners, state employees, staff within a federal agency, employees in a commercial enterprise.) It has become clear, however, that there will be instances where members and subscribers wish to share LLW Forum materials with a broader audience of non-members.

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Low-Level Radioactive Waste Forum, Inc.

LLW Notes
Volume 26, Number 4 July/August 2011
Editor and Writer: Todd D. Lovinger
Layout and Design: Rita Houskie, Central Interstate Low-Level Radioactive Waste Compact

LLW Notes is published several times a year and is distributed to the Board of Directors of the Low-Level Radioactive Waste Forum, Inc. - an independent, non-profit corporation. Anyone - including compacts, states, federal agencies, private associations, companies, and others - may support and participate in the LLW Forum, Inc. by purchasing memberships and/or by contributing grants or gifts. For information on becoming a member or supporter, please go to our web site at www.llwforum.org or contact Todd D. Lovinger - the LLW Forum, Inc.'s Executive Director - at (202) 265-7990.

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

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LLW FORUM, INC

Low-Level Radioactive Waste Forum, Inc.
1619 12th Street N.W.
Washington, DC 20009
(202) 265-7990
FAX (202) 265-7995
E-MAIL llwforuminc@aol.com

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.

Register Now for the Fall 2011 LLW Forum Meeting

Santa Fe, New Mexico on October 17-18, 2011

The Low-Level Radioactive Waste Forum will host its fall 2011 meeting at the Inn and Spa at Loretto in Santa Fe, New Mexico. The Rocky Mountain Low-Level Radioactive Waste Board and the Midwest Interstate Low-Level Radioactive Waste Compact Commission are co-sponsoring the full two-day meeting—which will be held on Monday, October 17, and Tuesday, October 18. The Executive Committee will meet on Monday morning.

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

Attendance

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

Additional Meetings

The LLW Forum will hold its regularly scheduled meeting all day Monday and Tuesday morning, October 17-18. On Tuesday afternoon, October 18, there will be a special session during which state and compact officials will have an opportunity to provide feedback and comment to representatives of the U.S. Nuclear Regulatory Commission on current activities and initiatives (other meeting attendees may observe). A closed meeting of the LLW Forum's Disused Source Working Group is tentatively scheduled for Wednesday, October 19. NRC have also scheduled a public workshop on the Concentration Averaging Branch Technical Position (CA BTP) for Thursday, October 20, in Albuquerque, New Mexico. (See related story, this issue.)

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 Sheri Reynolds of the Rocky Mountain Board 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 already filled our block at the Loretto hotel.

A block of 15 overflow rooms has been reserved for Sunday (October 16) and Monday (October 17) for meeting attendees at the nearby La Posada Hotel at the prevailing federal per diem rate (currently $82 per night) plus tax.

To make a reservation, please call the La Posada Hotel directly at (505) 954-9686 and ask for a

room in the LLW Forum Meeting Block. Please reserve by Friday, September 23, to receive the special, discounted rate.

Transportation

The Inn and Spa at Loretto is located approximately 67 miles from the Albuquerque International Airport in Albuquerque, New Mexico. Shuttle service is available from the Albuquerque airport through Sandia Shuttle at http://www.sandiashuttle.com or at (888) 775-5696. American Airlines Express offers direct flights into Santa Fe Airport, which is approximately 14 miles from the Inn and Spa at Loretto. Shuttle service is available from the Santa Fe Airport through Road Runner Shuttle Express at (505) 424-3367.

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

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

Low-Level Radioactive Waste Forum Meetings

2011 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.

Fall 2011 Meeting

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 full two-day meeting will be held at the Inn and Spa at Loretto on October 17-18, 2011. (See related story for additional information, including information about "Additional Meetings.")

2012 Meetings

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 Central Midwest Interstate Low-Level Radioactive Waste Commission and the State of Illinois have agreed to co-host the LLW Forum's fall 2012 meeting. This will be the third time that the Commission and Illinois have co-hosted a meeting of the LLW Forum since we began operations as an independent, non-profit organization in 2000. The meeting will be held at the Embassy Suites Lakefront Hotel in downtown Chicago on October 11-12, 2012.

Search for Volunteer Hosts for 2013 Meetings

The LLW Forum is currently seeking volunteers to host both the spring and fall 2013 meetings and those thereafter. Although it may seem far off, substantial lead-time is needed to locate appropriate facilities.

(Continued on page 11)

Atlantic Compact Commission

New Chairman Appointed to Atlantic Compact Commission

By letter dated July 7, 2011, South Carolina Governor Nikki Haley appointed Elizabeth Partlow as the new Chairman of the Atlantic Interstate Low-Level Radioactive Waste Management Compact Commission.

Parlow succeeds Benjamin Johnson, who resigned his position as Chairman by letter dated February 7, 2011. Johnson had served as South Carolina's Commissioner and as the compact's Chairman since its inception in 2000. (See *LLW Notes*, March/April 2011, p. 9.)

Partlow is a shareholder in the Ogletree Deakins law offices in Columbia, South Carolina. Her practice is focused in the area of environmental law.

Prior to joining Ogletree Deakins in 1996, Partlow served as Legal Counsel to Governor David Beasley of South Carolina, specializing in environmental issues. She represented the Governor on the Southeast Compact Commission, the Southern States Energy Board, the Hazardous Waste Management Select Oversight Committee, and as a Natural Resource Trustee. Partlow previously served as Deputy Director for the Environment for former South Carolina Governor Carroll Campbell, Jr.; as staff counsel for the South Carolina Department of Health and Environmental Control; and as staff attorney for the South Carolina Supreme Court.

For additional information, please contact Max Batavia of the Atlantic Compact Commission at (803) 737-1879 or at mbatavia@microbyte.net.

Central Midwest Compact/State of Illinois

Alert Declared at Dresden Nuclear Power Plant

At 10:16 am CT on July 15, 2011, the Dresden Nuclear Power Plant declared an Alert due to a chemical leak that restricted access to a vital area that houses plant cooling water pumps. The leaking chemical was sodium hypochlorite, which is similar to bleach, and is routinely used in plant operations to treat water. According to a press release from the U.S. Nuclear Regulatory Commission, there was no impact to public health and safety and the environment.

Exelon Generating Company owns and operates the two-unit plant. It is located in Morris, Illinois -- approximately 60 miles southwest of Chicago.

NRC's two on-site resident inspectors and staff in the Region III office located in Lisle, Illinois closely monitored the event and utility's actions.

According to NRC's press release, the leak was stopped and clean up by plant workers was quickly underway. The utility reported approximately 330 gallons of the chemical leaked but was contained. The utility also reported two plant workers who were working in the area were taken offsite for treatment due to possible inhalation of the chemical fumes.

An alert is the second lowest of NRC's emergency level classification. Once the event ended, NRC began a review of the utilities actions and follow up on the cause of the leak. Both units continue to operate at 100 percent power.

For additional information, please contact Viktoria Mitlyng at (630) 829-9662 or Prema Chandrathil at (630) 829-9663.

Northwest Compact/State of Utah

Energy*Solutions'* Depleted Uranium Performance Assessment Available

In late June 2011, the Utah Department of Environmental Quality (DEQ) posted online the Depleted Uranium Performance Assessment (DU PA) submitted earlier by Energy*Solutions.* The document is available at http://www.deq.utah.gov/Issues/energysolutions/dupa_report.htm.

The report is posted in several ways - as a complete document and then broken down into sections. As subcategories in each section, DEQ has highlighted a link to the related rule.

Please note that a sample model player showing how the DU PA results were determined is available. Although DEQ had intended to post it online, they chose not to do so because download times could be excessive due to the type and size of the files. Therefore, the application is available on CD by contacting the Division of Radiation Control (DRC) at radpublic@utah.gov.

DEQ plans to hold a briefing about midway through the review process to update interested parties on the department's progress. Once the review is complete, a formal public comment period is planned.

In addition, please note that the Energy*Solutions* Issue page is updated on a regular basis. Interested parties can access it at http://www.deq.utah.gov/Issues/energysolutions.index.htm.

Overview

In early 2009, the U.S. Nuclear Regulatory Commission (NRC) voted to initiate rulemaking to require a site-specific analysis for the disposal of large quantities of DU. Since that time, Energy*Solutions* has received 3,577 metric tons of DU from the Savannah River site that the company intends to dispose.

After June 1, 2010, Utah Radiation Control Rule (URCR) Section R313-25-8(5) prohibits the disposal of significant quantities (more than one metric ton in total accumulation) of concentrated depleted uranium until the DRC Executive Secretary approves a PA that demonstrates that Energy*Solutions* will meet the performance standards specified in 10 CFR Part 61 and corresponding provisions of Utah rules.

DU PA Report

As required by URCR 313-25-8(5) and in accordance with URCR 313-25-8(2), Energy*Solutions* completed and submitted an in-depth site-specific PA before disposal of DU. If approved, Energy*Solutions* intends to file documentation requesting its Radioactive Material License be amended to include disposal of DU.

As a result of the processes, DU from the Savannah River site also contains small quantities of waste fission products and transuranic elements. The estimated mass of DU from the Savannah River site proposed for disposal at Energy*Solutions'* Clive facility is 3,577 metric tons or 5,408 drums.

The report evaluates acceptance and disposal of up to 700,000 metric tons of similar DU waste from the gaseous diffusion plants at Portsmouth, Ohio and Paducah, Kentucky.

Conclusions

According to Energy*Solutions,* the report demonstrates continued regulatory compliance resulting from the proposed disposal of DU as Class A waste. The report concludes that the acceptance and disposal of DU produced at DOE's Savannah River Site can be compliant with the state's regulatory requirements. Furthermore, it

seeks to demonstrate that Energy*Solutions* may accept and dispose of similar DU waste from gaseous diffusion plants in Ohio and Kentucky and DU from the National Enrichment Facility currently under construction in New Mexico up to the limits and configurations modeled in the PA.

