LLW notes

Volume 28, Number 2 March/April 2013

U.S. Environmental Protection Agency

EPA Publishes Proposed Rule to Update Protective Action Guides Manual

On April 5, 2013, the Acting Administrator of the U.S. Environmental Protection Agency, Bob Perciasepe, signed a proposed rule to update the Protective Actions Guides and Planning Guidance for Radiological Incidents (PAGs Manual).

The proposal was published officially in the *Federal Register* on April 15, 2013. To obtain a copy of the *Federal Register* notice, please go to http://www.gpo.gov/fdsys/pkg/FR-2013-04-15/pdf/2013-08666.pdf.

EPA will be taking comment on the guide, which includes a section specifically on waste management, for 90 days from the date of publication in the *Federal Register* – i.e., until July 15, 2013.

The official version of the Federal Register publication may also be found on the Government Printing Office's FDSys website at http://fdsys.gpo.gov/fdsys/search/home.action and on Regulations.gov at http://www.regulations.gov in Docket No. EPA-HQ-OAR-2007-0268.

Summary

As part of its mission to protect human health and the environment, EPA publishes protective action guides to help federal, state, local and tribal emergency response officials make radiation protection decisions during emergencies. EPA, in coordination with a multi-agency working group within the Federal Radiological Preparedness Coordinating Committee (FRPCC), is proposing updates to the 1992 Manual of Protective Action Guides and Protective Actions for Nuclear Incidents, referred to as "The 1992 PAG Manual" (EPA 400-R-92-001, May 1992).

The updated guidance in this revised 2013 PAG Manual – Protective Action Guides and Planning

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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.

This Copyright Policy is designed to provide a framework that balances the benefits of a broad sharing of information with the need to maintain control of published material.

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6. If persons wish to reproduce LLW Forum materials, a fee will be assessed commensurate with the volume of material being reproduced and the number of recipients. The fee will be negotiated between the LLW Forum's Executive Director and the member and approved by the LLW Forum's officers.

LLW Notes
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Editors and Writers: Todd D. Lovinger and Cecilia Snyder and Sebastian Christian
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 website at www.llwforum.org or contact Todd D. Lovinger – the LLW Forum, Inc.'s Executive Director – at (754) 779-7551.

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 each another and to exchange views with officials of federal agencies and other interested parties.

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LLW FORUM, INC.

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Key to Abbreviations

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

Low-Level Radioactive Waste Forum, Inc.

LLW Forum New Office Address and Contact Information

Please Update Your Records

Please note that the Low-Level Radioactive Waste Forum, Inc. has a new mailing address, phone number and facsimile number as follows:

Low-Level Radioactive Waste Forum, Inc.
2657 Bayview Drive
Ft. Lauderdale, FL 33306
(754) 779-7551 – phone
(754) 223-7452 – facsimile

The LLW Forum's email address (LLWForumInc@aol.com) and web site address (www.llwforum.org) remain unchanged. In addition, invoice payments will continue to be sent to the Treasurer's office in Cary, North Carolina. Finally, please note that the LLW Forum's old phone number at (202) 265-7990 will be forwarded to the new phone for the next several months, although the old facsimile number at (202) 265-7995 is no longer in service.

Please update your records accordingly.

Please contact the LLW Forum's Executive Director – Todd D. Lovinger, Esq. – at (754) 779-7551 or at LLWForumInc@aol.com if you have questions or require additional information.

Registration Opens for Fall 2013 LLW Forum Meeting

Park City, Utah: October 21-23, 2013

On October 22-23, 2013, the Low-Level Radioactive Waste Forum will hold its fall 2013 meeting—which will be held at the Marriott Hotel in Park City, Utah. (This will be a one and one-half day meeting.)

Please note that there will be an optional site tour of the Energy*Solutions'* Clive facility on Monday, October 21, for interested attendees. Please further note that there *may* also be a closed meeting of the LLW Forum's Board of Directors on Monday evening, October 21, for the receipt of a status report from the LLW Forum's Disused Sources Working Group (DSWG). *Additional information about the* tentative *closed-session Monday evening Board of Directors meeting will be announced once final arrangements have been made.*

The meeting is being sponsored by the State of Utah, Division of Radiation Control.

The meeting documents—including a meeting bulletin and registration form—can be found on the Home Page of 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.

Location and Dates

Located in the Prospector Square area of Park City amid the scenic backdrop of a mountain community, the Park City Marriott will host the LLW Forum Fall 2013 meeting. A complimentary local shuttle to the Utah Olympic Park, Factory Stores at Park City or Old Town Main Street services the hotel.

The one and one-half day meeting will be held on October 22-23, 2013. There will be an optional site tour of the Energy*Solutions'* Clive facility on the afternoon of October 21. In addition, a *tentative, closed-session* meeting of the Board of Directors has been scheduled for the evening of October 21 to hear a status report from the DSWG.

Optional Site Tour

Meeting attendees are invited to participate in an optional tour of the Energy*Solutions'* Clive facility the afternoon of Monday, October 21. The Clive facility is located approximately 80 miles west of Salt Lake City, just south of I-80. A bus will be provided by Energy*Solutions* and will leave from the Park City Marriott at noon and will make a stop at the SLC airport at about 1:00 p.m. and then proceed to the disposal site. Additional details will be provided.

Hotel Reservations

Persons who plan to attend the meeting are strongly encouraged to make their hotel reservations and send in their registration forms as soon as possible, as we have exceeded our block at the last few meetings.

A limited block of hotel rooms has been reserved at a discount rate of $94, plus tax, for Sunday, October 20th for meeting attendees participating on the optional tour of Clive. A larger block of rooms at the same rate has been reserved for Monday, October 21, and Tuesday, October 22. *To make a reservation, please call(435) 649-2900. The deadline for reserving a room at the discounted rate is September 18, 2013.* ***Please ask for the Low-Level Radioactive Waste Forum block.***

Transportation and Directions

The Park City Marriott is located approximately 35 miles from the Salt Lake International Airport. The hotel does not provide shuttle service from and to the airport. However, shuttle service is available by reservation from Park City Shuttle (435-658-2227 or http://www.parkcityshuttle.com) or Park City Transportation (800-637-3803 orhttp://www.parkcitytransportation.com). One-way taxi fare is available for approximately $90.

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 the LLW Forum at the address, e-mail or fax number listed at the bottom of the form.

The meeting is free for members of the LLW Forum. Non-member registration is $500, payable by check only to the "LLW Forum, Inc." (Credit card payments are not accepted.)

For additional information, please contact Todd D. Lovinger, the LLW Forum's Executive Director, at (754) 779-7551 or go to www.llwforum.org.

LLW Forum Hosts Spring Meeting

Charleston, South Carolina: March 25-26, 2013

On March 25-26, 2013, the Low-Level Radioactive Waste Forum held its spring 2013 meeting in downtown Charleston, South Carolina.

The following topics, among others, were on the agenda for the meeting:

- reports on new developments from states, compacts, federal agencies and industry representatives;
- licensing and activities update for the first year of operation at the Waste Control Specialists' low-level radioactive waste disposal facility in Texas;
- development and implementation of an industry strategy for low-level radioactive waste management issues by the Nuclear Energy Institute;
- the U.S. Nuclear Regulatory Commission's draft proposed language on implementing the requirements for a site-specific analysis for near-surface disposal of low-level radioactive waste;
- update on URENCO-USA's tails management strategies—where we are at and where we are going;
- Barnwell—a successful, low-volume, economically-viable regional low-level radioactive waste disposal operation (panel discussion);
- potential changes to NRC's low-level radioactive waste uniform manifest guidance in NUREG/BR-0402;
- management and disposition of disused sources—implementation of a pilot program for new disposal options;
- developing solutions to the shortage of Type B shipping casks to increase low-level radioactive waste management and disposition options;
- waste sampling and characterization—perspectives and insight from the Electric Power Research Institute;
- implementation of recommendations of the Blue Ribbon Commission on America's Nuclear Future by the U.S. Department of Energy;
- waste confidence generic environmental impact statement and rulemaking;
- industry perspectives regarding status, economics, legislative initiatives and used fuel management;
- perspectives on finding and communicating technical solutions—a Neptune presentation;
- disposition and final comments on NRC's branch technical position on concentration averaging and encapsulation;
- Electric Power Research Institute—perspectives from an industry partner on the development of comprehensive waste management solutions; and,
- activities to date and future plans of the Low-Level Radioactive Waste Forum's Disused Sources Working Group and Part 61 Working Group.

The meeting was co-hosted by the Atlantic Interstate Low-Level Radioactive Waste Compact Commission and the State of South Carolina.

For additional information, please contact Todd D. Lovinger, the LLW Forum's Executive Director, at (754) 779-7551 or go to www.llwforum.org.

Low-Level Radioactive Waste Forum Meetings

Fall 2013 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.

2013 Meetings

The State of Utah, Division of Radiation Control, has agreed to co-host the fall 2013 meeting of the LLW Forum. The meeting will be held on October 22-23, 2013 at the Marriott facility in Park City, Utah. On the afternoon of October 21, there will be an optional site tour of the Energy*Solutions'* Clive facility for interested attendees as well. On the evening of October 21, there ***may*** also be a closed meeting of the LLW Forum's Board of Directors for the receipt of a status report from the LLW Forum's Disused Sources Working Group (DSWG). Additional information about the ***tentative*** closed-session Monday evening Board of Directors meeting will be announced once final arrangements have been made.

2014 Meetings

The State of Texas and Waste Control Specialists LLC (WCS) have agreed to co-host the spring 2014 meeting in Austin, Texas. There will be an optional site tour of the WCS facility for interested attendees as well. The meeting will be held at the Omni Hotel in Austin, Texas on March 17-18, 2014.

The Midwest Interstate Low-Level Radioactive Waste Compact Commission and the Rocky Mountain Low-Level Radioactive Waste Board have agreed to co-host the fall 2014 meeting within the Rocky Mountain Compact region. The meeting dates and location are still being determined and will be announced once arrangements have been finalized.

Search for Volunteer Hosts for 2015 Meetings

The LLW Forum is currently seeking volunteers to host both the spring and fall 2015 meetings and those thereafter. Although it may seem far off, substantial lead-time is needed to locate appropriate facilities.

