LLW notes

Volume 28, Number 3 May/June 2013

National Nuclear Security Administration/Global Threat Reduction Initiative (NNSA/GTRI)
Conference of Radiation Control Program Directors (CRCPD)

Limited-Time Opportunity for Cost-Shared Collection and Disposal of Certain Sealed Sources

The Source Collection and Threat Reduction Program (SCATR) administered by the Conference of Radiation Control Program Directors (CRCPD) is providing sealed source licensees in states which do not have access to an in-compact low-level radioactive waste disposal facility an opportunity to dispose of certain unwanted radioactive sealed sources. Only sources registered with Off-Site Source Recovery Project (OSRP) (http://osrp.lanl.gov/PickUpSources.aspx) are eligible for participation in this initiative.

To participate, licensees in Illinois, Indiana, Ohio, and New York were required to register eligible sources by May 30, 2013—as the initial collection will take place in these four pilot states. Licensees in non-pilot states were required to register eligible sources by June 30, 2013.

Overview

CRCPD is offering generators who participate in this limited-time opportunity financial assistance equal to 50% of the cost of collection, processing, and disposal.

- Class A qualifying sources will be disposed at the Energy*Solutions* Clive, Utah facility under a special one year license variance.

- Class B and C qualifying sources located at facilities participating in the Class A collection may also be collected and disposed with financial assistance at the Waste Control Specialists (WCS) Compact Waste Facility (CWF) located in Andrews County, Texas.

The one year window for sealed source disposal at Clive opens on the date that the first sealed source waste under this program is received at the facility. Only sources registered and collected

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In This Issue

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COPYRIGHT POLICY

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

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

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

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LLW Notes
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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.

Registration Opens for Fall 2013 LLW Forum Meeting

Marriott Hotel in Park City, Utah: October 21-23, 2013

The Low-Level Radioactive Waste Forum, Inc. is pleased to announce that registration is now open for the Fall 2013 meeting, which will be held at the Marriott Hotel in Park City, Utah on October 22-23, 2013.

When making travel arrangements, please note that there will be an optional site tour of the EnergySolutions' Clive facility on the afternoon of Monday, October 21, 2013—as well as a closed, members-only meeting of the LLW Forum's Board of Directors on Monday evening, October 21, for the receipt of a status report from the Disused Sources Working Group (DSWG).

The meeting documents have been posted to 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

The October 2013 LLW Forum meeting will be held in Park City, Utah on Tuesday, October 22, 2013, from 9:15 a.m.-5:30 p.m., and Wednesday, October 23, 2013, from 9:00 a.m.-1:00 p.m. (See below for information regarding the optional site tour of the Energy*Solutions'* Clive facility and closed meeting of the LLW Forum's Board of Directors—both scheduled for Monday, October 21, 2013.)

The meeting will be held at:

Park City Marriott Hotel
1895 Sidewinder Drive
Park City, Utah 84060

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.

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 Rusty Lundberg at the State of Utah's Division of Radiation Control at the address, e-mail or fax number listed at the bottom of the form.

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

Optional Site Tour

Meeting attendees are invited to participate in an optional tour of the Energy*Solutions* Clive facility on 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.

Board of Directors' Meeting

There will be a closed meeting of the LLW Forum's Board of Directors on Monday evening, October 21. The purpose of the meeting, which is tentatively scheduled for 7:00 – 8:30 pm, is to receive a status report from the Disused Sources Working Group (DSWG). Only designated state and compact officials may attend this closed session meeting.

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. The discount rate may be available, upon request, for 3 days prior to and 3 days following the meeting dates by contacting reservations supervisor Jeremy Pickett at (435) 615-4547.

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 or http://www.parkcitytransportation.com). One-way taxi fare is available for approximately $90.

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. (See related story, this issue.) 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 will be a closed, members-only 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).

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.

Central Interstate Low-Level Radioactive Waste Commission

Central Interstate Compact Commission Holds Annual Meeting

On June 12, 2013, the Central Interstate Low-Level Radioactive Waste Commission held its annual meeting. The meeting—which was held at the Capital Hotel at 111 W. Markham Street in Little Rock, Arkansas—began at 9:00 a.m.

The purpose of the meeting was to take necessary action on reports, meeting minutes, export applications, export fee schedule (Rule 1), Bylaw change of Article IV(F), KPMG audit, financial consultant contract, future administrative funding, discussion about the future of the Commission, administrative budget, election of Chairman for fiscal year 2013-2014, and all other business to come before the Commission.

The following items were on the amended draft agenda for the meeting:

- Call to Order and Roll Call
- General Public Comment Period
- Reports
  - Commission Administrator
  - Legal Counsel
  - Administrative Committee
  - Mark Carver (update on Texas activities)
  - Member States
- Ratify Action Taken
  - Export Applications Approved
    - July 2012
    - August 2012
    - September 2012
    - October 2012
    - November 2012
    - January 2013
    - February 2013
    - May 2013
- Meeting Minutes

  - Annual Meeting on June 12, 2012
- KPMG Audit for Fiscal Year 2011-2012
- Financial Consultant Contract for Fiscal Year 2013-2014
- Future and Administrative Funding of the Commission
- Bylaw Change
  - Article IV(F)
- Commission Administrative Budget
  - Budget Adjustments Fiscal Year 2012 – 2013
  - Export Fee Schedule (Rule 1) Fiscal Year 2013 – 2014
  - Administrative Budget Fiscal Year 2013 - 2014
- Election of Commission Chairman for Fiscal Year 2013 – 2014
- Confirm Date and Location for Next Commission Meeting
- Personnel Matters: Administrator Review
- Adjourn

An agenda, kept continuously, was available by contacting the Commission's Office or visiting their web page.

For additional information, please contact the Central Interstate Commission at (402) 476-8247 or at www.cillrwcc.org.

Midwest Compact

Midwest Compact Holds Annual Meeting

On June 25, 2013, the Midwest Interstate Low-Level Radioactive Waste Commission held its annual meeting by telephone conference call at 10:00 a.m. – 12:00 p.m. CDT.

The following items were on the draft agenda:

- Call to Order/Roll Call
- Review of Minutes of the Meeting of June 27, 2012
- Consideration of Accounting and Legal Services Proposals
- Review of the Financial Report
- Chair's Report
  - Texas Site
  - SCATR Program
  - Disused Sources
  - Adoption of 2012 – 2013 budget
- Other Business
- Adjournment

Interested stakeholders were provided an opportunity to participate on the call via offices in each of the member states.

For additional information, please contact Stan York, Chair and Executive Director of the Midwest Compact Commission, at (608) 267-4793 or at stan.york@tds.net.

Northwest Compact / State of Idaho

Jeffrey Feeler Appointed President and CEO of US Ecology

Executive Vice Presidents Also Appointed

By press release dated May 30, 2013, US Ecology, Inc.—a North American provider of radioactive, hazardous, PCB and non-hazardous industrial waste management and recycling services—announced that its Board of Directors has appointed Jeffrey Feeler President and Chief Executive Officer. Feeler was named Acting President and Chief Operating Officer in October 2012.