Energy*Solutions* developed and executed a detailed, site-specific, probabilistic PA using the GoldSim model to support its claims of regulatory compliance. According to the company, this model and the resulting findings demonstrate that Energy*Solutions'* proposed methods for disposal of DU will ensure that future operations, institutional control, and site closure can be conducted safely, and that the site will comply with DRC's radiological criteria contained in the URCR.

While included in its Compliance Report as part of improving qualitative understanding of facility performance, Energy*Solutions* states that the company agrees with NRC cautions and recognizes that regulatory compliance should include limited "consideration given to the issue of evaluating site conditions that may arise from changes in climate or the influences of human behavior should be limited so as to avoid unnecessary speculation." Furthermore, Energy*Solutions* agrees with NRC statements that "[t]hese events are envisaged as broadly disrupting the disposal site region to the extent that the human population would leave affected areas as the ice sheet or shoreline advances. Accordingly, an appropriate assumption under these conditions would be that no individual is living close enough to the facility to receive a meaningful dose."

Background

In 2009, the State of Utah issued a proposed rule that would require approval of a site-specific PA prior to the shallow land disposal of additional DU. As proposed, the rule would not become effective immediately.

Given the time lag, the Executive Secretary proposed a license condition for the Energy*Solutions'* Clive facility that would address the disposal of DU at the site prior to consideration and final determination about the rule.

The purpose of the license condition, according to the state, is "to provide some immediate and undisputed protection during this interim period, against possible disposal of depleted uranium that is inconsistent with the results of the [site-specific performance assessment]." A second purpose is "to provide additional protection for the entire period before NRC completes its regulatory process."

The license condition is not intended to supplant the rule, which may provide for more restrictive requirements on the disposal of DU, nor foreclose the possibility of further orders by the Executive Secretary.

A public comment period on the issue was established from November 23, 2009 through December 23, 2009.

In February 2010, the DRC issued a written document providing responses to pubic comments on the issue.

License Amendment 7, which incorporates revision to License Condition 35 regarding the additional requirements for disposal of large quantities of depleted uranium, may be found at http://www.radiationcontrol.utah.gov/EnSolutions/License/licenseamend7.pdf.

Responses to public comments on License Condition 35 may be found at http://www.radiationcontrol.utah.gov/EnSolutions/License/publicparticpation.pdf.

For additional information, please contact Rusty Lundberg, Director of the Division of Radiation Control at the Utah Department of Environmental Quality, at (801) 536-4257 or at rlundberg@utah.gov.

DOE & Energy*Solutions* Brief Utah DRC re Sealed Sources Proposal

On August 18, 2011, the U.S. Department of Energy (DOE) and Energy*Solutions* gave a presentation before the Utah Division of Radiation Control (DRC) on a proposal to receive sealed radioactive sources at the company's low-level radioactive waste disposal facility in Clive, Utah.

Briefing

The presentation took place at 2:00 p.m. in the Department of Environmental Quality's (DEQ's) Main Board Room at 195 North 1950 West in Salt Lake City. Energy*Solutions* presented an overview of its proposal to dispose of disused sealed sources at Clive to DRC representatives.

"The briefing is for the benefit of the Radiation Control staff and questions and discussion will be limited to DOE, Energy*Solutions*, and DRC," stated the announcement. "However, given the likely high interest of some in this topic, an invitation is being extended to the public to hear the presentation and become educated on the topic."

Background

DOE's National Nuclear Security Administration (NNSA) established the national disused sealed radioactive source recovery program to address both national and international security concerns regarding sealed radioactive sources. The national recovery program is designed to reduce and protect against security threats involving radioactive sources by developing and enhancing opportunities for radioactive material licensees throughout the country to manage sealed radioactive sources that are no longer in use.

Sealed radioactive sources are used in various applications including industrial, medical, institutional, research, etc. A national program to recover and manage these radioactive sources serves as a tangible benefit for the protection and safety of both licensees and national security.

Energy*Solutions* Stakeholder Forum Held in August

A meeting for members of the Energy*Solutions* Environmental Issues Stakeholder Forum was held on Tuesday, August 2, at 4:00 p.m. in the Utah Department of Environmental Quality (DEQ) Board Room at 195 North 1950 West in Salt Lake City, Utah.

The format was similar to that of the initial meeting in March of 2011. (See *LLW Notes*, March/April 2011, p. 16.) Stakeholder Forum members were at the table; others were invited to attend and listen in as audience members.

Agenda

The Stakeholders Forum agenda was as follows:

- Welcome and Introductions
- Status Reports and Upcoming Issues
  - Compliance Status—Class A Waste Exceedance
  - Performance Assessment Submission and Review
  - SEMPRASAFE Waste—DRC Review
  - Stakeholder Outreach Meeting—Sealed Sources (August 18, DEQ Board Room)
- Next Meeting
  - Date—October 2011
  - Suggested Topics

Background

DEQ announced the formation of the Stakeholder Forum earlier this year. The purpose is to share information with key opinion leaders and stakeholder groups related to licensing and other environment issues at Energy*Solutions.* It is not intended to serve as a substitute for Public Notice and Comment periods, but rather to provide a mechanism for sharing information and perspectives on an ongoing basis.

The first Stakeholder Forum was held on March 16. (See *LLW Notes,* March/April 2011, p. 16.)

Stakeholder Forum meetings are open to the public.

The SEMPRASAFE presentation made to the Radiation Control Board in March is available online at: http://www.deq.utah.gov/Issues/energysolutions/docs/031011_presentation.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 Meeting Canceled

The Utah Radiation Control Board meeting, previously scheduled for July 12, 2011, was canceled.

The next meeting is scheduled to take place on August 9, 2011 in Conference Room 1015 of the Multi Agency State Office Building at 195 North 1950 West, 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.

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

Copies of 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.

Northwest Compact/State of Wyoming

Licenses Issued for In Situ Recovery Projects in Wyoming

On August 17, the U.S. Nuclear Regulatory Commission announced the issuance of a license to Lost Creek ISR, LLC to construct and operate the proposed Lost Creek in situ uranium recovery project in Sweetwater County, Wyoming.

One month earlier, on July 20, 2011, NRC issued a license to Uranerz Energy Corp. to construct and operate the proposed Nichols Ranch in situ leach uranium recovery project in Johnson and Campbell counties, also in Wyoming.

On June 30, 2011, the agency made available on its web site an application by Strata Energy, Inc. for a license to construct and operate the Ross In Situ Uranium Recovery Project in Crook County, Wyoming.

Lost Creek License

By letter dated March 30, 2008, Lost Creek ISR submitted the license application for the Lost Creek project. The project is to be located in the northern portion of the Great Divide Basin in

Sweetwater County—approximately 42 miles northwest of Rawlins, Wyoming. The project will cover nearly 4,220 acres, of which approximately 320 acres will be directly affected by operations. The project will recover and mill uranium for use in fuel in commercial nuclear power plants.

On June 24, 2011, NRC published its Supplemental Environmental Impact Statement (SEIS) for the Lost Creek project. The report determined that there were no major environmental impacts that would preclude issuing the license. The staff has also completed its Safety Evaluation Report (SER).

The Lost Creek SEIS, NUREG-1910 Supplement 3, and SER (ML112231724) are available on NRC's web site at www.nrc.gov.

Uranerz Energy Corp. License

On November 30, 2007, Uranerz submitted a license application for Nichols Ranch. The project is to be located in the Pumpkin Buttes Uranium Mining District of the Powder River Basin—approximately 46 miles south-southwest of Gillette and 60 miles north-northeast of Casper. The project will cover nearly 3,400 acres, of which about 300 acres will be directly affected by operations. The project will recover and mill uranium for use in fuel for commercial nuclear power plants.

In January 2011, NRC published its SEIS for the Nichols Ranch project. The report determined that there were no major environmental impacts that would preclude issuing the license. The staff has also completed its Safety Evaluation Report (SER).

The Uranerz SEIS (ML103440120) and SER (ML102240206) are both available in ADAMS at www.nrc.gov.

Ross License Application

On January 4, 2011, Strata submitted the Ross In Situ Uranium Recovery Project application. NRC staff has determined that the application contains sufficient information for the agency to formally "docket," or file, it and begin its technical and environmental reviews. Docketing the application does not preclude requesting additional information as the reviews proceed, nor does it indicate whether the Commission will grant the application.

Following publication of a notice in the *Federal Register*, interested parties were given 60 days to request a hearing. The notice included detailed instructions for requesting a hearing through the NRC's e-filing system's electronic submittal page.

Strata's application (ML110120063) and related documents (Docket Number 04009091) are both available in ADAMS at www.nrc.gov.

(Continued from page 5)

If your state or compact has not hosted a meeting in the past two years, we ask that you consider doing so. If necessary, we may be able to assist you in finding a co-host.

Non-state and non-compact entities are eligible to co-host LLW Forum meetings, so please let us know if your company or organization is interested in doing so.

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.

Southeast Compact

Rick Jacobi to Receive 2012 Hodes Award

The Southeast Compact Commission for Low-Level Radioactive Waste Management has selected Lawrence R. "Rick" Jacobi of Jacobi Consulting as its recipient for the 2012 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.

"Mr. Jacobi is being recognized for his exceptional leadership and innovative efforts in radioactive waste disposal and education. He developed innovative approaches to the design, siting and operation of low-level waste disposal facilities that strongly influenced later siting efforts in the nation, as well as safe, economical disposal solutions using municipal landfills for disposal of short-lived medical radioactive waste. Rick has also been active in teaching nuclear engineering students to develop and improve their communication skills for their work in school and later in their careers."