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 (754) 779-7551 or at LLWForumInc@aol.com.

Northwest Compact / State of Utah

Legislation Seeks to Revise Utah Radiation Control Act

On February 8, 2013, Utah Representative Brad Dee introduced legislation (HB 124, 1st Substitute) that seeks to "amend provisions related to the regulation of radioactive waste disposal." In particular, the proposed legislation is intended to address items identified in a performance audit of the Utah Division of Radiation Control (DRC) and specifically covered in a report released last September by the Utah Legislative Auditor General (Number 2012-10).

As introduced, among other things, the bill proposes to

- amend provisions relating to the funding of radioactive waste disposal regulation;
- grant rulemaking authority to the Utah Radiation Control Board (RCB) related to radioactive waste licensing;
- authorize the Utah RCB to promulgate rules regarding categorizing different levels of applications, setting time frames for completeness reviews and reviews of licensee responses—with certain tolling provisions;
- increase civil penalties for the violation of certain provisions, including an increase of the maximum civil penalty from $5,000 to $10,000 per violation;
- provide for DRC access to radioactive waste disposal facilities under certain circumstances; and,
- make other technical changes.

The bill passed the House on its third reading on February 27, 2013. It was then referred to the Senate. On March 5, 2013, the Senate Natural Resources, Agriculture and Environment Committee reported the bill favorably. Ralph Okerlund is serving as the Senate Floor Sponsor.

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

Utah Radiation Control Board Holds March 2013 Meeting

On March 12, 2013, the Utah Radiation Control Board held a regularly scheduled meeting in Conference Room 1015 of the Multi Agency State Office Building at 195 North 1950 West in Salt Lake City, Utah. The meeting—which was open to the public—began at 1:00 pm.

The following items, among others, were on the March 2013 meeting agenda:

I. Welcome

II. Introduction of new Board members

III. Minutes (Board Action)
   a. Approval of the Minutes from the January 8, 2013 Board Meeting

IV. Administrative Rules (Board Action)
   a. Changes from Executive Secretary to Division Director per S.B. 21 – Proposed final adoption following public comment of the following rules:
      R313-12 - General Provisions
      R313-14 - Violations and Escalated Enforcement
      R313-15 - Standards for Protection Against Radiation
      R313-17 - Administrative Procedures
      R313-18 - Notices, Instructions and Reports to Workers by Licensees or Registrants -- Inspections

R313-19 - Requirements of General Applicability to Licensing of Radioactive Material
R313-22 - Specific Licenses
R313-24 - Uranium Mills and Source Material Mill Tailings Disposal Facility Requirements
R313-30 - Therapeutic Radiation Machines
R313-35 - Requirements for X-Ray Equipment Used for Non-Medical Applications

V. Information Items
   a. Low-level Radioactive Waste Disposal – Energy*Solutions*
      i. Depleted Uranium Performance Assessment
      ii. License/Permit Renewals
         1. 11e.(2) Byproduct – DRC Request for Information
            A. Stakeholder meeting held on January 16, 2013
            Meeting materials available at: http://www.radiationcontrol.utah.gov/EnSolutions/licamends.html
   b. Uranium Mills
      i. Energy Fuels Resources (White Mesa Mill)
         1. Groundwater Protection
            A. Petition to Intervene and Request for Agency Action – Ute Mountain Ute Tribe
      ii. Uranium One (Shootaring Canyon) – Change of Indirect Control
   c. Other Division Items
      i. Legislative Update
   d. NRC Activities
      i. Site-Specific Analysis Rulemaking (10 CFR Part 61, Licensing Requirements for Land Disposal of Radioactive Waste) – SECY-13-001, December 31, 2012
      ii. Abnormal Occurrence Report to Congress
      iii. Integrated Materials Performance Evaluation Program (IMPEP) Periodic Meeting with the Division of Radiation Control – March 21, 2013

VI. Public Comment

VII. Next Scheduled Board Meeting: Tuesday, April 9, 2013

The Board subsequently cancelled its April 9 meeting. The next meeting is scheduled to begin at 1:00 p.m. on May 14, 2013 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 the Utah Radiation Control Board meeting agendas can be found at http://www.radiationcontrol.utah.gov/Board/minagd/agenda.pdf.

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

Southwestern Compact

Southwestern Compact Commission Hosts 66th Meeting

On April 9, 2013, the Southwestern Low-Level Radioactive Waste Commission hosted its 66th meeting beginning at 4:00 pm MDT at the Fairfield Inn & Suites in Hobbs, New Mexico.

The following topics, among others, were on the meeting agenda:

- call to order
- roll call
- welcome and introductions
- statement regarding due notice of meeting
- reports: Commission Chair, Executive Director, licensing agency, and party states
- exportation: ratification of approved petitions
- discuss status of NRC incompatibility issues
- failure of regional generators to obtain approved export petitions
- amend approved budget
- public comment
- future agenda items
- next meeting
- adjournment

Members of the public were invited to attend the meeting and comment on specific agenda items as the Commission considered them. The total public comment time on each agenda item was limited to 15 minutes. Written material was also accepted. A 15-minute public comment period was provided near the end of the meeting at which time members of the public were invited to bring before the Commission issues relating to low-level radioactive waste but which were not on the agenda.

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

Texas Compact / State of Texas

Legislation Introduced to Increase Out-of-Compact Curie Limit at WCS

In late February 2013, bills were introduced in both the Texas House of Representatives and the Texas Senate that seek to increase the out-of-compact curie limit that may be disposed at the Waste Control Specialists LLC (WCS) low-level radioactive waste disposal facility in Andrews County, Texas.

HB 1653

On February 21, 2013, Texas State Representative Drew Darby filed proposed legislation (HB 1653) "relating to the operations of the Texas Low-Level Radioactive Waste Disposal Compact waste disposal facility."

Among other things, the bill proposes to expand the amount of radioactive material that may be disposed at the WCS facility by generators outside of the Texas Compact to 220,000 curies annually.

SB 791

On February 25, 2013, Texas State Senator Kel Seliger filed proposed legislation (SB 791) "relating to the regulation of low-level radioactive waste disposal facilities and radioactive substances."

Similar to HB 1653, Seliger's bill seeks to increase the curie limit for out-of-compact generators to 220,000 curies annually. In addition, among other things, the bill would also:

- get rid of the current $500,000 cap on surcharges for disposal, thereby potentially

increasing the amount of revenue to the State of Texas; and,

- prohibit WCS from accepting non-compact Class A waste, "and to the greatest extent practicable, [WCS] shall work with party state compact generators to support the export of low-level radioactive waste that has been designated Class A."

The legislation also includes the following requirement regarding volume reduction of waste: "Beginning in operational year three, [WCS] must accept for disposal at the compact waste disposal facility nonparty compact waste that, if eligible for volume reduction, has been volume-reduced by at least a factor of three."

Background

The Texas legislature set a 220,000 curie capacity limit for the disposal of out-of-compact waste at the WCS facility during its first year of operations, which ends on April 26 of this year. However, under existing law, the limit for the disposal of out-of-compact waste would be reduced to 120,000 curies annually beginning with the second year of operations.

For additional information, please contact Charles Maguire, Director of TCEQ's Radioactive Materials Division, at (512) 239-5308 or at Charles.Maguire@tceq.texas.gov or Rod Baltzer, President of Waste Control Specialists, at (972) 450-4235 or at rbaltzer@valhi.net.

Texas Compact Commission Holds March and April Meetings

The Texas Low-Level Radioactive Waste Disposal Compact Commission (Texas Compact Commission) held meetings in Austin, Texas in March and April 2013.

March Meeting

The Texas Compact Commission held a meeting at the Texas State Capitol on Friday—March 1, 2013.

The following is an abbreviated overview of the agenda for the Texas Compact Commission meeting. Persons interested in additional detail are directed to the formal agenda themselves.

- call to order;
- roll call and determination of quorum;
- introduction of commissioners, elected officials and press;
- public comment;
- discussion and possible action with respect to resolving the questions of when a waste becomes a waste for the purposes of the applicability of Commission rules;
- consideration of and possible action on reduction of curies that may be disposed of at the Compact Facility by the following agreement holders: Bionomics, Inc.; Ecology Services, Inc.; Nebraska Public Power District; Tennessee Valley Authority; Studsvik Processing Facility Erwin, LLC; Thomas Gray & Associates; and, Zion Solutions;
- consideration of and possible action on each of the following applications and proposed agreements for importation of low-level radioactive waste: American Airlines; Duke Energy; Pacific Gas & Electric Co./Humboldt Bay; and, RAM Services;

- consideration of and possible action on application and proposed agreement for exportation of low-level radioactive waste from University of Texas Health Science Center, San Antonio;
- receive reports from the Texas Commission on Environmental Quality (TCEQ) on the status of pending Waste Control Specialists (WCS) license amendment applications and any other matter TCEQ wishes to bring to the attention of the Texas Compact Commission;
- receive report from WCS about recent site operations; pending license amendment applications; update on expectations for utilizing the full allocation of volume and curies for the non-compact waste through April 26, 2013; and, any other matter WCS wishes to bring to the attention of the Texas Compact Commission;
- consideration of and possible action on a voluntary response to late-filed comments by the Seed Coalition et. al. with respect to the adoption of 31 TAC 675.23, *Importation of Waste from a [Non-Compact] Non-Party Generator for Disposal;*
- Chairman's report on Texas Compact Commission activities including reporting on fiscal matters and on other actions to be taken by the compact;
- report from Leigh Ing, Consulting Supervisory Director of the Texas Compact Commission, on her activities and questions related to Texas Compact Commission operations;
- discussion and possible changes of dates and locations for remaining fiscal year 2013 meetings; and,
- adjourn.

April Meeting

The Texas Compact Commission held a meeting at the offices of the Texas Commission on Environmental Quality (TCEQ) on Thursday—April 18, 2013.

The following is an abbreviated overview of the agenda for the Texas Compact Commission meeting. Persons interested in additional detail are directed to the formal agenda themselves.