In the same press release, US Ecology announced that the Board of Directors has appointed Eric Gerratt as Executive Vice President, Chief Financial Officer and Treasurer. The Company also announced that the Board of Directors has appointed two other Executive Vice Presidents—

Steven Welling and Simon Bell—reporting to the Chief Executive Officer.

"The Board of Directors has confidence in the ability of this closely knit executive management team led by Jeff to execute US Ecology's growth strategy and deliver shareholder value," commented Stephen Romano, Chairman of the Board of Directors.

Feeler Appointment

Feeler joined US Ecology in 2006 as Vice President, Chief Accounting Officer, Treasurer and Controller. He was promoted in 2007 to Vice President and Chief Financial Officer; positions he held until his promotion to Senior Executive in October 2012. Prior to 2006, Feeler held financial and accounting management positions with MWI Veterinary Supply, Inc.; Albertson's, Inc.; Hewlett-Packard Company; and, PricewaterhouseCoopers LLP. Feeler is a Certified Public Accountant and holds a BBA in Finance and a BBA in Accounting from Boise State University.

"Jeff's exceptional performance over a seamless seven month transition period following his promotion to senior executive has confirmed the Board's confidence that he is the right person to lead US Ecology," stated Romano. "Jeff's excellent leadership skills, detailed knowledge of the Company, thorough understanding of the environmental services industry and regulatory environment, and extensive financial management experience are an excellent fit for the challenges and growth opportunities now before us."

Gerratt Appointment

Gerratt—who joined US Ecology in August 2007 as Vice President and Controller—was promoted to Vice President, Acting Chief Financial Officer and Chief Accounting Officer in October 2012. He previously held financial and accounting management positions at SUPERVALU, Inc.; Albertson's, Inc.; and, PricewaterhouseCoopers LLP. Gerratt is a Certified Public Accountant and holds a BS in Accounting from the University of Idaho.

Welling and Bell Appointments

Steven Welling—who previously served as Senior Vice President of Sales and Marketing—was appointed Executive Vice President of Sales and Marketing. Welling joined US Ecology in 2001 with the acquisition of Envirosafe Services of Idaho (now US Ecology Idaho). He previously served as National Accounts Manager for Envirosource Technologies and Western Sales Manager for Envirosafe Services of Idaho. In addition, Welling previously managed new market development and sales for a national bulk chemical transportation company. He holds a BS from California State University-Stanislaus.

Bell—who previously served as Vice President of Operations since 2007—was appointed Executive Vice President of Operations and Technology Development. From 2005 to August 2007, he was Vice President of Hazardous Waste Operations. From 2002 to 2005, he was General Manager and Environmental Manager at US Ecology's Idaho facility. Bell brings over 20 years of experience in the hazardous and radioactive waste and mining industries and holds a BS in Geology from Colorado State University.

Background

US Ecology, through its subsidiaries, provides radioactive, hazardous, PCB and non-hazardous industrial waste management and recycling services to commercial and government entities—such as refineries and chemical production facilities, manufacturers, electric utilities, steel mills, medical and academic institutions and waste brokers.

Headquartered in Boise, Idaho, US Ecology is one of the oldest radioactive and hazardous waste services companies in the North America.

For additional information, please contact Joe Weismann of US Ecology at (208) 331-8400 or at jweismann@usecology.com.

Northwest Compact/State of Utah

Utah Radiation Control Board Holds May 2013 Meeting

Cancels June 2013 Meeting

On May 14, 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 May 2013 meeting agenda:

I. Welcome

II. Introduction of new Board member

III. Minutes (Board Action)
   a. Approval of the Minutes from the March 12, 2013 Board Meeting

IV. Certification Approval of Mammography Imaging Medical Physicists – MIMPS (Board Action)

V. Administrative Rules
   a. H.B. 124 Rulemaking – Working Draft Proposal

VI. Information Items
   a. Low-Level Radioactive Waste Disposal – Energy*Solutions*
      i. Indirect Transfer of Control – Agency Consent
      ii. Depleted Uranium Performance Assessment
   b. Other Division Items
      i. Quarterly Activities Report – 1st Quarter 2013
   c. NRC Activities
      i. Integrated Materials Performance Evaluation Program (IMPEP) – NRC Periodic Meeting with the Division of Radiation Control

VII. Public Comment

VIII. Next Scheduled Board Meeting: Tuesday, June 11, 2013 at 1:30 p.m.

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.

The Board canceled its June 2013 meeting. The next meeting is scheduled to begin at 1:00 p.m. on July 9, 2013 in Conference Room 1015 of the Multi Agency State Office Building at 195 North 1950 West, Salt Lake City, Utah.

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.

Rocky Mountain Board

Rocky Mountain Board Holds June Meetings

On June 11, 2013, the Rocky Mountain Low-Level Radioactive Waste Board held both a Regular and an Annual Meeting at the Eldorado Hotel & Spa at 309 West San Francisco in Santa Fe, New Mexico. The Regular Meeting began at 9:30 a.m. with the Annual Meeting beginning immediately thereafter.

Interested parties and the public are welcome to attend Rocky Mountain Board meetings. There is an opportunity for public comment at the meetings.

The following items were on the Regular Meeting draft agenda:

- Approval of Minutes of the June 12, 2012 Regular Meeting and Notice of Actions Taken in November 20, 2012 and February 21, 2013 Telephonic Meetings
- Status of Clean Harbors Regional Facility
- Update from URENCO USA
- Update from International Isotopes
- Discussion of Policies and Practices Concerning the Importation of Oil and Gas NORM
- Update on National Developments
- Executive Director's Report
  - Fiscal Status/Investment Summary
  - Permit Fee Revenue for 2012 and 2013
  - Expenditure/Budget Comparison
  - Status of Volumes Authorized for Export and Disposal in 2012 and 2013

The following items were on the Annual Meeting draft agenda:

- Election of Officers
- Consideration of Fiscal Year 2013-2014 Budget

The orders of matters on the agendas are subject to change without notice.

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

Southeast Compact

2014 Hodes Award Nominations Sought

Deadline is July 15, 2013

The Southeast Compact Commission for Low-Level Radioactive Waste Management is accepting nominations for the 2014 Richard S. Hodes, M.D. Honor Lecture Award—a program that recognizes an individual, company, or organization that contributed in a significant way to improving the technology, policy, or practices of low-level radioactive waste management in the United States. The award recipient will present the innovation being recognized at a lecture during the Waste Management ’14 Symposium in Phoenix, Arizona. The award recipient will receive a $5,000 honorarium and all travel expenses will be paid.

Nominations must be received by July 15, 2013.

Background

Dr. Richard S. Hodes was a distinguished statesman and a lifetime scholar. He was one of the negotiators of the Southeast Compact law, in itself an innovative approach to public policy in waste management. He then served as the Chair of the Southeast Compact Commission for Low-Level Radioactive Waste Management from its inception in 1983 until his death in 2002.

Throughout his career, Dr. Hodes developed and supported innovation in medicine, law, public policy, and technology. The Richard S. Hodes, M.D. Honor Lecture Award was established in 2003 to honor the memory of Dr. Hodes and his achievements in the field of low-level radioactive waste management.