As the award recipient, Jacobi will present a lecture during the Waste Management '12 Symposium in Phoenix, Arizona. The symposium—which is sponsored by Waste Management Symposia—will be held from February 26 – March 1, 2012. A special time is reserved during the Symposium for the lecture and the award presentation.

Recipient Background

Jacobi is the principal consultant with the firm Jacobi Consulting. As a licensed nuclear engineer, health physicist, and attorney, he brings a unique perspective to providing technical and regulatory assistance in the management of radioactive waste storage, processing and disposal. He has volunteered his expertise to numerous organizations, including the South Texas Chapter of the Health Physics Society, the Committee on Radiation Policy of the Texas Medical Association, the Senior Management Advisory Board of the U.S. Department of Energy Carlsbad Field Office and the Texas Radiation Advisory Board.

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)
- 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)
- Christine Gelles of the U.S. Department of Energy (2011)

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 Commission Moves to New Office

New Mailing Address, Phone and Fax Numbers

Please note that, effective July 8, 2011, the Southeast Low-Level Radioactive Waste Compact Commission relocated its office to the address shown below.

1230 SE Maynard Road, Suite 103
Cary, NC 27511
Telephone: (919) 380-7780
Fax: (919) 380-7710
secc@secompact.org

The compact commission's telephone and fax numbers also changed, as noted above. However, their email remains the same.

Please make the necessary changes to your files.

Texas Compact/State of Texas

TCEQ Sets Interim Disposal Rates for WCS

On August 25, 2011, the Texas Commission on Environmental Quality (TCEQ) announced that its Executive Director has established interim disposal rates for commercial low-level radioactive waste at the Compact Waste Disposal Facility currently under construction.

Interim Disposal Rates

The Executive Director interim disposal rate establishes a base rate by volume, per cubic foot; by radioactivity, per curie; and surcharges to the base rate related to relative hazard for each waste shipment. Additionally, all waste shipments are subject to state fees.

These interim disposal rates will apply to commercial low-level radioactive waste accepted at the operational Compact Waste Disposal Facility, owned by the State of Texas and operated under license by Waste Control Specialists LLC (WCS).

Senate Bill 1504, adopted by the 82nd Texas Legislature, creates the option for the TCEQ Executive Director to set interim disposal rates in advance of the formal disposal rate-setting process. (See *LLW Notes*, May/June 2011, pp. 1, 13-15.)

Next Steps

The formal disposal rate-setting process will begin later this year when the TCEQ proposes a recommended disposal rate schedule.

The process will include public notice, consideration of public comment, and the opportunity for a contested case hearing, followed by expedited rulemaking.

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.

By letter dated January 28, 2011, WCS submitted a supplemental response to TCEQ's September 1, 2010 Request for Information (RFI) regarding their proposed disposal rate application. (See *LLW Notes*, January/February 2011, pp. 21-23.) In addition, on February 22, 2011, TCEQ received corrections from WCS to their October 15, 2010 submission on the pending disposal rate application.

On March 10, 2011, TCEQ held a public meeting to take comment and provide an update on the agency's review of the pending rate setting application. TCEQ's meeting announcement stated in part as follows: "As a reminder, this public meeting is not occurring as part of the notice and opportunity for contested case hearing referenced in TCEQ rules at Title 30, Texas Administrative Code (TAC) §336.1309. The official notice for comment and opportunity for a contested case hearing will occur at the time the TCEQ Executive Director completes his review of the WCS proposed rate application and publishes a recommended disposal rate schedule."

On April 12, 2011, TCEQ sent a letter to WCS confirming receipt of the company's supplemental responses on and corrections to its pending rate setting application. (See *LLW Notes*, March/April 2011, pp. 29-31.)

The interim disposal rates for the Compact Waste Disposal Facility can be found at the following link: http://www.tceq.texas.gov/permitting/radmat/licensing/executive-director-interim-disposal-rate.

For additional information, please contact TCEQ Disposal Rate Project Manager, Sage Chandrasoma, at (512) 239-6069 or at s.chandrasoma@tceq.texas.gov.

Texas DSHS Seeks Comment re Draft and Proposed Rule Revisions

The Department of State Health Services (DSHS) of the State of Texas is seeking public comment on draft and proposed revisions to sections of their rules regarding the regulation of radiation and radioactive material.

Please provide comments on the draft and proposed revisions to Barbara Taylor, Manager, Radiation Policy, Standards, and Quality Assurance by e-mail (barbaraj.taylor@dshs.state.tx.us). The deadline for submitting comments is September 6, 2011.

The following is a brief summary of the draft and proposed rule revisions. Persons interested in greater detail are directed to the documents themselves.

Proposed Title 25 Texas Administrative Code (TAC) §289.102: Memorandum of Understanding between the DSHS and the Railroad Commission of Texas (RRC) Regarding Radiation Control Functions

The new proposed rule is being developed to:

- Delineate areas of respective jurisdiction and to coordinate the respective responsibilities and duties of the DSHS and the RRC in the regulation of sources of radiation in accordance with Texas Health and Safety Code (HSC), §401.414, in order to provide a consistent approach and to avoid duplication.

Questions on the draft rule revisions can be addressed to Monica Perez, Radiation Group Rule Development Program, at (512) 834-6770 extension 2235 or by e-mailing monica.perez@dshs.state.tx.us.

Text and figures are available at http://www.dshs.state.tx.us/radiation/pdffiles/DraftRules/102_Prop_Rule_8_2011.pdf. The preamble, providing background for the proposed rule, is available at http://www.dshs.state.tx.us/radiation/pdffiles/DraftRules/102_Prop_Pream_8_2011.pdf.

Draft 6 – Title 25 Texas Administrative Code (TAC) §289.227: Use of Radiation Machines in the Healing Arts

Draft 6 revisions include, but are not limited to:

- Changes from Drafts 1-5.
- The definition of interventional fluoroscopy is deleted and replaced with the new definition of fluoroscopically-guided interventional (FGI) procedures that includes a limited list of FGI procedures.
- The definition of reference level is revised.
- The requirements for calibration of dosimetry systems are now consolidated in the subsection for general operating requirements.
- "Board certified radiologist" is revised to read "radiologist."
- Radiation oncologists are exempt from complying with the radiation safety awareness training requirements.
- A 1-hour device specific radiation machine hands-on training for users of FGI procedures is added and topics specified. The requirement for a written test is deleted.

Questions on the draft rule revisions can be addressed to June Ayers, Radiation Group Rule Development Program, at (512) 834-6770 extension 2033 or by e-mailing june.ayers@dshs.state.tx.us.

Text and figures are available at http://www.dshs.state.tx.us/radiation/pdffiles/DraftRules/227_DRAFT_6_July_2011.pdf.

Proposed Title 25 Texas Administrative Code (TAC) §289.229: Radiation Safety Requirements for Accelerators, Therapeutic Radiation Machines, Simulators, and Electronic Brachytherapy Devices

Revisions include, but are not limited to:

- Electronic brachytherapy device requirements are added to incorporate a new radiation therapy technology that is now regulated.
- A new requirement permits linear accelerators to be energized for purposes of installation and acceptance testing before receiving a certificate of registration.
- The requirement for an intercomparison of a dosimetry system is deleted and the calibration interval revised to not exceed 24 months.
- Operating and safety procedure requirements are revised to specify applicability to all radiation therapy modalities.
- An added change requires all accelerators operating at or above 10 MeV to now have contamination smears performed prior to the transfer or disposal of the unit.
- A new requirement, concerning the calibration of therapeutic systems containing asymmetric jaws, multileaf collimation, or dynamic/virtual wedges, requires the calibration to be performed with an established protocol developed by a licensed medical physicist with a specialty in therapeutic radiological physics.
- New language is added that requires users of digital imaging acquisition systems to follow quality assurance control protocol established by the manufacturer or, if no manufacturer's protocol is available, by the registrant.
- New changes include clarification that if a treatment-planning system is different from the treatment-delivery system, the accuracy of the electronic transfer must be verified at the treatment location.
- The term "therapy event" is replaced with "medical event."

Questions on the draft rule revisions can be addressed to June Ayers, Radiation Group Rule Development Program, at (512) 834-6770 extension 2033 or by e-mailing june.ayers@dshs.state.tx.us.

Text and figures are available at http://www.dshs.state.tx.us/radiation/pdffiles/DraftRules/289-229-_Prop_Rule_8_2011.pdf.

Proposed Title 25 Texas Administrative Code (TAC) §289.231: General Provisions and Standards for Protection Against Machine-Produced Radiation

Revisions include, but are not limited to:

- Professional licensing board names are updated.
- The department name, address, and form names are revised.
- Language is added to clarify how to calculate the effective dose equivalent as a part of the individual's annual radiation dose record.
- A new requirement is added, for facilities utilizing both radiation producing machines and radioactive materials, that requires the total effective dose equivalent to an individual member of the public not to exceed 1 mSv in 1 year.

- Remote inspection requirements are revised where the inspections may be alternated with on-site routine inspections as determined by the agency.

Questions on the draft rule revisions can be addressed to June Ayers, Radiation Group Rule Development Program, at (512) 834-6770 extension 2033 or by e-mailing june.ayers@dshs.state.tx.us.

Text and figures are available at http://www.dshs.state.tx.us/radiation/pdffiles/DraftRules/289_Prop_Rule_8_2011.pdf.

Texas Compact

Texas Compact Commission Meets in Andrews

The Texas Low-Level Radioactive Waste Disposal Compact Commission (the "Commission") held a recent meeting in Andrews, Texas on August 20, 2011. The Commission met at the James Roberts Center at 855 Highway 176 East beginning at 10:30 am.

An agenda for the meeting was posted in the Texas Register and on the Commission web site at http://www.tllrwdcc.org.