- call to order;
- roll call and determination of quorum;
- introduction of commissioners, elected officials and press;
- public comment;
- consideration of and possible action on requests for amendments to agreements for importation of low-level radioactive waste from each of the following: American Airlines, Inc.; Qal-Tek Associates; and, RAM Services;
- consideration of and possible action on each of the following applications and proposed agreements for importation of low-level radioactive waste: Entergy – James A. Fitzpatrick nuclear plant and Tennessee Valley Authority;
- consideration of and possible action on petition and proposed order for exportation of low-level radioactive waste from Southwest Research Institute;
- receive reports from the TCEQ on the status of pending Waste Control Specialists (WCS) license amendment applications and any other matter TCEQ wishes to bring to the attention of the Texas Compact Commission;
- receive reports from WCS about recent site operations; update on utilization of the full allocations of volume and curies for the non-compact waste through April 26, 2013; and, any other matter WCS wishes to bring to the attention of the Texas Compact Commission;
- Chairman's report on Texas Compact Commission activities including reporting on fiscal matters and on other actions to be taken by the compact;
- report from Leigh Ing, Consulting Supervisory Director of the Texas Compact Commission, on her activities and questions related to Texas Compact Commission operations;
- discussion and possible changes of dates and locations for remaining fiscal year 2013 meetings; and,
- adjourn.

For meetings at the TCEQ Complex, live and archive access are available on this page: http://www.texasadmin.com/tceqs.shtml. Users need RealPlayer to view the webcasts. Please go to www.real.com for a free download.

Background

The Texas Compact Commission may meet in closed session on any item listed above if authorized by the Texas Open Meetings Act, Chapter 551, Texas Government Code.

Texas Compact Commission meeting agendas may be found on the Commission's website at http://www.tllrwdcc.org/.

For additional information, please contact Leigh Ing, Consulting Supervisory Director of the Texas Compact Commission, at (512) 217-8045 or at ing.leigh@gmail.com *or Robert Wilson, Chairman of the Texas Compact Commission, at (512) 820-2930 or at* bob.wilson@tllrwdcc.org.

Nuclear Power Plants and Other NRC Licensees

News Briefs for Nuclear Power Plants Across the Country

The following news briefs provide updates on recent activities, enforcement actions and general events at nuclear power plants and other licensees around the country. The briefs are organized by compact and state.

For additional information, please contact the referenced facility or licensee.

Atlantic Compact/State of South Carolina

Oconee Nuclear Plant On March 5, 2013, U.S. Nuclear Regulatory Commission staff met with officials from Duke Energy Carolinas LLC to discuss Duke's apparent violation of a license condition on fire protection at its Oconee nuclear power plant in South Carolina. The pre-decisional enforcement conference was held at NRC Headquarters in Rockville, Maryland. The agency notified Duke on January 31 that it is considering escalated enforcement action after Duke failed to complete the installation and implementation of the protected service water system at Oconee by December 31 as part of the final steps of transitioning the plant's fire protection program to the National Fire Protection Association Standard No. 805 under NRC regulations. The Oconee plant has three pressurized water reactors and is located about 30 miles west of Greenville, South Carolina. Failure to install the protected service water system is a significant regulatory concern to the NRC because proper installation would improve safety and reduce risk at the plant. Duke requested an additional two-year extension for installation, but the NRC rejected that request on January 15. At the pre-decisional enforcement conference, Duke officials were given an opportunity to provide their perspective on the apparent violation and

any other information they believe NRC officials should take into consideration before making their final enforcement decision. The public was invited to observe the meeting and had one or more opportunities to communicate with NRC officials after the business portion of the meeting was concluded, but before the meeting was adjourned.

Summer Nuclear Plant On April 30, 2013, NRC conducted a regulatory conference with South Carolina Electric & Gas to discuss the risk significance of an apparent violation related to the anchorage and spacing of rebar being used to reinforce concrete in the new units of the V.C. Summer nuclear station. Units 2 and 3 at Summer are being built by SCE&G near Jenkinsville, South Carolina—approximately 26 miles northwest of Columbia. Unit 1 has been in operation at the site since 1982. During the conference, SCE&G and NRC officials discussed the safety significance of an inspection finding and apparent violation at the new Summer units. The NRC inspectors found that the anchorage and spacing of the rebar in the floor and walls of the unit did not comply with code requirements. The violation has been preliminarily classified as white, meaning it has low to moderate safety significance. No decision on the final safety significance or any possible enforcement action was made at the conference. Those decisions will be made and the results will be announced by NRC officials at a later time.

Mixed Oxide Fuel Fabrication Facility On April 17, 2013, NRC staff held a meeting with officials of Shaw Areva MOX Services to discuss the results of the Applicant Performance Review for the Mixed Oxide Fuel Fabrication Facility currently under construction at the Savannah River site. The NRC review covered the period from October 1, 2011 to December 31, 2012 and concluded that construction activities were consistent with NRC rules and regulations as well as the conditions of the MOX construction authorization. No areas were identified as needing improvement and the NRC plans to continue to conduct its extensive inspection of construction activities at the site. The MOX facility, being constructed by Shaw Areva MOX Services, is located at the U.S. Department of Energy's Savannah River site near Aiken, South Carolina. The facility will be owned by the DOE's National Nuclear Security Administration and will convert supplies of surplus weapons-grade plutonium into more proliferation-resistant forms by blending it with natural or depleted uranium. Converting the plutonium into MOX fuel will enable it to be used in commercial reactors to generate electricity. The NRC issued a construction authorization for the facility in March 2005.

Central Interstate Compact/State of Arkansas

Arkansas One Nuclear Plant By press release dated April 8, 2013, NRC announced that the agency would send an Augmented Inspection Team (AIT) to Arkansas Nuclear One to review the circumstances surrounding an industrial accident in which a heavy load fell onto the Unit 1 turbine deck, causing a loss of offsite power to Unit 1 and an automatic shutdown of Unit 2. Workers were moving a massive generator stator out of the plant's turbine building during maintenance activity when a lifting rig collapsed about 7:45 a.m. on March 31, killing one person and injuring eight others. Entergy Operations Inc., which operates the plant, declared a Notice of Unusual Event, the lowest of four emergency classifications used by the NRC, but terminated it after taking corrective actions to stabilize the plant's power supplies. "An AIT is used when the NRC wants to promptly dig deeply into the circumstances surrounding an operational event," said NRC Region IV Administrator Arthur T. Howell. "We want to make sure that all the circumstances that contributed to this event are well understood in order to prevent a recurrence." Unit 1 was in a refueling outage at the time and lost offsite power when electrical equipment was damaged. Unit 2 was operating at full power and automatically shut down when the impact of the crash caused a loss of electrical power to one of

four reactor coolant pumps, causing it to shut down. Both plants are in stable condition, and there was no radiological release or danger to the public. NRC Resident Inspectors responded to the control room to monitor site activities during the event and have been monitoring licensee activities and initial recovery actions. Two additional inspectors were sent to the site to assist on April 1. The Augmented Inspection Team will put together a detailed chronology of the event, evaluate the adequacy of licensee actions in response to the incident and assess the factors which may have contributed to the event. The team's report will document information gathered and identify areas for further inspection follow-up. The NRC will hold a public meeting with the licensee upon completion of the inspection to discuss its inspection findings. The meeting will be open to the public and the news media and team members will be available to answer questions after the results are presented. The AIT will also issue a written report within 30 days of completion of the inspection.

Central Midwest Compact/States of Illinois and Kentucky

Honeywell Metropolis Works Plant On April 23, 2013, NRC staff conducted a public meeting at the agency's headquarters in Rockville, Maryland to discuss the review of a corrective action plan developed by Honeywell to modify its Metropolis Works plant to meet NRC requirements. NRC issued a Confirmatory Order to Honeywell in October 2012 outlining actions the company must take before it can resume its uranium conversion operations at the Metropolis, Illinois facility. In May 2012, following an inspection, NRC concluded that process equipment in the facility lacks seismic restraints, support and bracing needed to assure integrity during a significant earthquake or tornado. Specifically, the inspection determined that the amount of uranium hexafluoride that could be released into the environment should the process equipment be damaged by such an event could be significantly larger than previously assumed. The material that could be released poses more of a chemical hazard than a radiation hazard. There is no current safety concern since the facility has been shut down since May. The Honeywell plant takes milled uranium and converts it into uranium hexafluoride gas which is then enriched at other facilities to make fuel for commercial power reactors.

LaSalle Nuclear Plant By press release dated April 17, 2013, NRC announced that Region III staff was monitoring the LaSalle nuclear power plant after a lightning strike knocked out offsite power to both Units 1 and 2. The NRC mobilized its Incident Response Center in Region III located in Lisle, Illinois, and monitored the events along with the resident inspector onsite. LaSalle declared an Unusual Event around 3:11 p.m. CST after external power was lost to the two Mark II boiling water reactors. The plants automatically shut down and all control rods were inserted. The plant's diesel generators then supplied power to plant equipment. An Unusual Event is the lowest levels of the NRC's four level emergency classification system. The two-unit site is operated by Exelon Generation Co., and is located in Marseilles, Illinois—approximately 11 miles southeast of Ottawa.

Paducah Gas DiffusionPlant On May 2, 2013, NRC staff will conduct a public meeting in Paducah, Kentucky to discuss results of the agency's most recent review of regulatory performance at the Paducah Gaseous Diffusion Plant. The meeting is scheduled for 6:30 p.m. in the meeting room of the McCracken County Library at 555 Washington Street in Paducah. The meeting will be open to the public and the news media, and NRC staff members will be available to answer questions after the business portion of the meeting. The NRC staff assessed USEC's performance from January 1, 2011 to December 31, 2012, in the areas of safety operations, radiological controls, facility support and special topics. The NRC staff review determined that USEC continued to conduct its activities safely and securely, protecting public

health and the environment. The NRC found no areas needing improvement during the performance review period. Due to that performance level, NRC inspections at the facility during the next review period are being conducted at the normal level of inspection for this type of nuclear fuel facility, and no additional inspections are required.