Past Recipients

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

- W.H. "Bud" Arrowsmith (2004)
- Texas A & M University Student Chapter of Advocates for Responsible Disposal in Texas (2004 *honorable mention*);
- William Dornsife (2005);
- California Radioactive Materials Management Forum (2006);
- Larry McNamara (2007);
- Michael Ryan (2008);
- Susan Jablonski (2009);
- Larry Camper (2010);
- Christine Gelles (2011);
- Lawrence "Rick" Jacobi (2012);
- James Kennedy (2013); and,
- Energy*Solutions*, the Utah Department of Environmental Quality (UDEQ), the Conference of Radiation Control Program Directors (CRCPD), and the U.S. Department of Energy's (DOE) Global Threat Reduction Initiative (2013 *honorable mention*).

The Award

The Richard S. Hodes Honor Lecture Award—established in March, 2003—is awarded to an individual, company, or organization that contributed in a significant way to improving the technology, policy, or practices of low-level radioactive waste management in the United States.

The award recipient will be recognized with a special plaque and an invitation to present a lecture about the innovation during the annual international Waste Management Symposium (WM '14). The 2014 symposium is sponsored by the University of Arizona and will be held in Phoenix, Arizona in the spring of 2014.

A special time is reserved during the Symposium for the lecture and the award presentation. The Southeast Compact Commission will provide the award recipient a $5,000 honorarium and will pay travel expenses and per diem (in accordance with Commission Travel Policies) for an individual to present the lecture.

Criteria

The Richard S. Hodes Honor Lecture Award recognizes innovation industry-wide. The award is not limited to any specific endeavor—contributions may be from any type of work with radioactive materials (nuclear energy, biomedical, research, etc.), or in any facet of that work, such as planning, production, maintenance, administration, or research. The types of innovations to be considered include, but are not limited to:

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

The criteria for selection include:

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

Eligibility

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

Nominations

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

Awards Committee
c/o Ted Buckner, Associate Director
Southeast Compact Commission
1230 SE Maynard Road
Suite 103
Cary, NC 27511
(919) 380-7780
(919) 380-7710 - FAX
tedb@secompact.org

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

Nominations must be received by July 15, 2013.

Southeast Compact Commission Holds Teleconference Meeting

On June 14, 2013, the Southeast Compact Commission for Low-Level Radioactive Waste Management held its 102nd meeting via teleconference beginning at 11:00 EDT.

During the meeting, the Commission considered a Proposed Budget for 2013-2014, elected officers, and conducted other business as it may come before the Commission.

The following items were on the draft agenda for the meeting:

- Call to Order - Introductory Remarks *(Michael Mobley, Chair)*
- Establishment of Quorum *(Debra Shults, Vice-Chair)*
- Approval of Minutes *(Commissioners)*
- Comments Pertaining to Agenda Items Only *(General Public)*
- Executive Director's Report *(Kathryn Haynes)*
- Treasurer's Report *(Herbert Wheary, Treasurer)*
- State Reports and Liaison Reports *(Commissioners)*
- Old Business *(Commissioners)*
- New Business *(Commissioners)*
  - Proposed Budget FY 2013-2014 *(Commissioners)*
- Election of Officers *(Commissioners)*
- Comments *(General Public)*
- Adjournment

Interested stakeholders were provided an opportunity to participate on the call via offices in each of the member states.

For additional information, please contact the Southeast Compact Commission at (919) 380-7780 or at secc@secompact.org.

Texas Compact / State of Texas

Texas Compact Commission Holds June Meeting

On June 6, 2013, the Texas Low-Level Radioactive Waste Disposal Compact Commission (Texas Compact Commission) held a regularly scheduled meeting in Room E1.012 at the Texas State Capitol at 1100 Congress Avenue in Austin, Texas.

The links to view the meetings at the Texas Capitol are:

- *desktop PCs (http://www.senate.state.tx.us/bin/live.php); and.*
- *mobile(http://www.legis.state.tx.us/mytlo/mobile/cmteVideo.aspx?chamber= S).*

Agenda

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;
- report on legislation which passed the 83rd Texas Legislative Session as it may impact compact commission activities;
- discussion and potential action on matters relating to establishing the generator of low-level radioactive waste for the purposes of the applicability of compact commission rules;
- discussion of potential revisions to 31 Texas Administrative Code §675.21, §675.22 and §675.23 related to exportation and importation of waste;
- consideration of and possible action on requests for amendments to agreements for importation of low-level radioactive waste from PG&E, HBPP and Philotechnics;
- consideration of and possible action on applications and proposed agreements for importation of low-level radioactive waste from Bionomics, Inc.; Philotechnics Ltd.; RAM Services, Inc; Sacramento Municipal Utility District; Thomas Gray and Associates; Xcel Energy Prairie Island Nuclear Plant; and, ZionSolutions;
- consideration of and possible action on petitions and proposed orders for exportation of low-level radioactive waste from IHI Southwest Technologies, San Antonio, Texas; Southwest Research Institute, San Antonio, Texas; and, Texas A & M University Nuclear Science Center, College Station, Texas;
- receive reports from Waste Control Specialists LLC (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;
- discussion and possible action regarding the reporting of volume and curies of low-level waste imported into and exported out of the Texas Low-Level Radioactive Waste Disposal Compact;
- discussion of the potential benefits of invited presentations from: Andrews County; brokers; compacts (other than Texas Compact Commission) or through the Low-Level Radioactive Waste Forum (LLW Forum); companies holding importation agreements; Texas Department of State Health Services; Energy*Solutions*; generators; Nuclear Regulatory Commission (NRC); processors of low-level radioactive waste; Texas Commission on Environmental Quality (TCEQ); Texas Radiation Advisory Board (TRAB); WCS; and, other interested parties;
- 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 of future compact commission meetings; and,
- adjourn.

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.

Milton Lee Appointed to University North Texas System Board of Regents

By press release dated April 19, 2013, Texas Governor Rick Perry announced his selection of Milton B. Lee II of San Antonio to the University of North Texas System Board of Regents for a term to expire on May 22, 2017. The appointment is subject to Senate confirmation.

Lee has been serving as Vice-Chair and a Commissioner of the Texas Low-Level Radioactive Waste Disposal Compact Commission. His term is set to expire on September 1, 2013.

The Texas Compact Commission is comprised of eight (8) members, of which six (6) are designated by the Governor of Texas and two (2) by the Governor of Vermont. The compact commission and its members have the powers and duties prescribed by the compact and the members of the commission are responsible for administering the provisions of the compact.

Lee is a registered professional engineer and retired CEO of CPS Energy. He is co-chair of the National Society of Black Engineers Region 5 Advisory Board, and a board member of the Southwest Research Institute, San Antonio Economic Development Foundation, San Antonio Medical Foundation, Alamo Colleges Foundation, University of Texas (UT) Engineering Advisory Board, UT at San Antonio Development Board, UT Health Science Center at San Antonio Cancer Therapy and Research Center, and the Texas Research and Technology Foundation. He is also a member of the Texas Alliance for Minorities in Engineering, past member of the American Public Power Association, member and past vice chair of the Large Public Power Council, member and past president of the Texas Public Power Association. He received a bachelor's degree from the University of Texas.