For additional information, please contact Margaret Henderson, Interim Executive Director of the Commission, at (512) 820-2930 or at margaret.herderson@tllrwdcc.org.

Agenda Items Overview

The following items, among others, were on the agenda for the August 20 meeting of the Commission:

- introduction of Vermont Commissioners and guests;
- discussion of important legislative actions during the 82nd Regular and 1st Called Session of the Texas Legislature including SB 1504, SB 1605, and HB 2694;
- status of funding as of August 20, 2011 and as of September 1, 2011 and discussion and possible action on adopting fiscal year 2012 budget;
- discussion and possible action to invoice party states for party state pro-rata share of expenses for fiscal year 2012;
- discussion and possible action regarding financial matters including meeting-related and operational expenses;
- discussion of continuing need to reconsider an amended version of withdrawn Section 675.24 originally planned to be added to Subchapter B, "Exportation and Importation of Waste," Chapter 675, Part 21, Title 31, Texas Administrative Code, to have been captioned "Importation of Waste from a Non-Compact Generator for Management;"
- discussion and possible action by the Commission with regard to various low-level radioactive waste export petitions;
- discussion and possible action by the Commission regarding jurisdiction over certain types of mixed low-level radioactive waste as discussed in correspondence from the UT System to the Commission and in a response to the UT System's correspondence by Waste Control Specialists LLC (WCS) also addressed to the Commission in a letter dated July 22, 2011;
- discussion and possible action regarding the completion and distribution of the Commission's 2010 Report to the Governors and the appropriate legislative committees of the party states;
- discussion and possible action regarding the completion and adoption of the Commission's Bylaws;
- discussion and possible action on the
- process(es) for the development of procedures and forms, and the content of procedures and forms, related to the importation of nonparty state waste;

- discussion and possible action regarding attendance of Commissioners at the Fall 2011 meeting of the Low-Level Radioactive Waste Forum; and,
- agenda items, date and location for next meeting.

The agenda included an opportunity for public comment.

Background re Recent Legislative Action

During the current session, the Texas Legislature passed legislation (SB 1504, SB 1605 and HB 2694) regarding, among other things, the disposal of out-of-region waste at the WCS facility that is currently being constructed in Andrews County and the terms of Commissioners to the Texas Compact Commission.

Although the bills both contain language pertaining to the disposal of out-of-region waste at the WCS facility, no waste may be imported to the State of Texas without approval by the Commission.

For an in-depth overview of waste-related bills as originally approved by the Senate, please see LLW Notes, March/April 2011, pp. 1, 22-28. For an in-depth overview of the House amendments and final bills, please see LLW Notes, May/June 2011, pp. 1,13-15.

Background re Import/Export Rules

On January 4, 2011, the Commission approved revised Preliminary Rules on the Exportation and Importation of Waste by a vote of five to two. (See *LLW Notes*, January/February 2010, pp. 1, 16.) Various amendments to the rules were accepted prior to passage, including those offered by the Vermont Commissioners that clarified issues regarding the reserving of disposal capacity at the regional commercial facility for generators from the State of Vermont.

The vote followed a series of legal maneuvers by Public Citizen and the Texas Civil Rights Project that attempted to block the Commission from proceeding to act on the proposed rules. The groups initially succeeded at getting a state district court judge to enjoin the Commission from adopting, approving, or otherwise implementing the proposed rules. However, a federal district judge subsequently dismissed the case and dissolved the temporary restraining order ("TRO") after determining that neither the state nor federal court had jurisdiction to prevent the Commission from acting on the proposed rules.

A copy of the Commission's import/export rules and other related information may be found on the Commission's web site at http://www.tllrwdcc.org.

Background re License Status

On January 14, 2009, by a vote of 2 to 0, Texas Commission on Environmental Quality (TCEQ) Commissioners denied hearing requests and approved an order on 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.)

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.

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.

Background re Construction Authorization

On January 7, 2011, TCEQ Executive Director Mark Vickery approved the commencement of construction of the planned WCS low-level radioactive waste disposal facility "subject to all applicable license conditions, rules and statutes." (See *LLW Notes,* January/February 2010, pp. 19-21.) Earlier the same day, TCEQ and WCS executed a "Lease and Indemnification Agreement Concerning Low-Level Radioactive Waste Disposal in Andrews County, Texas." The document sets forth provisions relating to conveyance of the Compact Waste Disposal Facility to the State of Texas, including indemnification for any liability imposed on the state.

WCS is currently authorized for the processing, storage and disposal of a broad range of hazardous, toxic, and certain types of radioactive waste. WCS is a subsidiary of Valhi, Inc.

For additional information, please contact Susan Jablonski—Director of the Radioactive Materials Division at TCEQ—at (512) 239-6466 or at sjablons@tceq.state.tx.us. You may also contact Rodney Baltzer—President of WCS—at (972) 450-4235 or at rbaltzer@valhi.net. Or, you may contact Michael Ford, Chair of the TLLRWDCC, at (512) 820-2930 or at michael.ford@tllrwdcc.org.

State of New York

New York Issues 25th Annual LLRW Status Report

In mid-August 2011, the New York State Energy Research and Development Authority (NYSERDA) announced the availability of the twenty-fifth annual *New York State Low-Level Radioactive Waste Status Report,* which covers calendar year 2010.

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

The 2010 *Status Report* provides data on the volume and activity of low-level radioactive waste shipped to out-of-state disposal sites and data on low-level radioactive waste stored at the end of the year pending disposal.

Copies of the report are available at http://www.nyserda.org/publications/llrw-2010.pdf.

For additional information, please contact Alyse Peterson, Senior Project Manager, Radioactive Waste Policy and Nuclear Coordination, NYSERDA, at (518) 862-1090 extension 3274 or at alp@nyserda.org.

Advisory Committee on Medical Uses of Isotopes (ACMUI)

ACMUI Nominations and Appointments

On June 15, 2011, the U.S. Nuclear Regulatory Commission announced the selection of Laura Weil, the director and a faculty member of Sarah Lawrence College's Masters Degree Program in Health Advocacy, to be the patients' rights advocate on the agency's Advisory Committee on the Medical Uses of Isotopes (ACMUI).

Shortly thereafter, on July 28, 2011, NRC announced that the agency is seeking nominations for the position of Agreement State representative on the ACMUI.

The ACMUI advises NRC on policy and technical issues that arise in the regulation of the medical use of radioactive materials.

Patients' Rights Advocate

Weil was selected from among 10 nominees for the position. The program at Sarah Lawrence, located in Bronxville, New York, is the only graduate level health advocacy degree program in the country. Weil was the only nominee with both extensive practical experience and an academic background in patient advocacy.

Weil holds a Master of Arts degree in health advocacy from Sarah Lawrence and serves as a member of the Institutional Review Board of Beth Israel Medical Center, where she is a primary reviewer of proposed clinical trials with respect to patients' rights. She serves as a consultant for the National Institute of Mental Health and is an executive committee member for the National Association of Healthcare Advocacy Consultants. She has taught ethics and served eight years as the director of a medical center's patient representative department.

Weil will serve a four-year term.

Agreement State Representative

The 13-member ACMUI possess the medical and technical skills needed to address evolving issues. Responsibilities include providing comments on changes to NRC rules, 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 NRC for appropriate action.

Nominees for the Agreement State position must be US citizens and be able to devote approximately 160 hours per year to Committee business and have professional or personal experience with or knowledge of current Agreement State regulations. Also, involvement or leadership in Agreement State advocacy organizations is preferred. Members are expected to attend semi-annual meetings in Rockville, Maryland and to participate in teleconferences, as needed. Members who are not federal employees are compensated for their service. In addition, non-federal members are reimbursed for travel and correspondence expenses. Full-time federal employees are reimbursed for travel expenses only. The selected nominee will undergo a thorough security background check and be required to complete a financial disclosure statement to assure that there are no conflicts of interest. Nominations will be accepted through September 27, 2011.

Committee members currently serve a four-year term and may be considered for reappointment to an additional term.

Advisory Committee on Reactor Safeguards (ACRS)

ACRS Holds Meeting re Part 61 Preliminary Proposed Rule Language, Technical Basis and Draft Guidance Document

On August 17, 2011, the Subcommittee on Radiation Protection and Nuclear Materials of the U.S. Nuclear Regulatory Commission's (NRC's) Advisory Committee on Reactor Safeguards (ACRS) held an open meeting to hear presentations by and hold discussions with the NRC staff and other interested persons regarding the Part 61 Site-Specific Analyses preliminary proposed rule language, its associated technical basis, and draft guidance document.

ACRS Meeting

During the ACRS meeting, the subcommittee gathered information, analyzed relevant issues and facts, and formulated proposed positions and actions, as appropriate, for deliberation by the full committee.

Part 61-related presentations and discussions took place from 1:00 pm to 5:00 pm in Conference Room T2–B3 of the NRC headquarters at 11545 Rockville Pike, Rockville, Maryland.

ACRS staff set up a bridge line and access code for those who were not able to attend the meeting in person, but wanted to participate via teleconference.

Detailed meeting agendas and meeting transcripts are available on the NRC web site at http://www.nrc.gov/reading-rm/doc-collections/acrs.

Background

Earlier this year, NRC released the Technical Basis for the Part 61 Site-Specific Rulemaking, as well as the Period of Performance White Paper and the Draft Rule Text.

On May 18, 2011, the agency conducted a public meeting to discuss the preliminary proposed rule language and its associated regulatory basis documents.

To obtain the documents, please go to the Agencywide Documents Access and Management System (ADAMS) at http://www.nrc.gov/reading-rm/adams.html and use the following accession numbers: ML111040401 (technical basis for site-specific rulemaking), ML111030586 (technical analysis for period of performance), ML111040419 (regulatory basis document), and ML111150205 (draft rule language).