Midwest Compact/States of Ohio and Wisconsin

American Centrifuge Lead Cascade Facility
On April 25, 2013, NRC held a public meeting in Piketon, Ohio, to discuss results of the agency's most recent review of USEC Inc.'s American Centrifuge Lead Cascade Facility. NRC staff assessed USEC's performance last year in the areas of safety operations, radiological controls, facility support and other areas. The NRC staff review determined that USEC continued to conduct its activities safely and securely, protecting public health and the environment. NRC found no areas needing improvement during the performance review period. Due to that performance level, NRC inspections at the facility during the next review period are being conducted at the normal level of inspection for this type of nuclear fuel facility, and no additional inspections are required.

Kewaunee Nuclear Plant On April 24, 2013, NRC held a public meeting to discuss and receive public comment on Dominion Energy Kewaunee's plan to shut down and decommission the Kewaunee nuclear power plant. During the meeting, NRC staff members discussed the regulatory process for decommissioning a nuclear power plant as well as Dominion's plans for the Kewaunee facility. Kewaunee Power Station is a pressurized water reactor located 27 miles southeast of Green Bay. The plant began commercial operation in June 1974. On February 25, 2013, Dominion notified the NRC of its plan to cease operation on May 7. This was the first of two formal certifications that initiate the decommissioning process. Once the plant ceases operation and Dominion certifies that the fuel has been permanently removed from the reactor, the operating license will no longer authorize operation of the plant. The license will remain in effect until Dominion completes the decommissioning process and the NRC notifies the company that the license has been terminated. Dominion's Post-Shutdown Decommissioning Activities Report for Kewaunee is available in the NRC's online ADAMS document database at accession number ML13063A248.

Southeast Compact/States of Alabama and Tennessee

Farley Nuclear Plant On March 11, 2013, NRC staff hosted an open house to provide information about the agency's inspections and assessment of the Farley nuclear power plant during 2012. The Farley plant, operated by Southern Nuclear Operating Co., is located near Columbia, Alabama—approximately 18 miles south of Dothan. The informal open house and poster session began at 2:30 p.m. CDT in the Alabama Midland Railroad Depot, 312 Midland Street in Ashford, Alabama. The NRC staff were available to answer questions about the safety performance of the Farley plant as well as overall NRC oversight and inspection. Overall, the NRC staff concluded that both units at the Farley plant operated safely in 2012. Both units were subject to increased oversight during the first three quarters of 2012, but the NRC determined that the plant staff has adequately addressed a security inspection finding. There were no additional inspection findings or performance indicators that would cause the NRC to increase its level of oversight and inspection. During 2013, the NRC staff will continue the detailed routine inspections at the Farley plant that all nuclear power plants receive. In addition to those inspections, the NRC staff plans to conduct initial operator license examinations during 2013. Inspections are carried out by the NRC resident inspectors assigned to the plant and by specialized inspectors from the Region II office in Atlanta.

Watts Bar Nuclear Plant Shortly after 2:00 a.m. on April 21, 2013, the Tennessee Valley Authority (TVA) declared an unusual event, the lowest of the NRC's four emergency classifications, at the Watts Bar nuclear plant and notified the NRC that a plant security officer patrolling the TVA property near the Tennessee River was involved in an incident with gunfire. This location is outside the plant's protected area. The officer was not injured and local law enforcement as well as the FBI are assisting in the investigation. TVA exited the unusual event at 12:30 p.m. after performing inspections of the protected area, conducting a helicopter survey of the plant and adjacent river area and inspecting the intake pumping station. The plant staff has notified the NRC that it will continue to maintain security at higher than normal levels. NRC subsequently dispatched two security inspectors from the Atlanta office to review the incident and the TVA response. The Watts Bar plant is located near Spring City, Tennessee—approximately 60 miles southwest of Knoxville. Watts Bar Unit 1 is at 100 percent power and Unit 2 is under construction.

State of Nebraska

Fort Calhoun Nuclear Plant On April 22, 2013, NRC staff met with officials of the Omaha Public Power District (OPPD) at the agency's headquarters in Rockville, Maryland to discuss potential license amendment submittals for the Fort Calhoun Station nuclear power plant. No license amendment requests have been submitted and no decisions were made at the April 22 meeting. Fort Calhoun, a pressurized-water reactor located 19 miles north of Omaha, remains shut down as the NRC considers whether to authorize restart. NRC inspectors identified several changes made by OPPD that may have required prior NRC approval. These changes are in the areas of flood protection for the plant's service water system, a key part of the reactor cooling system; tornado missile protection; piping and code use; and alternate seismic criteria. At the meeting, OPPD officials explained the reasons for the changes and whether, in OPPD's opinion, these could be accomplished without prior NRC approval. A second meeting later in the day was closed to the public for discussion of means for protecting Fort Calhoun Station against flooding. This meeting was closed because the staff determined that the information to be discussed contains security-related sensitive information.

Advisory Committee on Medical Uses of Isotopes

ACMUI Names New Leadership

In mid-April 2013, the U.S. Nuclear Regulatory Commission named Bruce Thomadsen as Chairman of the Advisory Committee on the Medical Use of Isotopes and Milton Guiberteau as Vice-Chairman. The Chairman and Vice-Chairman are appointed by the Director of NRC's Office of Federal and State Materials and Environmental Management Programs. Former ACMUI Chairman Leon Malmud has ended his term after 11 years of service and leadership on the committee.

The ACMUI, a group of experienced health care professionals, advises the NRC on policy and technical issues that arise in the regulation of medical uses of radioactive materials in diagnosis and therapy. The ACMUI members come from various disciplines and comment on changes to NRC regulations and guidance; evaluate certain non-routine uses of radioactive material; provide technical assistance in licensing, inspection and enforcement cases; and, bring key issues to the Commission's attention for appropriate action.

A complete listing of the ACMUI membership, their bios and public meeting schedule can be found on the ACMUI web page at www.nrc.gov/about-nrc/regulatory/advisory/acmut.html.

Advisory Committee on Reactor Safeguards (ACRS)

ACRS Hosts Meeting re Part 61 Rulemaking Initiative

On March 25, 2013, the U.S. Nuclear Regulatory Commission's (NRC's) Advisory Committee on Reactor Safeguards (ACRS) issued a *Federal Register* notice (78 *Federal Register* 17,944) announcing that its Subcommittee on Radiation Protection and Nuclear Materials would hold a meeting on the 10 CFR Part 61 rulemaking initiative on April 9, 2013.

The agenda for the subject meeting was as follows:

- The Subcommittee reviewed and discussed proposed revisions to 10 CFR part 61 to add requirements for Performance Assessment and Intruder Analysis and Waste Acceptance Criteria.
- The Subcommittee heard presentations by and held discussions with the NRC staff and other interested persons regarding this matter.
- The Subcommittee gathered information, analyzed relevant issues and facts, and formulated proposed positions and actions, as appropriate, for deliberation by the Full Committee.

Members of the public were offered an opportunity to provide oral statements and/or written comments for the meeting. Detailed procedures for the conduct of and participation in ACRS meetings were published in the *Federal Register* on October 18, 2012 (77 FR 64146–64147).

Detailed meeting agendas and meeting transcripts of ACRS meetings are available on the NRC Web site at *http://www.nrc.gov/readingrm/doc-collections/acrs.*

For additional information, please contact Andrew Carrera, Health Physicist, Division of Intergovernmental Liaison and Rulemaking, Office of Federal and State Materials and Environmental Management Rulemaking, U.S. Nuclear Regulatory Commission, at (301) 415-1078 or at Andrew.Carrera@nrc.gov.

U.S. Department of Defense

Hagel Confirmed as Secretary of Defense

On February 26, 2013, by a 58 to 41 vote, the Senate confirmed former GOP Senator Chuck Hagel to become Secretary of Defense. Hagel won confirmation when four Republicans joined 54 Democrats to end a nearly two-month battle that included an unprecedented filibuster against the nominee. Objections centered on Hagel's views on Middle East security and the administration's handling of an attack on a U.S. consulate in Libya, as well as questions about Hagel's personal finances, positions on Iran and support for Israel.

The four Republican Senators voting in favor were Thad Cochran (MS), Mike Johanns (NE), Richard Shelby (AL) and Rand Paul (KY). All 41 no votes came from Republicans. The vote was a significant foreign policy victory for President Obama, who nominated the former Senate Foreign Relations Committee member despite warnings of a rough confirmation process. Hagel, a former Army infantryman who was awarded two Purple Hearts during the Vietnam War, will become the first enlisted man to go on to lead the Pentagon.

U.S. Department of Energy

DOE Selects Two Contractors for Multiple-Award Waste Disposal Contract

By press release dated April 12, 2013, the U.S. Department of Energy (DOE) announced that the department has awarded two fixed price unit rate Indefinite Delivery/Indefinite Quantity (ID/IQ) multiple-award contracts for the permanent disposal of low-level radioactive waste and mixed low-level radioactive waste to Energy*Solutions*, LLC and Waste Control Specialists, LLC.

The award to Energy*Solutions*, LLC replaces DOE's existing low-level radioactive waste and mixed low-level radioactive waste contracts which have been in place for approximately a decade. The other award is the first contract between DOE and Waste Control Specialists, LLC for use of the Federal Waste Facility. The awards represent the end of a long procurement process now providing DOE contractors with access to two (2) commercial sites available for DOE waste, with fixed unit prices for disposal at each.

The goal of these contracts, according to the press release, is to establish a vehicle that allows DOE sites to place timely, competitive and cost-effective task orders for the permanent disposal of:

- Class A, B and C low-level radioactive waste and mixed low-level radioactive waste;
- 11e(2) byproduct material;
- Technologically Enhanced Naturally-Occurring Radioactive Material (TENORM); and,
- certain sealed sources.

Task orders placed under this ID/IQ contract may be for the disposal of multiple waste types. The press release further states that "Energy*Solutions*, LLC and Waste Control Specialists, LLC will fairly compete for future ID/IQ task orders which will have fixed price unit rates with economic price adjustments (EPA) for appropriate taxes and fees."

The waste material to be disposed under these ID/IQ contracts originates from DOE facilities or is derived from DOE clean-up and remediation activities.