Information about the Texas Compact Commission 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.

Texas Compact/State of Texas

TCEQ Considers Proposed Rate Setting Rulemaking

On June 5, 2013, Commissioners from the Texas Commission on Environmental Quality (TCEQ) met in Austin, Texas. Among the agenda items requested for the meeting was Item 36 Docket No. 2013-0327-RUL – "Consideration for publication of, and hearing on, proposed new Section 336.1310 of 30 TAC Chapter 336, Radioactive Substance Rules."

In particular, the proposed new §336.1310 would "set out the maximum disposal rates that a licensee may charge generators for disposal of low-level radioactive waste." The disposal rates serve as a floor for rates charged by the licensee, Waste Control Specialists LLC (WCS), to nonparty generators and the ceiling for rates charged to party state generators for disposal of low-level radioactive waste**.** The maximum disposal rate would be the same as the Executive Director's recommended disposal rate that was part of the State Office of Administrative Hearings (SOAH) hearing process. Disposal fees for low-level radioactive waste are set to cover the cost of operating the WCS disposal site facility.

Copies of the proposed rulemaking can be obtained from the TCEQ's Web site at

http://www.tceq.texas.gov/nav/rules/propose_adopt.html.

Proposed Rates

To date, WCS has entered into six-year disposal contracts with various generators whom would be required to pay the subject proposed rulemaking fees under their contract rates. The contract rates were based on the Executive Director's interim disposal rates.

The proposed rule would adopt rates equal to the interim disposal rates except for the rate charged for Class A low-level radioactive waste disposal. Instead of the $150 per cubic foot set under the interim rate, the proposed Class A disposal rate would be $100 per cubic foot.

The lower Class A disposal rate would be the base rate that would apply to generators who contract with WCS after the proposed rule is adopted. Using the parameters of the proposed rates, WCS would decide on the actual rates to be charged to a generator under future contracts.

In Fiscal Year 2012, party-state generators disposed of 2,734.81 cubic feet of Class A waste at the WCS disposal facility site. TCEQ projects an increase in the volume of Class A waste to be disposed in future years.

The rates under the proposed rule did not change for Class B and C low-level radioactive waste which, after one year in operation, appear to be the most common waste types disposed of at the site.

Anticipated Schedule and Hearing

The proposed rule was published in the *Texas Register* on June 21, 2013, with a public comment period then running through July 22, 2013. A public hearing is anticipated to be held on July 19, 2013. The anticipated adoption date of the rule would be November 6, 2013.

The July 19 public hearing on this proposal is scheduled to begin at 10:00 a.m. in Building E, Room 201S, located at the TCEQ's central office located at 12100 Park 35 Circle in Austin, Texas. The hearing is structured for the receipt of oral or written comments by interested stakeholders. Individuals may present oral statements when called upon in order of registration. Open discussion will not be permitted during the hearing; however, TCEQ staff members will be available to discuss the proposal 30 minutes prior to the hearing.

Submittal of Comments

Written comments on the proposed rule may be submitted via the following methods:

- mail to Charlotte Horn, MC 205, Office of Legal Services, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087;
- facsimile to (512) 239-4808; or
- electronically at *http://www5.tceq.texas.gov/rules/ecomments/*.

Please note that file size restrictions may apply to comments being submitted via the eComments system.

All comments should reference Rule Project Number 2013-017-336-WS.

The comment period closes July 22, 2013.

Background

Texas Health and Safety Code (THSC)§401.245, requires the Commission by rule to adopt and periodically revise party state compact waste disposal fees. Senate Bill 1504 allowed the TCEQ Executive Director to set interim party state compact waste disposal fees effective only for the period beginning on the date the compact waste disposal facility license holder is approved to accept waste at the disposal facility and ending on the effective date of the rules establishing the fees.

On August 25, 2011, the Executive Director set the interim disposal rates which will remain in effect until a final maximum disposal rate

schedule is adopted by rule. (See *LLW Notes*, July/August 2011, pp. 13-14.) On February 3, 2012, after a technical review of WCS' low-level radioactive waste disposal rate application, the Executive Director published the recommended rate schedule in the *Texas Register*. (See *LLW Notes*, January/February 2012, pp. 15-17.)

These recommended disposal rates were subject to a contested case hearing if a party state generator requested one. TCEQ received several hearing requests from party-state generators of low-level radioactive waste and one hearing request from the licensee. Therefore, on May 21, 2012, TCEQ referred the rate application to the SOAH. (See *LLW Notes*, May/June 2012, pp. 14-17.)

As part of the SOAH process, the TCEQ submitted a recommended disposal rate that differed slightly from the original interim disposal rates in that the Class A waste disposal rate was decreased from $150 per cubic foot to $100 per cubic foot. Subsequent to that referral, all parties withdrew from the rate case, and therefore, the case was remanded to the Executive Director.

Under 30 Texas Administrative Code (TAC) §336.1309(g), the Executive Director is required to initiate an expedited rulemaking to establish rates once the initial maximum disposal rates have been determined. This rulemaking would set out the maximum disposal rates.

For additional information, please contact Tonya Baer, the TCEQ Rule Project Manager for the Radioactive Materials Division, at (512) 239-1233 or at tonya.baer@tceq.texas.gov.

WCS Opens Federal Waste Disposal Facility

On June 6, 2013, Waste Control Specialists LLC (WCS) hosted a grand opening ceremony for the Federal Waste Disposal Facility at the company's site in Andrews County, Texas. The event was attended by U.S. Department of Energy (DOE) Environmental Management Senior Advisor David Huizenga and several other federal, state and local officials. During the ceremony, the first container was placed in the new facility from the DOE Los Alamos Field Office.

Opening Ceremony

"I am proud to be here today to celebrate this historic event," stated Huizenga. "We appreciate the State of Texas, the local communities and Waste Control Specialists for their support of our important national cleanup mission and look forward to a continued, collaborative relationship to ensure the safe disposal and long-term management of this nation's low-level and mixed low-level (LLW/MLLW) radioactive waste."

The beginning of disposal operations in the DOE facility comes a little more than a year after WCS began disposing of waste in the Texas Compact Waste Disposal Facility and approximately ten years after the State of Texas paved the way for operation of a low-level radioactive waste disposal facility by a private company.

"WCS is proud to support DOE Environmental Management in cleaning up environmental and public safety problems," said WCS Chief Executive Officer Bill Lindquist. "Our unique low-level radioactive waste disposal capabilities provide a long needed solution that is extremely important to the DOE." Lindquist added that the successful milestone was the result of a cooperative effort between state and federal government, as well as the local community.

"This ten year journey has been marked by a very thorough and deliberative licensing and construction process," stated Lindquist. "It feels great to finally get our full operation underway—and none of it would have been possible without the overwhelming support of the citizens of Andrews County, Texas and Lea County, New Mexico."