Summary NRC is considering amending its regulations to require low-level radioactive waste disposal facilities to conduct site-specific analyses to demonstrate compliance with the performance objectives. While the existing regulatory requirements are adequate to protect public health and safety, these amendments would enhance the safe disposal of low-level radioactive waste.

NRC is proposing additional changes to the regulations to reduce ambiguity, facilitate implementation, and to better align the requirements with current health and safety standards. In addition, NRC is making available the rulemaking's associated regulatory basis documents.

Discussion Although NRC is inviting stakeholders to comment on the preliminary proposed rule language and its associated regulatory basis documents, these items may be subject to additional significant revisions during the rulemaking process prior to publication for formal comment as a proposed rule. NRC will consider any comments received; however, the agency will not formally respond to comments.

As appropriate, the Statements for Consideration for the proposed rule may briefly discuss any substantive changes made to the proposed rule language as a result of the comments received on this preliminary version. Stakeholders will also have an additional opportunity to comment on the

rule language when it is published as a proposed rule in accordance with the provisions of the Administrative Procedures Act. NRC will respond to any such comments in the Statements of Consideration for the final rule.

NRC may post updates to the preliminary rule language on the federal rulemaking web site under Docket ID NRC-2011-0012. The site allows members of the public to set up e-mail alerts so that they may be notified when documents are added to a docket. Users are notified via e-mail at an e-mail address provided at the time of registration for the notification. Directions for signing up for the e-mail alerts can be found at http://www.regulations.gov. To do so, navigate to the docket folder and then click the "Sign up for E-Mail Alerts" link.

Submitting Comments Comments on the preliminary proposed rule language and the regulatory basis documents should have been postmarked no later than June 18, 2011. Comments received after this date will be considered if it is practical to do so, but NRC is able to assure consideration only for comments received on or before this date.

When submitting comments, please include Docket ID NRC-2011-0012 in the subject line. Comments submitted in writing or in electronic form will be posted on the NRC's web site at http://www.nrc.gov and on the federal rulemaking web site at http:///www.regulations.gov.

Comments will not be edited to remove any identifying or contact information, so NRC cautions against including information that is not intended to be publicly disclosed.

For additional information, please contact Andrew Carrera, Rulemaking Project Manager for the U.S. Nuclear Regulatory Commission, at (301) 415-10178 or at Andrew.Carrera@nrc.gov.

U.S. Department of Energy

Yucca Mountain Technical Evaluation Report Issued

On July 21, 2011, the U.S. Nuclear Regulatory Commission announced the publication of the first of three Technical Evaluation Reports (TERs) detailing the agency staff's review of the U.S. Department of Energy's license application for a high-level waste repository at Yucca Mountain in Nevada.

Publication of the report provides the staff's technical review of the post-closure information in the Yucca Mountain application. The TER does not include findings as to whether NRC's regulatory requirements have been satisfied.

"Technical Evaluation Report on the Content of the U.S. Department of Energy's Yucca Mountain Repository License Application; Post-Closure Volume: Repository Safety After Permanent Closure," is part of the agency's orderly closeout of the Yucca Mountain license review process and is intended as a public record of the staff's scientific and technical work in preparing for and reviewing the application. It was developed using the draft Volume 3 of the staff's Safety Evaluation Report on the application.

The TER was prepared as part of the agency's knowledge management activities during the closeout of the Yucca Mountain licensing review. The closeout, including publication of two additional TER's, is expected to be complete by September 30, 2011.

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.

The TER is available on the NRC web site's Yucca Mountain page at www.nrc.gov.

(Continued from page 1)

- The staff has 18 months to consider the Task Force's first and broadest recommendation—a call for revising the NRC's regulatory approach. The Task Force felt the NRC should find a better balance between the use of risk analysis to inform regulation and the "defense in depth" concept that underlies many of the agency's original requirements. The Task Force felt doing so would create a regulatory framework that is logical, systematic, coherent and more easily understood. The paper is expected to provide options, including a recommended course of action, in dealing with the Task Force's first recommendation.

Task Force Recommendations

NRC's Japan Task Force has proposed improvements in areas ranging from loss of power to earthquakes, flooding, spent fuel pools, and venting and preparedness. The Task Force recommends that a "patchwork of regulatory requirements" developed "piece-by-piece over the decades" should be replaced with a "logical, systematic and coherent regulatory framework" to further bolster reactor safety in the United States.

While declaring that "a sequence of events like the Fukushima accident is unlikely to occur in the United States" and that plants can be operated safely, the Task Force also recognized that "an accident involving core damage and uncontrolled release of radioactivity to the environment, even one without significant health consequences, is inherently unacceptable." Thus, the Task Force developed a comprehensive set of 12 recommendations—many with both short and long term elements—to increase safety and redefine what level of protection of public health is regarded as adequate. It also recommended additional study of some issues.

The Task Force report recommendations include:

- creating a more "coherent regulatory framework" for adequate protection that appropriately balances defense-in-depth and risk considerations;
- requiring plants to reevaluate and upgrade as necessary their design-basis seismic and flooding protection of structures, systems and components for each operating reactor and reconfirm that design basis every 10 years;
- strengthening Station Black Out (SBO) mitigation capability for existing and new reactors for design-basis and beyond-design-basis natural events (such as floods, hurricanes, earthquakes, tornadoes or tsunamis) with a rule to set minimum coping time without offsite or onsite AC power at 8 hours; establishing equipment, procedures and training to keep the core and spent fuel pool cool at least 72 hours; and, pre-planning and pre-staging offsite resources to be delivered to the site to support uninterrupted core and pool cooling and coolant system and containment integrity as needed;
- requiring that facility emergency plans address prolonged station blackouts and events involving multiple reactors;
- requiring additional instrumentation and seismically protected systems to provide additional cooling water to spent fuel pools if necessary; and requiring at least one system of electrical power to operate spent fuel pool instrumentation and pumps at all times;
- requiring reliable hardened vent designs in boiling water reactors (BWSs) with Mark I and Mark II containments;
- strengthening and integrating onsite emergency response capabilities such as emergency operating procedures, severe accident management guidelines and extensive damage mitigation guidelines;
- identifying, as part of the longer term review, insights about hydrogen control and mitigation inside containment or in other buildings as more is learned about the Fukushima accident;

- evaluating, as part of the longer term review, potential enhancements to prevent or mitigate seismically induced fires or floods;
- pursuing, as part of the longer term review, additional emergency preparedness topics related to SBO and multiunit events;
- pursuing, as part of the longer term review, emergency preparedness topics on decision making, radiation monitoring and public education; and,
- strengthened regulatory oversight of plant safety performance—the NRC's Reactor Oversight Process by which plants are monitored on a daily basis—by focusing more attention on defense-in-depth requirements.

The Task Force report was given to the five members of the NRC, who are responsible for making decisions regarding the Task Force's recommendations.

The Commission's direction to the staff and the Task Force report are both available on the NRC web site at www.nrc.gov.

NRC Proposes Revisions to LLRW Reduction Policy Statement

On August 15, 2011, the U.S. Nuclear Regulatory Commission published a notice in the *Federal Register* announcing that the agency is seeking public comment on proposed revisions to its policy statement on volume reduction of low-level radioactive waste.

Public comments will be accepted through September 14, 2011.

For additional information on NRC's proposed revisions to the policy statement on LLRW volume reduction, see 76 Federal Register 50,500 (August 15, 2011).

Revised Policy Statement

The proposed revisions to the policy statement on volume reduction of low-level radioactive waste, published at 76 *Federal Register* 50,500, recognize progress licensees have made in reducing the volume of low-level radioactive waste generated during operations since the current policy statement was issued in 1981. According to NRC, widespread use of volume reduction practices, which have been encouraged by nuclear industry groups, has resulted in a significant reduction in the amount of low-level radioactive waste produced by licensees. NRC notes that the high cost of disposal, and lack of disposal access, have also contributed to the use of volume reduction techniques.

The revised policy statement would continue to urge licensees to minimize the volume of waste they produce, since "a continued focus on volume reduction will extend the operational lifetime of the existing commercial low-level disposal sites and reduce the number of waste shipments." In this regard, NRC notes that Title 10 of the *Code of Federal Regulations* 20.1406, currently requires applicants for licenses to describe in the application how facility design and procedures for operation will minimize, to the extent practicable, the generation of radioactive waste.

However, the revised policy statement recognizes that volume reduction is only one aspect of an effective program for managing radioactive waste. While NRC continues to favor disposal over storage, the agency recognizes that licensees may manage waste in a variety of ways consistent with NRC regulations and guidance. In addition to ensuring public health and safety, the revised policy statement encourages licensees to consider operational efficiency, reductions in occupational exposures, security and cost in determining how best to manage low-level radioactive waste.

The revised policy statement states that licensees should consider all means available to manage waste in a manner that is secure and protects public health and safety, such as

- waste minimization;
- short-term storage and decay;
- long-term storage;
- use of the alternate disposal provision contained in 10 CFR 20.2002;
- use of waste processing technologies; and,
- use of licensed disposal facilities.

"The Commission understands that limited disposal access means that many licensees will be forced to store at least some of their LLW," states NRC. "Agreement State and NRC licensees must continue to ensure waste is safely and securely managed. However, disposal is considered the safest and most secure long-term management approach."

Nuclear power plants generate approximately 96 percent of all low-level radioactive waste. Fuel cycle facilities such as uranium enrichment plants, and materials licensees such as hospitals, research institutes and universities generate the remainder.

Submitting Comments

NRC will accept comments on the draft revised policy statement through September 14, 2011. Comments received after this date will be considered if it is practical to do so, but the NRC is only able to ensure consideration of comments received on or before this date.