The mission of the DOE Environmental Management program is the safe cleanup of the environmental legacy resulting from five decades of nuclear weapons development and Government-sponsored nuclear energy research.

For additional information, please contact Bill Taylor of the U.S. Department of Energy at (803) 952-8564 or at Bill.Taylor@srs.gov.

Ernest Moniz Nominated to be Secretary of Energy

On Monday, March 4, 2013, President Barack Obama nominated Ernest Moniz to be the next Secretary of the U.S. Department of Energy.

Nomination

Moniz, a physicist at the Massachusetts Institute of Technology (MIT), served in the Bill Clinton administration. At MIT, he directed the school's Energy Initiative, where he oversaw reports on almost every aspect of energy. Obama hailed Moniz as "another brilliant scientist" who already "knows his way around the Department of Energy." In announcing the nomination, Obama stated that "Ernie knows that we can produce more energy and grow our economy while still taking care of our air, our water and our climate."

Moniz is the Cecil and Ida Green Professor of Physics and Engineering Systems, as well as the director of the MIT Energy Initiative (MITEI) and the Laboratory for Energy and the Environment. At MIT, Moniz has also served previously as head of the Department of Physics and as director of the Bates Linear Accelerator Center. His principal research contributions have been in theoretical nuclear physics and in energy technology and policy studies. He has been on the MIT faculty since 1973.

"President Obama has made an excellent choice in his selection of Professor Moniz as Energy Secretary," said MIT President L. Rafael Reif. "His leadership of MITEI has been in the best tradition of the Institute — MIT students and faculty focusing their expertise and creativity on solving major societal challenges, a history of working with industry on high-impact solutions, and a culture of interdisciplinary research." Reif continued, "We have been fortunate that Professor Moniz has put his enthusiasm, deep understanding of energy, and commitment to a clean energy

future to work for MIT and the Energy Initiative — and we are certain he will do the same for the American people."

Moniz is the founding director of MITEI, which was created in 2006 by then–MIT President Susan Hockfield. MITEI is designed to link science, innovation and policy to help transform global energy systems. Under Moniz's stewardship, MITEI has supported almost 800 research projects at the Institute, has 23 industry and public partners supporting research and analysis, and has engaged 25 percent of the MIT faculty in its projects and programs.

Moniz served as undersecretary of energy from 1997 to 2001. In that role, he had oversight responsibility for all of DOE's science and energy programs and the DOE national laboratory system. He also led a comprehensive review of the nuclear weapons stockpile stewardship program, advanced the science and technology of environmental cleanup, and served as DOE's special negotiator for Russia initiatives, with a particular focus on the disposal of Russian nuclear materials.

From 1995 to 1997, he served as the associate director for science in the White House Office of Science and Technology Policy. There, his responsibilities spanned the physical, life, and social and behavioral sciences; science education; and university-government partnerships.

He currently serves on the President's Council of Advisors for Science and Technology and on the Department of Defense Threat Reduction Advisory Committee. He recently served on the Blue Ribbon Commission on America's Nuclear Future.

Background

DOE's mission is to ensure America's security and prosperity by addressing its energy, environmental and nuclear challenges through science and technology. The agency had a budget of more than $29 billion in fiscal year 2012; runs 17 national laboratories, and many other research facilities; and, has more than 16,000 federal employees and 90,000 contract employees at the national laboratories and other facilities. DOE is the largest funder of research in the physical sciences.

In a letter to DOE employees dated February 1, 2013, Energy Secretary Steven Chu highlighted progress made during the last four years and announced his decision not to serve a second term as Secretary. (See *LLW Notes*, January/February 2013, pp. 25-31.) President Obama was reportedly informed of Chu's decision to resign a few days after the election, at which time Chu agreed to stay on as Secretary at least through the end of February.

In the letter to employees, Chu noted all of the progress DOE has made during his four-year tenure, including the ARPA-E program; the SunShot Initiative; increasing the production of renewable energy in the U.S., particularly wind and solar; and, the loan guarantee program and funding from the American Reinvestment and Recovery Act.

Chu was the third energy and environment-related cabinet member to announce his resignation.

For additional information, please contact the U.S. Department of Energy's Office of Public Affairs at (202) 586-4910 or at www.doe.gov.

(Continued from page 1)
Guidance for Radiological Incidents ("2013 PAG Manual" hereafter) applies the PAGs to incidents other than just nuclear power plant accidents, updates the radiation dosimetry and dose calculations based on current science and incorporates late phase guidance.

While there is no drinking water PAG provided in the proposal, the agency continues to seek input on this. The newly proposed 2013 PAG Manual is available for interim use and review at www.regulations.gov.

Content

Authority The historical and legal basis of EPA's role in the 2013 PAG Manual begins with Reorganization Plan No. 3 of 1970, in which the Administrator of EPA assumed all the functions of the Federal Radiation Council (FRC), including the charge to "…advise the President with respect to radiation matters, directly or indirectly affecting health, including guidance for all federal agencies in the formulation of radiation standards and in the establishment and execution of programs of cooperation with states." Recognizing this role, FEMA directed EPA in their Radiological Emergency Planning and Preparedness Regulations, to "establish Protective Action Guides (PAGs) for all aspects of radiological emergency planning in coordination with appropriate federal agencies." FEMA also tasked EPA with preparing "guidance for state and local governments on implementing PAGs, including recommendations on protective actions which can be taken to mitigate the potential radiation dose to the population." All of this information was to "be presented in the Environmental Protection Agency (EPA) 'Manual of Protective Action Guides and Protective Actions for Nuclear Incidents.'"

Additionally, section 2021(h) charged the Administrator with performing "such other functions as the President may assign to him [or her] by Executive order." Executive Order 12656 states that the Administrator shall "[d]evelop, for national security emergencies, guidance on acceptable emergency levels of nuclear radiation…." EPA's role in PAGs development was reaffirmed by the *National Response Framework, Nuclear/Radiological Incident Annex* of June 2008.

Overview The 2013 PAG Manual provides federal, state and local emergency management officials with guidance for responding to radiological emergencies. A protective action guide (PAG) is the projected dose to an individual from a release of radioactive material at which a specific protective action to reduce or avoid that dose is recommended. Emergency management officials use PAGs for making decisions regarding actions to protect the public from exposure to radiation during an emergency. Such actions include, but are not limited to, evacuation, shelter-in-place, temporary relocation, and food restrictions.

Development of the PAGs was based on the following essential principles, which also apply to the selection of any protective action during an incident:

- prevent acute effects;
- balance protection with other important factors and ensure that actions result in more benefit than harm; and,
- reduce risk of chronic effects.

The 2013 PAG Manual is not a legally binding regulation or standard and does not supersede any environmental laws; PAGs are not intended to define "safe" or "unsafe" levels of exposure or contamination. This guidance does not address or impact site cleanups occurring under other statutory authorities such as the EPA Superfund program, the U.S. Nuclear Regulatory Commission's (NRC's) decommissioning program, or other federal or state cleanup programs. As indicated by the use of non-

mandatory language such as "may," "should" and "can," the 2013 Manual only provides recommendations and does not confer any legal rights or impose any legally binding requirements upon any member of the public, states, or any other federal agency. Rather, the 2013 PAG Manual recommends projected radiation doses at which specific actions may be warranted in order to reduce or avoid that dose. The 2013 PAG Manual is designed to provide flexibility to be more or less restrictive as deemed appropriate by decision makers based on the unique characteristics of the incident and the local situation.

Updates The draft updates to the 1992 PAG Manual were developed by a multi-agency Subcommittee of the Federal Radiological Preparedness Coordinating Committee (FRPCC) and are published by EPA with concurrence from the Department of Energy (DOE); the Department of Defense (DoD); the Department of Homeland Security (DHS), including the Federal Emergency Management Agency (FEMA); the Nuclear Regulatory Commission; the Department of Health and Human Services (HHS), including both the Centers for Disease Control (CDC) and the Food and Drug Administration (FDA); the U.S. Department of Agriculture (USDA); and, the Department of Labor (DOL).

The 2013 PAG Manual focuses on the following key objectives:

- Clarify that the 1992 PAGs and protective actions are useful for all radiological and nuclear scenarios of concern, based both on the 1991 symposium, "Implementation of Protective Actions for Radiological Incidents at Other Than Nuclear Power Reactors," and the 2008 interagency "Planning Guidance for Protection and Recovery Following Radiological Dispersal Device (RDD) and Improvised Nuclear Device (IND) Incidents."

- Refer the reader to DOE's Federal Radiological Monitoring and Assessment Center (FRMAC) Assessment Manuals for calculation methods and measurable derived response levels (DRLs) and other appropriate dose assessment methods so that PAGs are implemented using the latest science.

- Refer users to the current Food PAGs published in FDA's "Accidental Radioactive Contamination of Human Food and Animal Feeds: Recommendations for State and Local Agencies," as issued in 1998.

- Recommend a simplified PAG approach for administering potassium iodide (KI) as a supplementary protective action based on FDA guidance issued in 2001.

- Provide basic planning guidance on reentry, cleanup and waste disposal.

- Substantively incorporate the 2008 "*Planning Guidance for Protection and Recovery Following Radiological Dispersal Device (RDD) and Improvised Nuclear Device (IND) Incidents*" particularly for late phase cleanup after a nationally significant radiological incident, like a disaster at a NPP, an RDD or an IND. The 2008 RDD-IND Planning Guidance will remain in effect until the PAG Manual, with public comments incorporated, is finalized for use.

- Streamline the Manual to enhance usability, while retaining the 1992 PAG Manual in its entirety as a historical online reference.

Submitting Comments

Comments must be received on or before 90 days after date of publication in the *Federal Register* – i.e., by July 15, 2013.

How to Submit Comments Submit your comments, identified by Docket ID No. EPA-HQ-OAR-2007-0268, by one of the following methods:

- www.regulations.gov: Follow the on-line instructions for submitting comments.

- Email: Submit comments to a-and-r-docket@epa.gov; Docket ID No. EPA-HQ-OAR-2007-0268.

- Fax: Submit comments by facsimile to (202) 566-1741.

- Mail: Submit comments by mail to Air and Radiation Docket and Information Center, Environmental Protection Agency, Mail Code: 6102T, 1200 Pennsylvania Ave., NW, Washington, DC 20460.