Background

On April 12, 2013, DOE announced that the department had 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. (See *LLW Notes*, March/April 2013, pp. 19-20.)

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 constitutes the first contract between DOE and WCS for use of the Federal Waste Disposal 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 WCS facility is licensed to dispose of Class A, B and C low-level radioactive waste and mixed low-level radioactive waste for the DOE. WCS is also licensed for the treatment and storage of mixed low-level radioactive waste and has served as a temporary storage facility for past DOE projects—including the storage and disposal of byproduct material from the DOE cleanup site in Fernald, Ohio.

For additional information, please contact Rod Baltzer, President of Waste Control Specialists LLC, at (972) 450-4235 or at rbaltzer@valhi.net.

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.

Appalachian Compact/Commonwealth of Pennsylvania and State of West Virginia

Three Mile Island Nuclear Plant On April 30, 2013, the U.S. Nuclear Regulatory Commission announced that the Three Mile Island 1 nuclear power plant—which is located in Middletown, Pennsylvania and operated by Exelon Generation Co. LLC—will receive additional oversight based on an inspection finding involving the protection of safety equipment from flooding. The finding, which has now been finalized, was identified by NRC inspectors during one of the agency's numerous post-Fukushima reviews of U.S. reactors. During a walk down, or visual inspection, of Three Mile Island 1's protections against flooding last fall, NRC inspectors identified an external flood barrier deficiency. Specifically, the inspectors determined that the company had failed to identify and correct, during external flood barrier assessments, a problem involving electrical cable conduits–that is, pipes holding such cables. The conduits, located in the plant's air intake tunnel, were not adequately sealed to maintain the integrity of the flood barrier. In the event of severe flooding, the problem had the potential to pose a threat to plant safety equipment. Subsequent to the identification of the issue, Exelon took action to seal the conduits and restore the integrity of the external flood barrier. The NRC will conduct a supplemental inspection at a future date to evaluate the company's root cause analysis and corrective actions with respect to the problem. Exelon was given an opportunity to attend a regulatory enforcement conference to further discuss the NRC's finding or to respond to the finding in writing. The company declined to do so. The NRC uses a color-coded system to classify inspection findings, which range from green, for a safety issue of very low significance, to red, for a safety issue of high significance. In this case, the NRC has determined the inspection finding should be categorized as white, or a safety issue of low to moderate safety significance. The finding will result in the plant moving from the Licensee Response Column of the agency's Action Matrix to the Regulatory Response Column. This will result in additional scrutiny until the agency is satisfied the relevant issues have been properly evaluated and satisfactory corrective actions have been developed and implemented.

Valley Quarries, Inc. On May 6, 2013, NRC announced that the agency had been notified by a Pennsylvania company that a portable moisture-density gauge containing sealed sources of radioactive material is missing in West Virginia. Valley Quarries Inc. of Chambersburg, Pennsylvania reported that one of its employees was taking a reading with the Troxler Model 3430 gauge at a job site near Martinsburg the prior week. After completing the reading, the individual placed the gauge in the back of his pick-up truck and drove away, en route to another worksite. Once he arrived, the gauge user realized the truck's rear gate had opened and the device was missing. Further, the gauge was not in its shipping container. The gauge user and a co-worker promptly drove back along the route just traveled but were unable to find the device. Subsequently, the company's radiation safety officer stated that an employee of another firm reported seeing someone stop along the route to pick up and, then drive off with, what appeared to be the gauge. The gauge contains approximately 8 millicuries of cesium-137 and 40 millicuries of

americium-241. It is used to take measurements by projecting radiation from the two radioactive sources into the ground and then displaying the amount of radiation reflected back to the gauge. There is a plunger-type handle protruding from the top of the gauge. This is used to extend and then retract a radioactive source from the shielded position. When not in use, the handle is normally locked, with the source in the retracted, safely shielded position. The rectangular base of the gauge is bright yellow. As long as the sources are in the shielded position, the gauge would present no hazard to the public. However, any attempt to tamper with the radioactive sources in the device could subject the person trying to do so to be exposed to an unshielded radioactive source, which could result in potentially dangerous radiation exposure. Valley Quarries is licensed to use nuclear gauges by Pennsylvania, which is an NRC Agreement State. That means the state oversees nuclear material license-holders within its borders. However, the company was performing the work in West Virginia, which is not an Agreement State, under a reciprocity agreement with the NRC. Therefore, this situation is under the NRC's jurisdiction, though the agency is coordinating follow-up activities with Pennsylvania. The West Virginia Radiological Health Program Office has been notified about the loss of the gauge.

Central Interstate Compact/State of Arkansas

Arkansas One Nuclear Plant On May 19, 2013, NRC held a public meeting to discuss the results of an Augmented Inspection conducted at Arkansas Nuclear One to review the circumstances surrounding an industrial accident which caused a loss of offsite power to Unit 1 and an automatic shutdown of Unit 2 on March 31. The meeting—which was held in the Reeves E. Richie Training Center at Arkansas Nuclear One—was open to public observation and members of the NRC staff were available to answer questions from members of the public after the business portion of the meeting. Workers were moving a massive electrical generator out of the plant's turbine building during maintenance activity when a lifting rig collapsed, 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. The NRC issued a written report on the results of the inspection within 30 days of the public meeting.

Midwest Compact/States of Indiana and Wisconsin

University of Notre Dame Du Lac On May 10, 2013, NRC announced that the agency has proposed a $3,500 civil penalty against University of Notre Dame du Lac, for security-related violations stemming from a routine NRC inspection. The violations were identified at the university, which is located in Notre Dame, Indiana. The NRC conducted the inspection between November 2012 and January of this year. Once the violations of NRC requirements were identified, the university took immediate corrective actions to restore compliance. Details about security-related violations are not made public. *A copy of the enforcement action will be posted on the Agencywide Documents Access and Management System (ADAMS) at the NRC website at www.nrc.gov.*

Kewaunee Nuclear Plant On June 25, 2013, NRC held a public meeting with representatives of Dominion Energy Kewaunee, Inc. to discuss the agency's assessment of safety performance for last year and the transition to decommissioning oversight at the Kewaunee Nuclear Power Plant. The plant is located in Kewaunee, Wisconsin—approximately 27 miles southeast of Green Bay. During the meeting—which was held at the Carlton Town Hall—NRC staff presented the results of the plant's 2012 annual assessment and the transition from the oversight program for operating reactors to the oversight for reactors undergoing decommissioning. The NRC staff were available to respond to questions or

comments from the public. On May 14, the plant informed NRC that it was permanently shut down. The NRC concluded the inspections for operating reactors and transitioned to the oversight program for reactors undergoing decommissioning on May 31. The NRC's letter on the start of the decommissioning inspection program provides the basis for the discussion of further NRC oversight. Decommissioning inspections will be performed by an NRC resident inspector assigned to the plant and by a decommissioning specialist from the Region III Office in Lisle, Illinois. Among the areas of performance to be inspected this year are activities associated with spent fuel storage and management, radiation protection, emergency preparedness and fire protection. *The most current performance assessment information for Kewaunee under the oversight process for operating reactors is available on the NRC website at www.nrc.gov.*