When submitting comments, please include Docket ID NRC-2011-0183 in the subject line. NRC cautions that comments will not be edited to remove any identifying or contact information.

Comments may be submitted by either of the following methods:

- Federal Rulemaking Web Site: Go to http://www.regulations.gov and search for documents filed under Docket ID NRC-2011-0183.
- Mail: Mail comments to Cindy Bladey, Chief, Rules, Announcements, and Directives Branch (RADB), Office of Administration, Mail Stop TWB-05-B01M, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

Background

In 1981, NRC published a policy statement regarding the reduction of low-level radioactive waste that addressed

- the need for a volume reduction policy;
- suggested volume reduction techniques;
- that NRC would take expeditious action on requests for licensing of volume reduction systems; and,
- the need for waste generators to minimize the quantity of waste produced.

The 1981 policy statement was issued in response to a General Accounting Office report that recommended that NRC take this step to help preserve disposal facility space. At the time of issuance of the policy statement, disposal space was scarce since two of the three operating disposal sites had been threatening to close, and one had recently reduced the annual amount authorized for disposal by half. In addition, volume reduction techniques were not yet in widespread use.

On April 7, 2010, NRC staff published SECY-10-0043, "Blending of Low-Level Radioactive Waste" and addressed the 1981 policy statement in response to stakeholder comments that large-scale blending may not be consistent with the policy statement because it would enable licensees to avoid the use of an available volume reduction technology. In the blending paper, staff stated in Option 2 as follows:

> The staff believes that the Policy Statement could be updated to recognize the progress that has been achieved, and to acknowledge that other factors may be used by licensees in determining how best to manage their LLRW. Specifically, the Policy Statement could be revised to acknowledge that volume reduction continues to be important, but that risk-informed, performance-based approaches to managing waste are also appropriate in managing LLRW safely and that volume reduction should be evaluated in this light.

In the Staff Requirements Memorandum for SECY-10-0043, the Commission approved Option 2, which included the staff's proposed changes noted above. Consequently, NRC is publishing for public comment a revised Policy Statement on Volume Reduction and Low-Level Radioactive Waste Management.

For additional information, please contact Donald Lowman of the NRC's Office of Federal and State Materials and Environmental Management Programs at (301) 415-5452 or at donald.lowman@nrc.gov.

NRC to Hold CA BTP Workshop in Albuquerque

The U.S. Nuclear Regulatory Commission has announced an upcoming public workshop to discuss the Draft Branch Technical Position on Concentration Averaging and Encapsulation (CA BTP). The workshop—which will be held in Albuquerque, New Mexico on October 20—will follow the Low-Level Radioactive Waste Forum meeting in Santa Fe, New Mexico on October 17-18, 2011. (See related story in this issue.)

A copy of the CA BTP public meeting can be found at http://adamswebsearch2.nrc.gov/idmws/DocContent.dll?library=PU_ADAMS^pbntad01&LogonID=76f7934a166c4f45e5b737b7cc6f14fb&id=112290176 The ADAMS accession number for the notice is ML112210566.

Logistics

The meeting will be held at the Crowne Plaza Albuquerque at 1901 University Boulevard NE from 8:00 am to 5:00 pm. Interested members of the public that can not attend the meeting in person are invited to participate via toll-free audio teleconference.

Purpose

NRC is seeking stakeholder input on issues related to potential revisions of the CA BTP. This is a Category 3 meeting, meaning that the public is invited to actively participate and discuss regulatory issues with the agency during the meeting.

Agenda

The agenda for the meeting, as contained in the public meeting notice, is as follows:

- registration
- facilitator opening comments
- NRC welcome and overview
- discussion -- NRC and public stakeholders
- lunch
- discussion -- NRC and public stakeholders
- concluding remarks

For additional information, please contact Maurice Heath of FSME/DWMEP at (301) 415-3137 or at maurice.heath@nrc.gov.

Available Resources Associated with Extended LLRW Storage

On August 16, 2011, the U.S. Nuclear Regulatory Commission issued a Regulatory Issue Summary (RIS 2011-09) titled, "Available Resources Associated with Extended Storage of Low-Level Radioactive Waste."

Intent

NRC issued the RIS to inform addressees of a consolidated list of available resources that will assist with the extended storage of low-level radioactive waste and to provide a high-level summary of the type of information contained in the resources. NRC provided the RIS to Agreement States for their information and for distribution to their licensees, as appropriate.

Summary

With assistance from a topical working group comprised of subject matter experts from NRC

program offices, Agreement States, and industry and trade groups, the NRC staff has determined that the current guidance on the management of extended low-level radioactive waste storage is adequate.

However, relevant information is not always readily available or easily accessible. To make this information more readily accessible, the NRC staff has consolidated and is providing access to the various guidance documents, generic communications, staff papers, and other resources considered to be useful for licensees storing low-level radioactive waste.

The NRC staff will also provide access to a broader list of relevant materials on the NRC's public web site at http://www.nrc.gov/waste/llw-disposal.html. There, soon after the release of this RIS, licensees and stakeholders will find a specific link for guidance and other reference material related to extended low-level radioactive waste storage at the website as well. The NRC staff plans to continually update the information on the new link, based on evolving internal and external information.

Background

While there are no specific policy statements addressing extended low-level radioactive waste storage, the Commission and staff have consistently recognized permanent disposal of low-level radioactive waste as the preferred management strategy over extended storage.

However, the uncertainty in the availability of access to low-level radioactive waste disposal facilities for many licensees has posed an ongoing challenge. In response to these concerns, the NRC staff developed regulatory guidance documents and other resources to assist licensees in their efforts to safely store low-level radioactive waste.

In addition, the NRC staff has recognized the usefulness of resources developed by others (i.e., U.S. Department of Energy and the Electric Power Research Institute) in providing additional information related to the safe and secure extended storage of low-level radioactive waste.

RIS 2011-09 is available on NRC's web site at http://www.nrc.gov/reading-rm/doc-collections/gen-comm/reg-issues/2011/.

For additional information, please contact James Shaffner of FSME/DWMEP at (301) 415-5496 or at james.shaffner@nrc.gov.

Revision 2 to the Generic Aging Lessons Learned Report

On July 1, 2011, the U.S. Nuclear Regulatory Commission issued a Regulatory Information Summary (RIS 2011-05) related to Information on Revision 2 to the Generic Aging Lessons Learned Report for License Renewal of Nuclear Power Plants.

Intent

NRC issued the RIS to provide information to applicants and licensees on the changes to NUREG-1801, "Generic Aging Lessons Learned (GALL) Report," Revision 2, issued December 2010.

The purpose of the RIS is to inform applicants and licensees, especially those with license renewal applications currently under review and those with a renewed operating license, of operating experience incorporated since the previous revision to the GALL Report and the associated changes to staff positions concerning adequate aging management of structures, systems, and components within the scope of license renewal.

The RIS does not discuss all the Revision 2 changes; instead, it identifies the more noteworthy modifications that the staff has evaluated as important to ensure that the effects of aging at nuclear power plants are adequately managed so that structure, system, and component functions

are maintained during the period of extended operation. Revision 2 of the GALL Report identifies all the changes.

NRC recommends that licensees review the recently issued changes to Revision 2 of the GALL Report. It also encourages licensees with renewed operating licenses to review the changes to the GALL Report and consider actions necessary to incorporate these updates, as appropriate, into existing aging management programs (AMPs) at their plants.

Summary

This document provides an overview of noteworthy changes identified by the NRC staff in Revision 2 of the GALL Report and a useful synopsis to help licensees and applicants understand the significant differences between Revision 1 and Revision 2. Licensees and applicants should review Revision 2 for details on programmatic changes and other aging management information that may apply to specific plants.

The RIS is also meant as a reminder of the significance of aging-related operating experience and of the value that the NRC staff places on this information. Aging-related operating experience was a fundamental consideration in the development of the GALL Report, and it continues to play a key role in revisions to the document. Furthermore, the GALL Report and the SRP-LR state that the staff's evaluation of a license renewal application in determining the adequacy of AMPs is based, in part, on the applicant's consideration of, and its actions taken to address, both plant-specific and industry operating experience.

Background

NUREG-1800, "Standard Review Plan for Review of License Renewal Applications for Nuclear Power Plants" (SRP-LR), Revision 2, issued December 2010, references NUREG-1801 as a technical basis document. The GALL Report lists generic aging management reviews of systems, structures, and components that may be in the scope of license renewal applications and identifies aging management programs (AMPs) that the NRC finds acceptable for managing the aging effects expected during a plant's operation past the expiration date of its original license (i.e., the period of extended operation). The NRC staff uses the GALL Report as a basis for review of license renewal applications consistent with guidance in the SRP-LR.

The NRC staff issued Revision 2 to the GALL Report in December 2010 (Agencywide Documents Access and Management System Accession No. ML103490041). The changes incorporate (1) lessons learned from the reviews of previous license renewal applications, (2) operating experience obtained after the NRC issued Revision 1 to the GALL Report, and (3) other public input, including industry comments. The staff from the Division of License Renewal (DLR) analyzed operating experience information during a screening review of domestic operating experience, foreign operating experience from the international Incident Reporting System database, and NRC generic communications. The information reviewed included operating experience from January 2004 to approximately April 2009.

RIS 2011-05 is available at http://www.nrc.gov/reading-rm/doc-collections/gen-comm/reg-issues/2011/.

For additional information, please contact Lisa Regner, Senior Project Manager, NRR/DLR/RPB2, at (301) 415-1906 or at lisa.regner@nrc.gov.