Specific Comments Being Sought While all comments regarding any aspect of the 2013 PAG Manual are welcome, comments on the following issues are specifically requested:

Issues across the scope of the entire 2013 PAG Manual:

- To implement the PAGs, the reader is referred to dose calculations in the Federal Radiological Monitoring and Assessment Center (FRMAC) Assessment Manuals. The Assessment Manuals are updated with current International Commission on Radiological Protection (ICRP) dosimetry models (i.e., ICRP 60 series) and dose coefficients. The FRPCC also encourages the use of computational tools such as DOE's Turbo FRMAC, RESRAD RDD and NRC's RASCAL or other appropriate tools and methods to implement the PAGs. EPA is requesting comment on the usefulness of this approach and seeks feedback on how to facilitate implementation of these methods in emergency management plans.

- The agency recognizes a short-term emergency drinking water guide may be useful for public health protection in light of the Fukushima nuclear power plant accident, which impacted some Japanese drinking water supplies. Input on the appropriateness of, and possible values for, a drinking water PAG is being sought.

- FDA's 1998 food guidance is incorporated by reference. Since it is already final and published, comments are not requested on the Food PAGs.

Chapter 2-Early Phase:

- The most substantive PAG change in the Early Phase is the 2001 guidance from the FDA that lowers the threshold for administration of potassium iodide (KI) to the public from 25 rem projected adult thyroid dose to 5 rem projected child thyroid dose. Chapter 2 includes a streamlined implementation scheme based on FDA's guidance. EPA is seeking comment on the usefulness of this simplified guidance in the text of Chapter 2.

- The skin and thyroid evacuation thresholds were removed to avoid confusion with the KI threshold. The skin and thyroid doses were 5 and 50 times higher, respectively, than the 1 to 5 rem whole-body dose guideline. EPA is specifically seeking comment on the appropriateness of not retaining the skin and thyroid evacuation thresholds.

Chapter 3 - Intermediate Phase:

- The most substantive PAG change in the Intermediate Phase is the removal of the 5 rem over 50 years relocation PAG which was potentially being confused with long term cleanup. EPA requests comment on the appropriateness of this change.

- As an extension of the PAGs, new guidance on reentry to relocation areas is provided to inform plans and procedures to protect workers and members of the public as the Intermediate Phase progresses. The agency is

seeking comment on the format and utility of this material.

- EPA is also asking stakeholders to comment on whether it would be useful to develop a new, combined Intermediate Phase PAG considering all exposure pathways to potentially simplify decision making.

Chapter 4 – Late Phase:

- A brief planning guidance on the cleanup process is included. EPA requests comment on the usefulness of this information, as well as how it might best be implemented in state, tribal and local plans. It should be noted that the extent and scope of contamination as a result of an NPP, RDD or IND incident may be at a much larger scale than a site or facility decommissioning or remedial cleanup normally experienced under established regulatory frameworks. Lesser radiological incidents may be well addressed under existing emergency response and environmental cleanup programs.

- A suggested process and organization for approaching the late phase cleanup is provided from the 2008 RDD-IND Planning Guidance. EPA requests comment on the merging of that guidance with the 2013 PAG Manual.

- Basic planning guidance on approaching radioactive waste disposal is included. The agency is seeking comment on this material and how it should be implemented in emergency response and recovery plans at all levels of government.

After considering public comments as appropriate, EPA intends to issue a final PAG Manual which will supersede the 1992 PAG Manual and the 2008 RDD-IND Planning Guidance.

For additional information, please contact Sara DeCair of the Radiation Protection Division, Center for Radiological Emergency Management, U.S. Environmental Protection Agency, at (202) 343-9108 or at decair.sara@epa.gov. You may also contact Dan Schultheisz of the Center for Waste Management and Regulation, Office of Air and Radiation, Office of Radiation and Indoor Air, U.S. Environmental Protection Agency, at (202) 343-9349 or at schultheisz.daniel@epa.gov.

Gina McCarthy Nominated to be EPA Administrator

On Monday, March 4, 2013, President Barack Obama nominated Gina McCarthy to be the next Administrator of the U.S. Environmental Protection Agency.

Nomination

McCarthy, who heads the EPA's Air and Radiation Office, helped usher through many of the agency's most contentious rules during Obama's first term—including regulations curbing mercury and soot emissions from power plants. A veteran of Republican administrations in Massachusetts and Connecticut, McCarthy has devoted much of the past four years to shepherding through air regulations that have protected public health — but that also have helped shutter power plants emitting greenhouse gases linked to climate change.

The president said his choice of McCarthy as the agency's next Administrator would help promote renewable energy programs. He said that as a top environmental official in Massachusetts and Connecticut, she helped design such programs.

"As assistant EPA administrator, Gina has focused on practical, cost-effective ways to keep our air clean and our economy growing," Obama said. "She's earned a reputation as a straight shooter. She welcomes different points of views."

Prior to working at EPA, McCarthy served as the Commissioner of the Connecticut Department of Environmental Protection. In her 25 year career, she has worked at both the state and local levels on critical environmental issues and helped coordinate policies on economic growth, energy, transportation and the environment.

McCarthy received a Bachelor of Arts in Social Anthropology from the University of Massachusetts at Boston and a joint Master of Science in Environmental Health Engineering and Planning and Policy from Tufts University.

Background

In late December 2012, EPA Administrator Lisa Jackson announced that she would resign her post. (See *LLW Notes*, January/February 2013, p.32.) Jackson, who is widely credited with sweeping curbs on air pollution, subsequently stepped down shortly after President Obama's State of the Union address. In announcing her resignation, Jackson said that she was "ready in my own life for new challenges, time with my family, and new opportunities to make a difference."

During her term, among other things, Jackson has been outspoken on climate change, limits on emissions from coal-fired power plants, dumping mining waste into streams and rivers, and the need to protect poor communities from experiencing a disproportionate amount of environmental harm. Throughout her tenure, EPA enacted a slew of rules including the first greenhouse gas standards for vehicles, cuts in mercury and other toxic pollution from power plants, and a tighter limit on soot.

"Under her leadership, the EPA has taken sensible and important steps to protect the air we breathe and the water we drink, including implementing the first national standard for harmful mercury pollution, taking important action to combat climate change under the Clean Air Act, and playing a key role in establishing historic fuel economy standards that will save the average American family thousands of dollars at the pump while also slashing carbon pollution," said President Obama in a statement praising Jackson.

For additional information, please contact Alisha Johnson at (202) 564-4373 or at johnson.alisha@epa.gov.

U.S. Nuclear Regulatory Commission

NRC Issues Waste Confidence GEIS Scoping Process Summary Report

On March 5, 2013, the U.S. Nuclear Regulatory Commission issued its *Waste Confidence Generic Environmental Impact Statement Scoping Process Summary Report.*

Shortly thereafter, on March 20, the Waste Confidence Directorate hosted its monthly public teleconference status meeting. *(See meeting notice, ADAMS Accession No. ML13063A465, at http://pbadupws.nrc.gov/docs/ML1306/ML13063A465.pdf.)*

The focus of the March 20 meeting was the scoping summary report. During the teleconference, participants were provided an opportunity to ask clarifying questions on the scoping summary report.

The 82-page summary report document can be found in the NRC's Access Documents and Management System (ADAMS) using Accession number ML13060A128 at http://pbadupws.nrc.gov/docs/ML1306/ML13060A128.pdf .

Summary Report

The report provides a summary of the determinations and conclusions reached during the NRC's scoping process for the Waste

Confidence Generic Environmental Impact Statement (GEIS). The report also contains a summary of the comments received and the NRC's responses.

A second document contains scoping comments organized by category. The document can be found in ADAMS using Accession number ML13060A130 at http://pbadupws.nrc.gov/docs/ML1306/ML13060A130.pdf.

Previous Public Meetings

The Waste Confidence Directorate has also documented the last public meeting as follows:

- February 20 teleconference status meeting summary (ADAMS Accession No. ML13060A105): http://pbadupws.nrc.gov/docs/ML1306/ML13060A105.pdf.

- February 20 teleconference status meeting transcript (ADAMS Accession No. ML13058A096):http://pbadupws.nrc.gov/docs/ML1305/ML13058A096.pdf.

Next Steps

The Waste Confidence draft EIS is scheduled to be published in late summer or early fall 2013. The publication of the draft EIS is another important opportunity for public participation. The NRC will be conducting regional and webcast public meetings to discuss the conclusions in the draft EIS, and will be asking for public comments on the draft EIS.

NRC staff will periodically send out information and updates on the Waste Confidence EIS and rulemaking via the NRC's WCOutreach@nrc.gov distribution list. This information will include notification of the issuance of the Scoping Summary Report and the draft EIS, as well as information on upcoming teleconferences and meetings and how to comment on the draft EIS.

Background Information

The Waste Confidence Decision and Rule represent the Commission's generic determination that spent nuclear fuel can be stored safely and without significant environmental impacts for a period of time after the end of the licensed life of a nuclear power plant (in 1984 and 1990 the time period was 30 years after the end of the license, and in 2010 it was increased to 60 years). This generic analysis is reflected in section 51.23 of Title 10 of the *Code of Federal Regulations* (10 CFR), which is intended to satisfy the NRC's National Environmental Policy Act (NEPA) obligations with respect to post-licensed-life storage of spent nuclear fuel. Historically, the Waste Confidence Decision has consisted of five findings and a technical basis for each finding.

The Waste Confidence Decision and Rule were first adopted in 1984. The Decision and Rule were amended in 1990, reviewed in 1999, and amended again in 2010. In response to the 2010 Decision and Rule, the States of New York, New Jersey, Connecticut, and Vermont, and several other parties challenged the Commission's NEPA analysis in the Decision, which provided the regulatory basis for the Rule. On June 8, 2012, the D.C. Circuit Court found that some aspects of the 2010 Decision did not satisfy the NRC's NEPA obligations and vacated the Decision and Rule.