Southeast Compact/States of Alabama and Tennessee

Farley Nuclear Plant On May 7, 2013, NRC announced that the agency has issued a confirmatory order to Southern Nuclear Operating Co.'s Farley nuclear power plant, which has agreed to a series of corrective actions related to the company's failure to ensure that radiation worker training exams for security officers were not compromised. The Farley plant is located near Columbia, Alabama—approximately 18 miles south of Dothan. The order stems from a settlement achieved under the NRC's Alternative Dispute Resolution process, which was initiated at the request of Southern Nuclear to address an apparent violation that occurred in 2010 and 2011. That violation involved a Farley security officer helping other security officers during radiation worker training exams or actually taking the exam for them. The NRC's ADR process refers to mediation facilitated by a neutral third party with no decision-making authority who assists the NRC and a licensee in reaching an agreement when there are differences regarding an enforcement action. A mediation session between the NRC staff and Southern Nuclear was held on March 15 and a settlement was reached. A confirmatory order, issued on May 6, outlines the corrective actions and steps Southern Nuclear has agreed to take to address the violation. Those steps include fleet-wide actions such as evaluating the testing environment and compliance with applicable training procedures at corporate and operating sites, communicating messages throughout the fleet regarding willful misconduct and its incompatibility with safe nuclear construction and operations as well as holding a fleet-wide stand-down to address and discuss integrity and trustworthiness. Southern Nuclear has also committed to conducting an effectiveness review of all actions taken under the confirmatory order, and evaluating and implementing actions to reinforce communications involving willful misconduct, integrity and trustworthiness annually until 2015. *The confirmatory order is available on the NRC website at www.nrc.gov.*

Sequoyah Nuclear Plant On June 5, 2013, NRC announced that the agency is increasing its oversight of the Sequoyah nuclear power plant after citing the plant for violations of requirements for analyzing and preparing for potential flooding. The Sequoyah plant, operated by the Tennessee Valley Authority, is located on Chickamauga Lake—approximately 16 miles northeast of Chattanooga. The lake is part of the Tennessee River system and TVA must account for potential flooding in the plant design and emergency procedures. No actual flooding event that would have affected the plant's safety equipment has occurred. The NRC staff held a conference with TVA officials in late April to discuss the risk significance of preliminary inspection findings in the flood protection area. After reviewing the NRC inspections and information presented by TVA at the conference, the NRC staff concluded that TVA did not establish adequate flood protection for the potential failure of upstream dams. The NRC staff has classified that violation as white, meaning it has low to moderate safety significance. The NRC also found that TVA had

not taken necessary measures to prevent water from entering the intake pumping station in the event of flooding. The NRC staff has also classified that violation as white. The Sequoyah plant was also cited for a violation because TVA did not notify the NRC within eight hours after discovery that the potential failure of the upstream dams and subsequent potential onsite flooding resulted in an unanalyzed condition affecting plant safety. The NRC will schedule an inspection to evaluate TVA's corrective actions and TVA must respond in writing with their corrective actions for the reporting violation. The NRC also identified a similar violation for the potential upstream dam scenario and the reporting violation at TVA's Watts Bar nuclear plant.

Watts Bar Nuclear Plant On June 7, 2013, NRC announced that the agency has concluded there are no environmental impacts that would preclude issuing an operating license for the under-construction Watts Bar 2 reactor near Spring City, Tennessee. The NRC's conclusions are laid out in Supplement 2 to the Watts Bar 2 Final Environmental Statement. The Tennessee Valley Authority (TVA) began Watts Bar 2's operating license application in 1976, when the NRC's reactor licensing process involved first applying for a construction permit and then a license. TVA obtained construction permits for two Watts Bar reactors in 1973, with Unit 1 completing the licensing process and starting operations in 1996. TVA halted construction of Unit 2 in late 1985, and then informed the NRC in August 2007 that it would resume construction of Unit 2. TVA is requesting permission to operate Unit 2—a 1,150-megawatt electric, Westinghouse-designed pressurized-water reactor of the same type as Unit 1. The Watts Bar site is approximately 50 miles northeast of Chattanooga, Tennessee. TVA, which operates under many of the requirements of a U.S. government agency, issued its own Final Supplemental Environmental Impact Statement for Unit 2 in February 2008 and updated its operating license application on March 4, 2009. The NRC is required to do its own environmental review and held meetings near the plant in October 2009 to gather the community's comments before issuing its draft conclusions in October 2011. The staff held additional meetings in December 2011 for the public to comment on the draft report. The NRC also sought input from federal, state, tribal, regional and local agencies during the review. The NRC continues its safety review of the license application, and the agency expects to update its Final Safety Evaluation Report on Unit 2 in May 2014. The NRC must complete both the safety and environmental reviews before reaching a decision on whether TVA can begin operating Watts Bar Unit 2. *The supplement is available on the agency's website, as well as the NRC's electronic document database, ADAMS, under accession number ML13144A202.*

Southwestern Compact/State of California

San Onofre Nuclear Plant In early May 2013, the Atomic Safety and Licensing Board (ASLB) decided partially in favor of a public interest group that petitioned for a hearing on the NRC's Confirmatory Action Letter process regarding steam generator issues at the San Onofre nuclear power plant in California. The ASLB is a three-member board of administrative judges independent of the NRC staff that conducts adjudicatory hearings on major agency licensing actions. The board's decision concludes that this particular Confirmatory Action Letter process, in which San Onofre seeks to restart Unit 2, is effectively a license amendment proceeding. Therefore, the Atomic Energy Act and NRC rules give the public the opportunity for an adjudicatory hearing. The Board's decision provided the public interest group, Friends of the Earth, with the relief it requested–namely, the opportunity for a hearing on the license amendment. Accordingly, the Board's decision terminates the proceeding at the Board level. The Board also offered reasons why this decision applies only to the unusual facts in the San Onofre process and not to the whole category of Confirmatory Action Letters. San Onofre discovered unexpectedly severe levels of wear in its steam generator tubes

in early 2012, and the NRC issued the Confirmatory Action Letter in March 2012 to ensure the plant would appropriately explain and account for the steam generator wear before the plant could restart. In June 2012, Friends of the Earth asked the five-member Commission in charge of the agency to require an adjudicatory hearing. The Commission instructed the ASLB in November 2012 to examine whether the NRC's procedures mandated an adjudicatory hearing in this particular case. On March 22, 2013, the board heard arguments from the plant owner, Southern California Edison, from Friends of the Earth, and from NRC legal staff. Southern California Edison applied for a related license amendment on April 5, 2013, and the NRC issued a *Federal Register* notice on April 16 providing the public the opportunity to request a hearing. The ASLB's decision can be appealed to the Commission. *Documents related to the San Onofre steam generator issue are available on the NRC website at www.nrc.gov.*