License Renewals Continue to Move Forward

The U.S. Nuclear Regulatory Commission continues to process license renewal applications from various nuclear power plant operators. In

that regard, the agency recently took the following actions:

- At two meetings on September 15, 2011, NRC will solicit public comments regarding the agency's preliminary conclusion that there are no environmental impacts that would preclude a 20-year extension of the operating license for the Seabrook Station in Seabrook, New Hampshire. NRC issued a supplemental environmental impact statement (EIS) on the proposed license renewal for Seabrook that will form the basis of discussions at the meetings. As part of its license renewal application, Next Era Energy submitted an environmental report. NRC staff reviewed the report and performed an on-site audit. Staff also considered comments made during the environmental scoping process. NRC staff will consider written comments on the draft EIS until October 26, 2011. The current operating license for Seabrook is set to expire on March 15, 2030. *The Seabrook draft EIS and other related documents are available in NRC's Agencywide Documents Access and Management System (ADAMS) public electronic reading room using accession number ML11213A080.*

- On August 15, 2011, NRC announced the opportunity to request a hearing on an application to request the operating licenses for the Limerick Generating Station, Units 1 and 2. Both units at Limerick are boiling-water nuclear reactors. They are located in Limerick, Pennsylvania—approximately 21 miles from Philadelphia. Exelon Generation Company submitted the renewal application on June 22, 2011. The current operating licenses for Units 1 and 2 expire on October 26, 2024 and on June 22, 2029, respectively. NRC staff has determined that the application contains sufficient information for the agency to formally "docket," or file, the application and begin its technical review. Docketing the application does not preclude requesting additional information as the review proceeds, nor does it indicate whether the Commission will grant the application. *The Limerick license application is available in NRC's ADAMS public electronic reading room using accession number ML11179A101.*

- On July 20, 2011, NRC announced renewal of the operating license for the Hope Creek Generation Station—located in Hancocks Bridge (Salem County), New Jersey—for an additional 20 years. The new license will now expire on April 11, 2046. The decision to renew comes after thorough safety and environmental reviews of the license renewal application submitted in August 2009 by the plant's operator, PSEG Nuclear LLC. *Safety and environmental reports related to the Hope Creek renewal, as well as the license application and other related documents, may be found at www.nrc.gov.*

- On July 6, 2011, NRC issued its supplemental safety evaluation report (SER) for the proposed renewal of the operating licenses for the Pilgrim Nuclear Power Station near Plymouth, Massachusetts—approximately 38 miles from Boston. The Supplement did not change the staff's conclusion 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 supplemental SER does not identify new open items and there are no new license conditions resulting from this supplement. The license renewal of the Pilgrim plant has taken several years due to ongoing hearing proceedings. *The supplemental SER for the Pilgrim plant is available at www.nrc.gov on the license renewal page.*

- On June 30, 2011, NRC announced renewal of the operating license for the Salem Nuclear Generating Station Units 1 and 2—located approximately 18 miles south of Wilmington, Delaware—for an additional 20 years. The

new licenses will now expire on August 13, 2036 and on April 18, 2040. The decision to renew comes after thorough safety and environmental reviews of the license renewal application submitted in August 2009 by the plant's operator, PSEG Nuclear LLC. The plant has two pressurized-water reactors. *Safety and environmental reports related to the Salem renewal, as well as the license application and other related documents, may be found at www.nrc.gov.*

- On June 29, 2011, NRC announced renewal of the operating license for the Prairie Island Nuclear Generating Plant Units 1 and 2 for an additional 20 years. The Prarie Island plant has two pressurized-water reactors located 28 miles southeast of Minneapolis, Minnesota. The current operating licenses were set to expire on August 9, 2013 and October 29, 2014. Northern States Power Company submitted an application to NRC on April 11, 2008, to extend the licenses by 20 years. The new licenses will now expire on August 9, 2033 and on October 29, 2034. The decision to renew comes after thorough safety and environmental reviews of the license renewal application submitted in April 2008 by the plant's operator, Northern States Power Company. *Safety and environmental reports related to the Prairie Island renewal, as well as the license application and other related documents, may be found at www.nrc.gov.*

- On June 27, an Atomic Safety and Licensing Board (ASLB) heard oral argument via teleconference on a request to participate in the South Texas Project operating reactor license renewal proceeding. The ASLB is the independent body within the NRC that presides over hearings where the public can challenge proposed licensing and enforcement actions. Participation in the proceeding was limited to parties (the Sustainable Energy and Economic Development [SEED] Coalition, the applicant—the South Texas Project Nuclear Operating Company [STPNOC]—and NRC staff) although the session was open for public observation. STPNOC submitted an application on October 28, 2010 to renew the licenses for both South Texas Project reactors near Bay City, Texas. The current license for South Texas Project Unit 1 is set to expire on August 20, 2027, and the license for Unit 2 is set to expire on December 15, 2028. The ASLB is considering the SEED Coalition's petition to intervene in the proceeding, including the group's objections, or contentions, against the STPNOC's application. *Documents related to the South Texas Project license renewal application and the associated ASLB proceeding are available at www.nrc.gov.*

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 71 reactor units. In addition, NRC is currently processing 9 other license renewal requests.

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 Combined License (COL) applications.

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 August 18, 2011, NRC announced that staff has completed its Final Safety Evaluation

Report (FSER) for COL for the proposed Virgil C. Summer Units 2 and 3 reactors. The NRC, in its FSER, concluded that there are no safety aspects that would preclude issuing the COLs for construction and operation of the proposed reactors at the site, which is located near Jenkinsville, South Carolina. The FSER and Final Environmental Impact Statement (FEIS) will be provided to the Commission for the mandatory hearing phase of the licensing process. In the mandatory hearing, expected to take place later this year, the Commission will determine whether the staff's review supports the findings necessary to issue a license. In addition, because the Summer application references the amended AP1000 design, the Commission must complete the certification process for that design before it can render a mandatory hearing decision on the license. South Carolina Electric and Gas (SCE&G) and Santa Cooper applied for a license to build and operate two Westinghouse AP1000 reactors adjacent to the existing Summer nuclear power plant in March 2008.

- On August 17, 2011, an Atomic Safety and Licensing Board panel heard oral argument and conducted an evidentiary hearing in the South Texas Project COL proceeding. The ASLB is an independent body within NRC that presides over proceedings involving the licensing of civilian nuclear facilities, such as nuclear power plants. Participation was limited to the parties admitted to the proceeding (several public interest groups, the applicant—Nuclear Innovation North America (NINA)—and NRC staff) although it was open for public observation. The South Texas Project COL application was submitted on September 20, 2007. It seeks permission to construct and operate two new nuclear reactors at the site near Bay City, Texas. The ASLB granted intervenor status and an opportunity for a hearing to the Sustainable Energy and Economic Development Coalition, the South Texas Association for Responsible Energy, and Public Citizen. The groups have submitted objections, or contentions, challenging the COL application.

- On August 9, 2011, NRC announced completion of the FSER for a limited work authorization (LWA) and COL for the proposed Vogtle Units 3 and 4 reactors. NRC, in its FSER, concluded that there are no safety aspects that would preclude issuing the LWA and COL for construction and operation of the proposed reactors at the site, near Waynesboro, Georgia. The FSER and FSEIS will be provided to the Commission for the mandatory hearing phase of the licensing process, which is expected to take place this fall. A mandatory hearing decision will await the completion of the certification process for the amended AP1000 design, which is referenced in the application. Southern Nuclear Operating Company (SNC) submitted its COL application for the Vogtle on March 28, 2008 and supplemented the application on October 2, 2009. SNC is applying for permission to build and operate two AP1000 reactors at the Vogtle site, adjacent to the company's existing reactors approximately 26 miles southeast of Augusta, Georgia. The LWA would authorize a specific set of activities that fall short of full reactor construction if the COL was delayed.

- On July 7, 2011, an ASLB panel heard oral argument regarding a hearing in the Calvert Cliffs COL proceeding at NRC headquarters in Rockville, Maryland. Participation was limited to parties admitted to the proceeding (several public interest groups, the State of Maryland, the applicant—Unistar Nuclear Operating Services—and NRC staff), though it was open to public observation. Unistar submitted the COL application on March 14, 2008. It seeks permission to construct and operate a new nuclear reactor at the Calvert Cliffs site near Lusby, Maryland. The ASLB granted intervenor status in the proceeding to the Nuclear Information and Resource Service, Beyond Nuclear, Public Citizen

Energy Program and Southern Maryland Citizens Alliance for Renewable Energy Solutions. One of the intervenors' contentions, or arguments, against the COL application is that Unistar fails to meet NRC requirements regarding foreign ownership. Following a staff determination earlier this year that Unistar fails to meet those requirements, the ASLB is now considering whether to rule in favor of the intervenors on the foreign ownership contention, withhold legal approval to issue the license, and conclude the hearing.

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.

Webinar Held re Prompt Remediation of Radioactive Contamination

On July 25, 2011, the U.S. Nuclear Regulatory Commission held a public seminar to facilitate the public's interaction and discussion regarding a potential rulemaking to require prompt remediation of radioactive contamination during licensed operation of nuclear reactors and materials facilities.

NRC recently published its final Decommissioning Planning Rule, which requires licensees to operate in a way to minimize spills, leaks and other unplanned releases of radioactive contaminants into the environment. It also requires licensees to check periodically for radiological contamination throughout the site, including subsurface soil and groundwater. However, the Decommissioning Planning Rule does not require licensees to remediate radiological contamination during operations.

The staff's preferred approach to the potential rulemaking would require licensees to promptly remediate radioactive spills and leaks when certain threshold limits are reached. Licensees could delay remediation under certain conditions, after performing analyses such as dose assessment, risk assessments and/or cost-benefit analyses for the NRC's review.