In particular, the Court concluded that the Waste Confidence Rulemaking is a major Federal action necessitating either an EIS or an Environmental Assessment (EA) that results in a Finding of No Significant Impact. In vacating the 2010 decision and rule, the Court identified three specific deficiencies in the analysis:

1. Related to the Commission's conclusion that permanent disposal will be available "when necessary," the Court held that the Commission did not evaluate the

environmental effects of failing to secure permanent disposal;

2. Related to the storage of spent fuel on site at nuclear plants for 60 years after the expiration of a plant's operating license, the Court concluded that the Commission failed to properly examine the risk of spent fuel pool leaks in a forward-looking fashion; and,
3. Also related to the post-licensed-life storage of spent fuel, the Court concluded that the Commission failed to properly examine the consequences of spent fuel pool fires.

Waste Confidence, though applicable only to the period after the licensed life of a reactor, is part of the basis for agency licensing decisions on new reactor licensing, reactor license renewal, and independent spent fuel storage installation licensing. The Commission has decided that no final licenses will be issued until a new Waste Confidence Decision and Rule are in effect. The NRC is now preparing a revised Decision and Rule to address the issues identified by the Court. The referenced *Federal Register* notice is the first step in that process.

In a rulemaking, the Commission must consider the effect of its actions on the environment in accordance with NEPA. Section 102(1) of NEPA requires that policies, regulations, and public laws of the United States be interpreted and administered in accordance with the policies set forth in NEPA. It is the intent of NEPA to have Federal agencies consider environmental issues in their decision-making processes. To fulfill its responsibilities under NEPA, the NRC is preparing an EIS to support the potential update to the Waste Confidence Decision and Rule.

The Commission's regulations in 10 CFR 51.26, "Requirement to publish notice of intent and conduct scoping process," contain requirements for conducting a scoping process prior to preparation of an EIS. These requirements include, among other things, preparation of a notice of intent in the *Federal Register* regarding the EIS and indication that the scoping process may include holding a public scoping meeting.

To receive periodic e-mail communications regarding the Waste Confidence rulemaking, please send an email to WCOutreach@nrc.gov.

Documents regarding the Waste Confidence Rulemaking may be accessed on the Waste Confidence website at http://www.nrc.gov/waste/spent-fuel-storage/wcd/pub-involve.html#arch.

For additional information regarding the Waste Confidence rulemaking in general, please contact Sarah Lopas, NEPA Communications Project Manager, Office of Nuclear Material Safety and Safeguards, NRC, at (301) 415-3425 or at Sarah.Lopas@nrc.gov.

Comment Sought re Possible Changes to Spent Nuclear Fuel Storage and Transportation Regulatory Framework

The U.S. Nuclear Regulatory Commission recently asked the public for input as the agency considers changes to the regulatory framework for spent nuclear fuel storage and transportation. The request for comment, published in the *Federal Register*, is the first in a series and will inform the NRC's effort to improve how it regulates after more than 20 years of experience approving dry casks for spent fuel storage and transportation.

The NRC is specifically looking at how it could better integrate the requirements for spent fuel storage under 10 CFR Part 72 with those for spent fuel transportation under 10 CFR Part 71. As part of this evaluation, the NRC is looking at the potential need for changes to policy, guidance, or regulatory requirements for retrievability, cladding integrity, and safe handling of spent fuel.

Public comments were accepted through March 18, 3013. The public will have another opportunity to comment on any proposed changes, should the NRC decide to revise its guidance or regulations on these issues.

Additional information is available in the Federal Register notice and on the NRC website at www.nrc.gov.

NRC Discusses Ongoing Lessons Learned from Fukushima Accident

On April 23, 2013, the U.S. Nuclear Regulatory Commission was briefed by its staff and other stakeholders on the agency's efforts to implement lessons learned from the Fukushima Dai-ichi accident.

The briefing took place during a public meeting beginning at 9:00 a.m. at NRC Headquarters at 11555 Rockville Pike in Rockville, Maryland.

The NRC continues to evaluate and act on the lessons learned from Fukushima to ensure U.S. nuclear power plants implement appropriate safety enhancements. Following direction from the agency's five Commissioners, the NRC's activities are being led by a steering committee comprised of senior NRC management. The agency has also established the Japan Lessons-Learned Project Directorate, a group of more than 20 full-time employees focused exclusively on implementing the task force's recommendations and related activities.

The commission meeting was open to public observation and was webcast at www.nrc.gov.

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

Comment Sought re "Station Blackout" Rule

By press release dated April 4, 2013, the U.S. Nuclear Regulatory Commission announced that staff is seeking public comment on the agency's draft regulatory basis to amend current requirements for U.S. nuclear power plants to safely withstand a "station blackout," or complete loss of alternating current power. The agency is amending its station blackout rule based on lessons learned from the March 2011 nuclear accident in Fukushima, Japan.

One of Fukushima's key lessons was the need to ensure a nuclear power plant can keep its safety systems functioning even if normal power sources and emergency diesel generators are lost. As part of implementing this lesson, the Commission in October 2011 directed the staff to revise the station blackout rule in an expedited manner. In March 2012, NRC issued an Order for all U.S. reactors to put "mitigating strategies" in place to safely handle extreme situations such as station blackouts. In March 2013, the Commission directed the staff to expand the rulemaking to incorporate requirements for ensuring a nuclear power plant can keep enough water in its spent fuel pool to maintain safety. The draft document concludes the agency has a proper basis for amending the rule.

The draft regulatory basis will be available on the federal government's rulemaking website under Docket ID NRC-2011-0299. The document is available now in the NRC's electronic document database, ADAMS, under accession number ML13077A453. The staff expects to hold a public meeting later this spring to discuss the document.

The draft includes specific questions for the public to consider in providing comments as the staff prepares formal revised rule language. In particular, the staff is interested in topics such as:

- How should new large reactor designs account for station blackout scenarios?
- How should small modular reactor concepts handle station blackout mitigation?
- How should human reliability be accounted for?
- How should the revised rule reflect information from efforts to comply with the Order?

Comments are due 45 days from issuance of a notice in the *Federal Register*, expected shortly. Comments may be submitted through the federal government's rulemaking website using Docket ID NRC-2011-0299. Comments can also be submitted via e-mail to Rulemaking.Comments@nrc.gov; via facsimile to Secretary, U.S. Nuclear Regulatory Commission at (301) 415-1101; or, via mail to Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, ATTN: Rulemakings and Adjudications Staff.

The NRC reminds the public to exclude identifying or contact information in comment submissions that a person wants to keep private. The NRC will post all comment submissions at www.regulations.gov as well as in ADAMS, and the NRC does not routinely edit comment submissions to remove identifying or contact information.

Online Registration Open for Fuel Cycle Information Exchange

June 11-12, 2013 in Rockville, Maryland

Online registration is now open for the U.S. Nuclear Regulatory Commission's 8th Annual Fuel Cycle Information Exchange (FCIX)—which will be held from June 11-12 at the agency's headquarters in Rockville, Maryland.

The conference will include discussions and presentations on post-Fukushima regulatory requirements, operating experience, cumulative effects of regulation, security and new construction. NRC Chairman Allison Macfarlane will deliver a keynote address on June 11.

The FCIX will run from 9:00 a.m. to 5:00 p.m. each day in the NRC Auditorium. Visitors will need to enter at the agency's One White Flint North building at 11555 Rockville Pike in Rockville.

Additional information about the conference, including online registration, is available at the NRC website at www.nrc.gov.

NRC Meeting re Efforts to Improve Nuclear Safety and Regulatory Efficiency

On April 24, 2013, the U.S. Nuclear Regulatory Commission held a public meeting in Rockville, Maryland to discuss how the agency could increase the use of risk analysis and insights to more efficiently improve nuclear safety.

To address the Commission's direction to obtain early input from industry as well as other external parties to inform the development of the concepts that will be presented, comments on the proposal to increase the use of risk analysis and insights to more efficiently improve nuclear safety are being accepted beginning April 25 and are due by May 28.

Comments may be submitted through the federal government's rulemaking website using Docket ID NRC-2013-0064.

The meeting was held in Room 01-B13 of the NRC's Executive Boulevard Building at 6003 Executive Boulevard in Rockville from 8:30 a.m.-noon. Industry and public interest groups attended the meeting and the public was invited to take part in the discussion.

The meeting included teleconference and webinar access. For additional information, please contact Daniel Doyle at (301) 415-3748 or at daniel.doyle@nrc.gov.

NRC Issues Annual Plant Assessments

On March 7, 2013, the U.S. Nuclear Regulatory Commission announced that the agency had issued annual assessment letters to the nation's 104 operating commercial nuclear power plants regarding their performance in 2012. As of the end of December, 99 plants were in the two highest performance categories.

"These assessment letters are an annual report card on the performance of the nation's nuclear power plants," said Ho Nieh, Director of the Division of Inspection and Regional Support in the Office of Nuclear Reactor Regulation. "We ensure nuclear power plants are safe, inspecting them and rating their performance regularly, as part of our mission to protect people and the environment."

Of the 99 highest-performing reactors, 81 fully met all safety and security performance objectives and were inspected by the NRC using the normal inspection program. Eighteen reactors were assessed as needing to resolve one or two items of low safety significance. For this performance level, regulatory oversight includes additional inspection and attention to follow up on corrective actions.

The plants requiring additional inspection included: Beaver Valley 1 and 2 (Pennsylvania); Browns Ferry 2 and 3 (Alabama); Catawba 1 (South Carolina); Davis Besse (Ohio); Fermi 2 (Michigan); Fitzpatrick (New York); Harris (North Carolina); Nine Mile Point 1 (New York); Point Beach 1 and 2 (Wisconsin); Prairie Island 2 (Minnesota); River Bend (Louisiana); San Onofre 2 and 3 (California); Seabrook (New Hampshire) and Susquehanna 1 (Pennsylvania). Susquehanna 1 and River Bend Station have resolved their issues since the reporting period ended and have transitioned to the highest performing level.

Three nuclear reactors were in the third performance category with a degraded level of performance. For this category, regulatory oversight includes more NRC inspections, senior management attention and oversight focused on the cause of the degraded performance. These plants included Columbia Generating Station (Washington), Perry 1 (Ohio), and Wolf Creek (Kansas).