State of Nebraska

Cooper Nuclear Plant On June 26, 2013, NRC held a meeting with officials from the Nebraska Public Power District (NPPD) to discuss the licensee's actions to improve human performance and problem-solving issues at the Cooper nuclear plant. Cooper is located 23 miles south of Nebraska City, Nebraska. During the meeting—which was open to public observation and held in the NRC's Region IV office in Arlington, Texas—NPPD officials briefed NRC staff on recent improvement efforts to address human performance and problem solving deficiencies detailed in the NRC's annual assessment letter. Observers were provided an opportunity to ask questions of the NRC staff before the meeting was adjourned. *The NRC annual assessment letter is available through the agency's website at www.nrc.gov.*

State of New Hampshire

Seabrook Nuclear Plant From June 3-7, 2013, an international team of nuclear safety experts conducted a follow-up safety review at the Seabrook nuclear power plant. The focus of this review was on the responses to the recommendations developed following an earlier, more comprehensive review of operational safety practices at the Seabrook, New Hampshire facility. There were four members on the follow-up team, including a team leader and deputy team leader from the Vienna-based International Atomic Energy Agency (IAEA), an evaluator from France and an evaluator from Brazil. The voluntary peer review, which is coordinated by the IAEA, is known as an Operational Safety Review Team (OSART) visit. The initial OSART assessment was conducted at the plant from June 7-23, 2011 by a 14-member team. Members of the team came from countries that included France, the United Kingdom, Sweden, Canada, China, Spain, Brazil, Russia and the Czech Republic. No new safety-significant issues were identified during the 2011 review. The OSART program was established by IAEA in 1982. It is designed to assist member states in enhancing the operational safety of nuclear power plants and fostering continuous improvement through the dissemination of information on best practices. The Seabrook OSART was the seventh such review of a U.S. nuclear power plant since the program's launch. *The final OSART report is available in the NRC's Agencywide Documents Access and Management System (ADAMS) under accession number ML12081A105. ADAMS is available at: http://adams.nrc.gov/wba/.*

State of North Carolina

McGuire Nuclear Plant On May 22, 2013, NRC approved a request by Duke Energy Carolinas to increase the generating capacity of McGuire Nuclear Station Units 1 and 2 by 1.7 percent each. The NRC staff's evaluation determined that Duke could safely increase the reactors' power output primarily through more accurate means of measuring feedwater flow. As part of its

evaluation, NRC staff reviewed the company's analysis showing the plant's design can accommodate the increased power level. The NRC's safety evaluation of the plant's proposed power increase focused on several areas, including the nuclear steam supply systems, instrumentation and control systems, electrical systems, accident evaluations, radiological consequences, fire protection, operations and training, testing, and technical specification changes. Duke intends to implement Unit 2's increase during its spring 2014 refueling outage, and Unit 1's increase during its fall 2014 outage. The NRC previously published a notice about the power increase application in the *Federal Register*. *The agency's evaluation of the McGuire power increase is available on the NRC website at www.nrc.gov.*

Harris Nuclear Plant On June 4, 2013, NRC held a public meeting to discuss its special inspection regarding the discovery of a quarter-inch flaw in a reactor vessel head nozzle at the Shearon Harris nuclear plant and the ensuing repairs by Duke Energy. The plant, operated by Duke, is located near New Hill, North Carolina—approximately 20 miles southwest of Raleigh. The public was invited to attend the meeting—which was held at the Holly Springs Cultural Center—as well as to participate in the discussion with NRC officials. The plant was shut down on May 15 when further analysis of ultrasonic data gathered during an earlier refueling outage revealed an irregularity about one-quarter inch long in a nozzle on the vessel head. The flaw did not penetrate the vessel head wall and there was no leakage. Duke Energy has completed repairs and expects to restart the unit soon. The NRC dispatched two specialized inspectors from the Region II offices in Atlanta to supplement the plant's resident inspectors in assessing the events leading up to the discovery of the flaw. They also examined previous ultrasonic test records for the vessel head and evaluated the company's repair of the problem. Preliminary findings of the inspection team were discussed at the meeting, and the final inspection report will be released by mid-July.

Advisory Committee on Reactor Safeguards (ACRS)

ACRS Appoints New Members

In early June 2013, the U.S. Nuclear Regulatory Commission announced that the agency has appointed Dr. Peter Riccardella and Dr. Ronald Ballinger to the Advisory Committee on Reactor Safeguards (ACRS) for four-year terms.

Riccardella has more than 45 years' experience working on the structural integrity of nuclear power plant components. He is an authority in the application of fracture mechanics to nuclear pressure vessels and piping and has made significant contributions to the diagnosis and correction of materials degradation concerns at operating plants. He has been a principal investigator on a number of Electric Power Research Institute (EPRI) projects and served more than 20 years as a member of the American Society of Mechanical Engineers (ASME) Subcommittee on Nuclear Power Plant Inservice Inspection. Riccardella earned his Bachelor's, Master's and Doctorate degrees in mechanical engineering from Carnegie Mellon University, and is a Fellow and Life Member of the ASME.

Ballinger is a Professor of Nuclear Science, Materials Science and Engineering and is Head of the H.H. Uhlig Corrosion Laboratory at the Massachusetts Institute of Technology (MIT). His areas of specialization are materials selection, nuclear engineering systems, environmental degradation and life assessment of these systems. In addition to the courses he has taught at MIT, Ballinger has also developed and taught several industrial courses on environmental degradation with EPRI and the Materials Aging Institute. Ballinger has a Bachelor's in Mechanical Engineering from Worcester Polytechnic Institute. He earned Master's Degrees in Nuclear Engineering and Materials Science and a Doctorate in Nuclear Materials Engineering from MIT. He is a member of several professional

societies and has chaired the Materials Science and Technology Division of the American Nuclear Society.

The other members of the ACRS include:

- J. Sam Armijo, Chairman, Adjunct Professor of Materials, Science and Engineering at the University of Nevada, Reno;
- John Stetkar, Vice Chairman, Principal of Stetkar and Associates, Lake Forest, California;
- Harold Ray, Member-at-Large, retired Chief Executive Vice President of Southern California Edison Company, Rosemead, California;
- Sanjoy Banerjee, Professor of Chemical Engineering and Director of the Institute for Sustainable Energy Technologies at the Grove School of Engineering at City College of New York, New York;
- Dennis Bley, President of Buttonwood Consulting, Inc., Oakton, Virginia;
- Charles Brown, Jr., Senior Advisor for Electrical Systems for BMT Syntek Technologies, Inc., Arlington, Virginia;
- Michael Corradini, Professor and Chairman of the Department of Engineering Physics at the University of Wisconsin, Madison;
- Dana Powers, Senior Scientist for Sandia National Laboratories in Albuquerque, New Mexico;
- Joy Rempe, Laboratory Fellow and Group Leader at the Idaho National Laboratory, Idaho Falls, Idaho;
- Michael Ryan, Principal of Michael T. Ryan and Associates LLC, Lexington, South Carolina;
- Stephen Schultz, Nuclear Engineering Consultant in Charlotte, North Carolina and a Consultant to the International Atomic Energy Agency;
- William Shack, retired Associate Director of the Energy Technology Division, Argonne National Laboratory, Argonne, Illinois; and,
- Gordon Skillman, Independent Consultant in Nuclear Power Plant Design and registered Professional Engineer in Pennsylvania and Virginia.