Public comments will be accepted through September 16, 2011. They may be submitted over the federal rulemaking website at www.regulations.gov; by mail to Cindy Bladey, Chief, Rules, Announcements, and Directives Branch (RADB), Office of Administration, Mail Stop TWB-05-B01M, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; or by fax to (301) 492-3446.

NRC Considers Study re Radiation Doses from Nuclear Medicine

The U.S. Nuclear Regulatory Commission has directed staff to evaluate the potential need for and feasibility of a study to determine radiation doses to members of the public due to the release of patients treated with medical radioisotopes. The Commission plans to vote on the recommendations.

In a Staff Requirements Memorandum (SRM), the Commission said the staff "should evaluate whether there are gaps in the available data regarding doses being received by members of the public due to the release of patients treated with medical isotopes, as well as how the agency could go about collecting additional data, if needed."

In 1997, NRC finalized regulations that allow patients treated with medical isotopes to be released from a clinic or hospital provided that the expected radiation dose to any other individual from the patient is not likely to exceed 500 millirem. Doctors are required to give patients written guidance on how to limit exposure to others, especially infants and young children. In recent years, NRC has expanded the guidance

requirement to include advice that patients are strongly discouraged from checking in to hotels immediately following treatment.

The Commission said that the staff study should weigh the direct utility of any additional data-gathering exercise against the potential for intruding upon patient privacy protections, and that the staff should assume written guidance is being followed appropriately, including the recent guidance about hotels. The study should also "fully utilize" previous studies on patient release.

Final Policy Statement re Protection of Cesium Chloride Sources

In late July 2011, the U.S. Nuclear Regulatory Commission issued its final policy statement on the protection of sealed radiation sources containing cesium-137 chloride (CsCl). The sources—which are used in blood irradiation, bio-medical and industrial research, and calibration of instrumentation and dosimetry—have received special attention because cesium chloride powder is highly soluble and dispersible, which could present security concerns if not properly secured.

The policy statement describes the Commission's policy and expectations on the secure uses of cesium chloride sources and the agency's potential actions should the threat environment change. The policy statement emphasizes that the security of radiation sources is an essential part of NRC's mission, cesium chloride sources are adequately protected under current NRC requirements, and the NRC encourages voluntary design improvements that could further enhance their security.

While noting the beneficial uses of cesium chloride sources, the policy statement encourages development of alternative forms of cesium-137. It also expresses the NRC's view that it is "imperative to develop a pathway for the long-term storage and disposal of these sources whether or not alternative forms are developed."

The policy statement discusses security improvements that have been imposed by the NRC and state agencies following the terrorist events of September 11, 2001, as well as voluntary programs initiated by other government agencies to enhance security beyond NRC requirements.

The NRC published a draft policy statement in the *Federal Register* on June 29, 2010, and held a public workshop to receive public comments on November 8-9, 2010. The final policy statement reflects the public comments received on the draft policy statement.

Ostendorff Sworn in for Second Term at NRC

On July 7, 2011, William Ostendorff was sworn in as a Commissioner of the U.S. Nuclear Regulatory Commission to a five-year term ending on June 30, 2016. Ostendorff previously served on the Commission for 15 months, completing a term that ended on June 30, 2011.

"I welcome Bill Ostendorff back on the Commission at a time when the NRC faces many crucial issues, including the aftermath of the Fukushima event in Japan," said NRC Chairman Gregory Jaczko. "It is important in these times for the Commission to be fully staffed, and Commissioner Ostendorff brings a wealth of experience and expertise to our work."

Ostendorff has a distinguished career as an engineer, legal counsel, policy advisor, and naval officer. Before joining the NRC, he served as the Director of the Committee on Science, Engineering and Public Policy and as Director of the Board on Global Science and Technology at the National Academies. He also previously served as Principal Deputy Administrator at the

National Nuclear Security Administration and was a member of the staff of the House Armed Services Committee.

Mark Satorius Named Director of FSME at NRC

On July 19, 2011, the U.S. Nuclear Regulatory Commission announced the selection of Mark Satorius as Director of the Office of Federal and State Materials and Environmental Management Programs (FSME). Satorius, who will assume his new duties in early October, succeeds the retiring Charles L. Miller.

Since 2009, Satorius has served as Regional Administrator of Region III in Lisle, Illinois. His successor there will be named later.

"I congratulate Mark Satorius on his appointment to this very important post," said NRC Chairman Gregory Jaczko. "Throughout his exemplary career, he has made an important contribution to the agency's mission of protecting public health, safety and the environment in the regulation of nuclear materials."

In his new position, Satorius will oversee the office activities and the regulatory framework for the safe and secure use of nuclear materials, medical, industrial, academic and commercial applications, uranium recovery activities, low-level radioactive waste sites, and the decommissioning of previously operating nuclear facilities and power plants. In addition, Satorius will work with federal agencies, states, and tribal and local governments on regulatory matters.

Satorius first joined the NRC staff in 1989 as an Operating Licensing Examiner in Region IV (Arlington, Texas), and then as a Reactor Inspector and Senior Project Engineer in that region. He served in a number of senior management positions in headquarters that include Deputy Director in the Office of Enforcement, Chief of Regional Operations and Program Management Staff in the Office of the Executive Director for Operations, and Chief of the Performance Assessment Section in the Office of Nuclear Reactor Regulation. In 2004, Satorius returned to Region IV as Deputy Director of Reactor Projects, the organization responsible for staffing and supporting the Resident Inspector Program. He was later promoted to Region III as the Director of Reactor Projects and later Deputy Regional Administrator.

Satorius earned a Bachelor's Degree in Mechanical Engineering from the United States Naval Academy and served as a Nuclear-Trained Submarine Officer.

For additional information, please contact NRC's Office of Public Affairs at (301) 415-8200 or at opa.resource@nrc.gov.

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

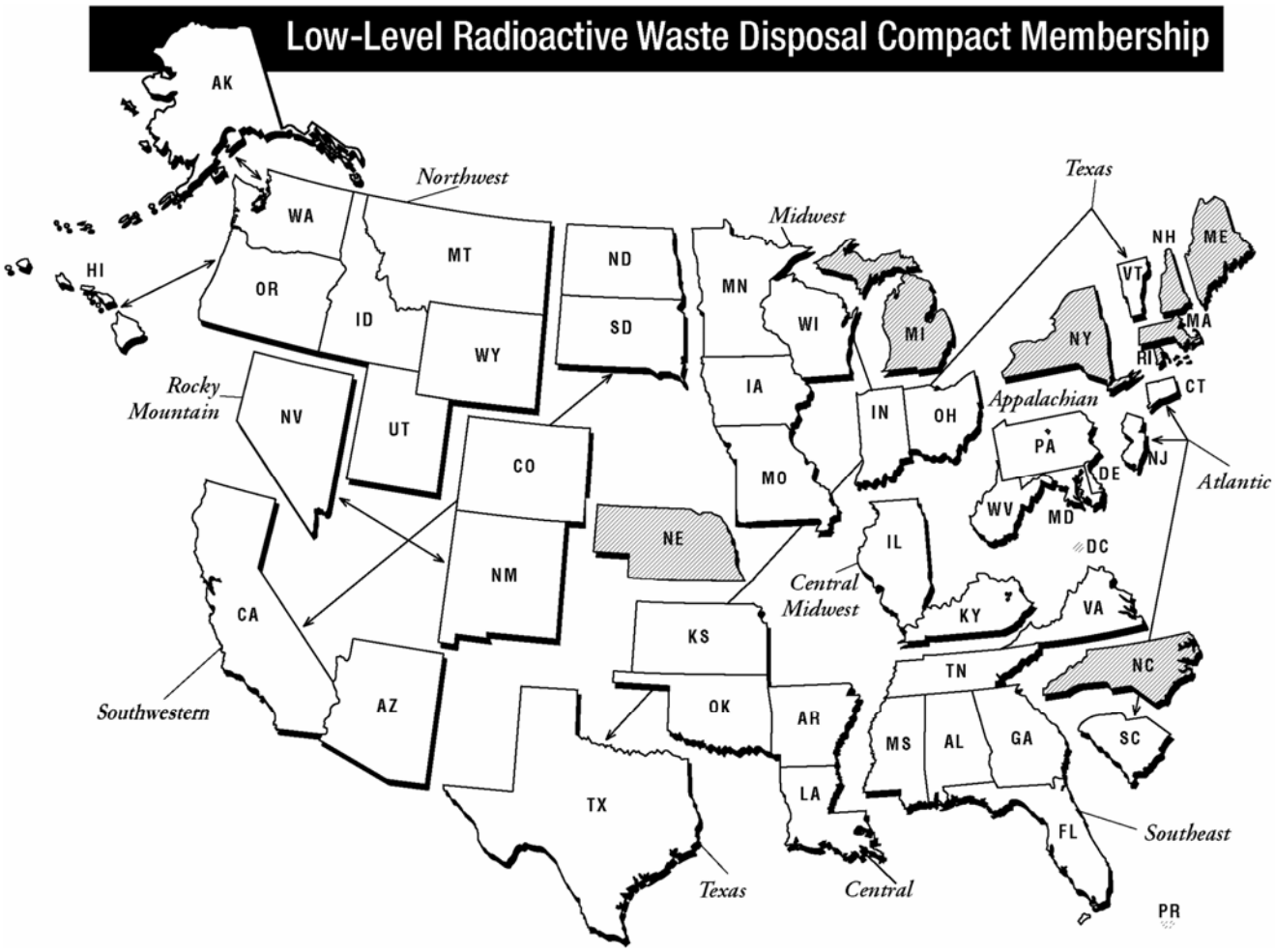
- GAO homepage (access to reports and testimony) ..... **www.gao.gov**

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

Accessing LLW Forum, Inc. Documents on the Web

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

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



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Nevada
New Mexico

Northwest accepts Rocky Mountain waste as agreed between compacts

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