One reactor, Browns Ferry 1 in Alabama, is in the fourth performance category and requires increased oversight because of a safety finding of high significance, which will include additional inspections to confirm the plant's performance issues are being addressed.

The Fort Calhoun plant in Nebraska is in an extended shutdown with significant performance issues and is currently under a special NRC oversight program distinct from the normal performance levels. Therefore, the plant will not receive an annual assessment letter.

Since the end of the 2012 reporting period, Duke Energy announced its intention to decommission its Crystal River 3 plant in Florida. Duke certified that intention to the NRC on February 20. This brings the number of operating commercial nuclear power reactors in the United States to 103.

Later this spring and summer, the NRC will host a public meeting or other event in the vicinity of each plant to discuss the details of the annual assessment results. A separate announcement will be issued prior to each public assessment meeting. In addition to the annual assessment letters, plants also receive an NRC inspection plan for the coming year.

The NRC routinely updates information on each plant's current performance and posts that information to the action matrix summary as it becomes available. The annual assessment letters sent to each operating reactor licensee are also available through the NRC's webpage on the

Reactor Oversight Process. Annual construction assessments for new reactors at the Vogtle and Summer sites and at Watts Bar 2 are also on the NRC website.

NRC FY 2014 Budget Proposed to Congress

By press release dated April 10, 2013, the U.S. Nuclear Regulatory Commission announced that the agency has requested $1.055 billion in its fiscal year 2014 budget proposal to Congress to regulate nuclear power plants and users of nuclear materials. The largely flat budget represents an increase of $16.9 million over FY 2012, the last year in which Congress adopted an NRC budget. However, because fees are collected from licensees for NRC oversight, the actual cost to taxpayers is $124.3 million, or $4.3 million less than in FY 2012.

In FY 2013, the NRC is operating on a sequestered spending level of $986 million.

"The NRC's FY 2014 Congressional Budget Justification provides the resources necessary for the Commission to conduct an effective regulatory program in meeting our safety and security mission," said NRC Chairman Allison Macfarlane.

Included in the budget request is $11.1 million for the Office of the Inspector General, which independently and objectively conducts audits and investigations to ensure the efficiency and integrity of NRC programs, and to promote cost-effective management.

The FY 2014 budget breakout includes $812.4 million for nuclear reactor safety and $231.5 million for nuclear materials and waste safety. The Reactor Safety program budget increased by $12.3 million from its FY 2012 levels primarily to support implementation of the Fukushima lessons learned recommendations. The Materials and Waste Safety program budget increased by $4.4 million from its FY 2012 levels primarily for activities to update the Waste Confidence Rule. Both the Reactor Safety and Materials and Waste Safety program budgets include resources to support anticipated new facility licensing and construction activities. The NRC FY 2014 budget funds 3,919 full-time equivalent employees, reflecting a decrease of 57 full-time equivalent positions from the FY 2012 budget.

The detailed NRC Congressional Budget Justification report (NUREG-1100, Vol. 29) is available on the NRC website at www.nrc.gov. The report provides information in addition to the FY 2014 budget briefing slides, which are also posted.

A limited number of hard copies of the report are available from opa.resource@nrc.gov.

NRC Seeks Public Comment re FY 2013 Proposed Fee Rule

On March 7, 2013, the U.S. Nuclear Regulatory Commission announced that the agency is seeking public comments on proposed changes to its regulations for the licensing, inspection and annual fees it charges applicants and licensees for fiscal year (FY) 2013. The proposed fee rule, which has been published in the *Federal Register,* includes fees required by law to recover approximately 90 percent of the agency's budget authority.

The NRC continues to operate under a Continuing Resolution. Based on the FY 2013 budget submitted to the Congress, the NRC's required fee recovery amount is approximately $924.8 million—an increase of 1.7 percent from FY

2012. Approximately 40 percent of the fees (10 CFR Part 170) will be billed for specific services to recover the cost of special benefits to identifiable applicants and licensees and the remaining 60 percent will be billed as annual fees (10 CFR Part 171). By law, the NRC is required to collect all fees by September 30, 2013.

The proposed rule includes several changes. First, the NRC is proposing to change the current hourly rate of $274 to $277 for FY 2013, an increase of 1.1 percent. This increase in hourly rate is a result of an increased agency direct budgetary resource for FY 2013. Second, the NRC would revise the flat license application fees in 10 CFR Parts 170.21 and 170.31 to reflect the new hourly rate. Finally, the FY 2013 proposed annual fees would increase for spent fuel storage facilities, research and test reactors, fuel facilities, most material users, and uranium recovery facilities, while annual fees would decrease for operating reactors and U.S. Department of Energy transportation activities.

The NRC is continuing its efforts to keep its fees as low as possible by ensuring its programs are conducted efficiently and effectively, and requesting from Congress only the resources necessary to protect people and the environment.

Comments on the proposed rule were due by April 8.

NRC to Unveil New Social Media Platform (NRC Chat) on April 30

By press release dated April 23, 2013, the U.S. Nuclear Regulatory Commission announced that the agency is expanding its social media program by launching a pilot of a live discussion platform known as NRC Chat. The first Chat is scheduled for April 30 at 2:00 p.m. EDT on the subject of the history of U.S. nuclear power with NRC historian Tom Wellock.

The Chat is similar to the existing NRC blog, and is also hosted on Wordpress, but it features a more real-time discussion. Each Chat session will focus on a specific issue with an NRC expert responding to the questions. As part of the agency's Open Government effort, Chat addresses a key element in NRC's Open Government Plan—enhancing the agency's communication with the public and other stakeholders through social media technologies.

A six-month schedule will be posted on the Chat site soon. Reminders for each session will also be sent via Twitter. It is expected that two Chat sessions will be held each month, and the platform evaluated after six months. All Chats will also be archived. A series of comment guidelines are posted on the site, and only on-topic comments will be posted. Comments on other topics can be posted on the NRC Blog's Open Forum section.

For additional information, please contact the NRC's Office of Public Affairs at opa.resource@nrc.gov and include CHAT in the subject line.

To Obtain Federal Government Information

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

by internet

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

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

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

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

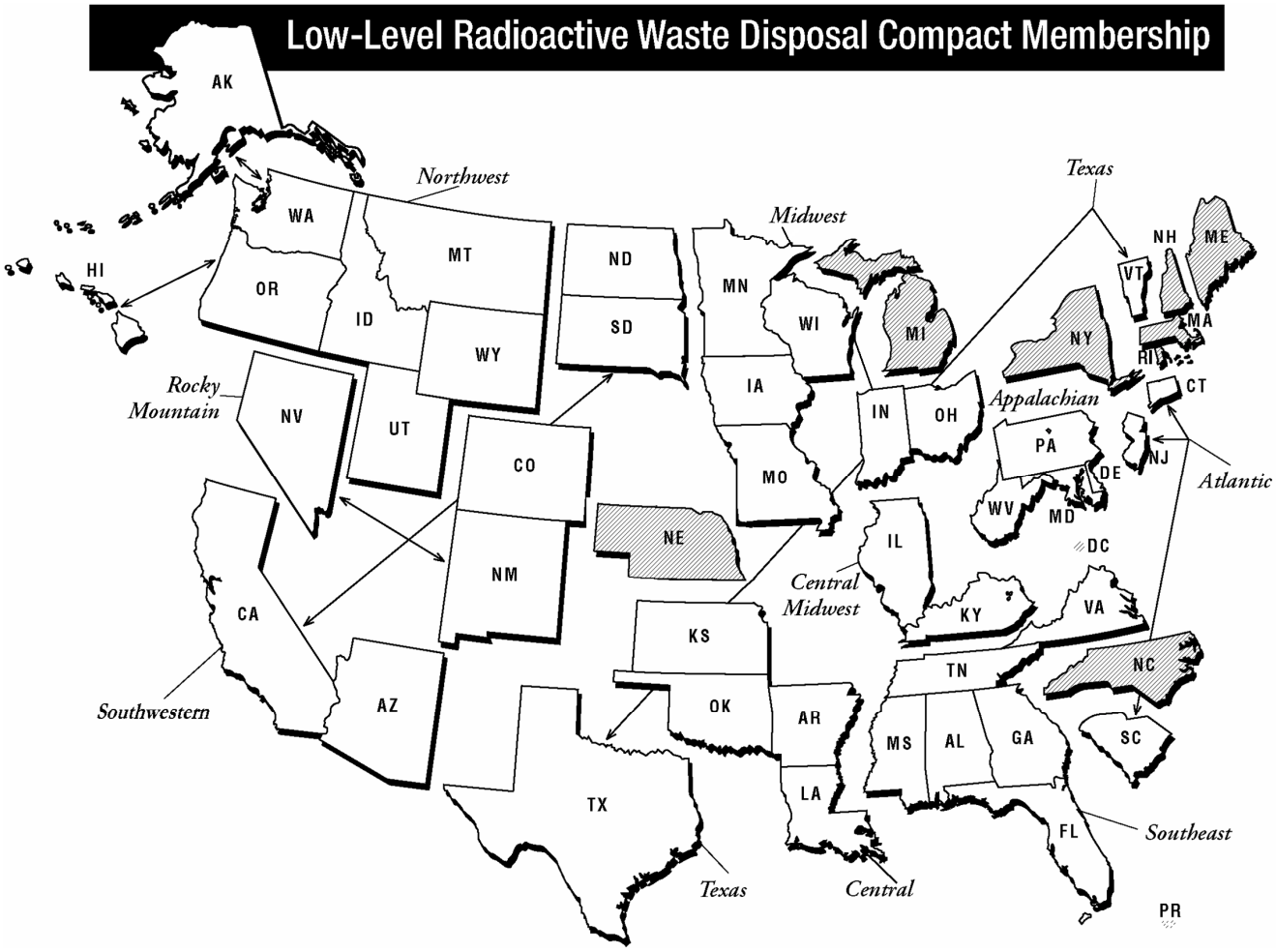
- GAO homepage (access to reports and testimony) .....**www.gao.gov**

To access a variety of documents through numerous links, visit the website 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 website at www.llwforum.org. The *Summary Report* and accompanying Development Chart have been available on the LLW Forum website 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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