All biographies are available on the NRC website at www.nrc.gov.

Atomic Safety and Licensing Board (ASLB)

ASLB to Hold Hearing on Proposed New Reactor in Michigan

On October 30, 2013, an Atomic Safety and Licensing Board (ASLB) will hold a hearing concerning a challenge by several environmental groups to the Combined License application for a new nuclear reactor at the Fermi site in Monroe County, Michigan. The ASLB is the independent body within the NRC that conducts adjudicatory hearings and renders decisions on legal challenges to licensing actions.

Hearing

The hearing, which begins at 9:30 a.m. EDT, will be held in the Monroe County Courthouse's

Board Meeting Room at 125 E. Second St. in Monroe. If necessary, the Board will continue the hearing through Friday, November 1. Members of the public and media are welcome to observe the evidentiary hearing, but participation in the hearing will be limited to the parties and their lawyers and witnesses.

Oral Comments

The Board will also take comments from interested members of the public, known as limited appearance statements, on Tuesday, Oct. 29, from 1:00 – 3:00 p.m. and from 7:00 – 8:30 p.m. in the Meyer Theater at the Monroe County Community College's La-Z-Boy Center at 1555 S. Raisinville Road in Monroe. These statements are not testimony or evidence, but they nonetheless may aid the Board and/or the parties in considering the issues in the hearing Speakers will be allotted approximately 5 minutes each for their statements, and the Board reserves the right to end the comment sessions early if all those present have had the opportunity to speak.

Those interested in speaking may request time prior to or during the limited appearance sessions. Requests submitted prior to the limited appearance sessions will be given priority. Members of the public may submit written requests to make an oral statement until 5:00 p.m. EDT on Friday, October 18, via mail to:

Administrative Judge Ronald M. Spritzer
Atomic Safety and Licensing Board Panel
Mail Stop T-3F23
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

via facsimile to (301) 415-5599 or via email to onika.williams@nrc.gov and ronald.spritzer@nrc.gov.

Written Comments

Those who cannot attend the sessions in Monroe can submit written statements using the methods above by sending copies via mail to:

Office of the Secretary
Rulemaking and Adjudications Staff
U.S. Nuclear Regulatory Commission
Washington, D.C. 20444-0001

via facsimile to (301) 415-1101 or via e-mail to hearingdocket@nrc.gov.

Background

This hearing involves Detroit Edison's application to build an Economic Simplified Boiling Water Reactor at the Fermi site. Several environmental groups, including Beyond Nuclear, Citizens for Alternatives to Chemical Contamination, Citizens Environmental, Alliance of Southwestern Ontario, Don't Waste Michigan and the Sierra Club, filed a legal challenge opposing the application. The groups argue that the environmental review of the proposed reactor fails to adequately analyze and discuss impacts on the eastern fox snake at the site. The groups also argue that quality assurance concerns regarding safety analysis work by Detroit Edison and its contractor prevent the NRC from issuing a license for the proposed reactor. The hearing will examine these two arguments.

Documents related to the Fermi application are available on the NRC website at www.nrc.gov. Documents regarding the ASLB proceeding are available on the NRC's Electronic Hearing Docket by clicking on the folder entitled "Fermi_52-033-COL" on the left side of the page. More information about the role of the ASLB in the licensing process is available on the NRC website.

(Continued from page 1)
through this CRCPD SCATR opportunity are eligible for disposal at Clive.

For further information on the one year EnergySolutions license variance for sealed source disposal at Clive, please see http://www.radiationcontrol.utah.gov/EnSolutions/docs/2012/Apr/Variance.PDF.

Please note that CRCPD cost-shared opportunities are subject to both funding and time constraints. It is therefore recommended that licensees with disused sealed sources register their sources as soon as possible.

Process and Timeline

In order to take advantage of this limited-time, cost-sharing opportunity, sealed source licensees will need to do the following:

1. Register: Register Class A, B, and C disused sources with the Off-Site Source Recovery Project (OSRP) at http://osrp.lanl.gov/PickUpSources.aspx. Sources must be registered with OSRP to qualify for disposal under this opportunity. Sources not qualifying for this opportunity may also be registered for consideration under future opportunities.

2. Update: If sources are already registered with OSRP, licensees should update the registration. Each source must be uniquely identified by a serial number or other unique identifier. Please also ensure that the appropriate site point of contact information is current and accurate.

3. Deadline: The initial collection will take place in Illinois, Indiana, Ohio, and New York. All sources in these states must be registered with OSRP by May 30, 2013 to qualify for this initial opportunity. Licensees in non-pilot states were required to register eligible sources by June 30, 2013.

4. Broker Engagement: A certified waste disposal broker under contract with CRCPD will contact potentially qualifying generators to confirm sealed source information, provide a cost estimate for collection, processing, and disposal, and arrange a date and time for collection.

5. Collection: Upon the broker's arrival for collection of the material, facilities should have ready any available documentation pertaining to the activity, isotope, and date of manufacture or original assay of all sources to be collected, and also ensure that Class B and C sources are separated from the Class A sources.

6. Limited Time Opportunity: Class A sources are only eligible for disposal at the Energy*Solutions* Clive, Utah facility during the one year variance window. The program is also subject to the availability of cost-share funds.

Eligible Sources

Class A The collection for sealed source disposal at Clive will include a range of Class A sealed sources which meet the criteria specified below.

- Each source by itself must meet the definition of Class A waste as defined in 10 CFR 61.55:
  - The quotient of the current activity of the radionuclide in the source divided by the volume of the source cannot exceed the Class A limit as specified in 10 CFR 61.55 tables.
  - This includes any radionuclide not specifically listed in the 10 CFR 61.55 tables with a half life < 5 years.
  - Other restrictions may apply.
- Commonly used radionuclides and their approximate Class A activity limits which could qualify for the collection include those in Table 1 below.

Table 1: Commonly Used Radionuclides and Class A Limits					
Isotope	**Class A Limit**	**Isotope**	**Class A Limit**	**Isotope**	**Class A Limit**
^{60}Co	700 microCi/ cm3	^{125}I	700 microCi/ cm3	^{192}Ir	700 microCi/ cm3
^{137}Cs	1 microCi/cm3	^{109}Cd	700 microCi/ cm3	^{65}Zn	700 microCi/ cm3
^{153}Gd	700 microCi/ cm3	^{133}Ba	unlimited	^{204}Tl	700 microCi/ cm3
^{55}Fe	700 microCi/ cm3	^{68}Ge	700 microCi/ cm3	^{22}Na	700 microCi/ cm3
^{57}Co	700 microCi/ cm3	^{152}Eu	unlimited	^{54}Mn	700 microCi/ cm3
^{210}Po	700 microCi/ cm3	^{147}Pm	700 microCi/ cm3	^{195}Au	700 microCi/ cm3

Class B and C Class B and C sources are also eligible for packaging and collection at the same time as the Class A collection is made under this opportunity. Class B and C sources will be separately processed, packaged, and disposed at WCS in Andrews County, Texas on a similar cost-share basis.

- Qualifying sources may include those that meet the Nuclear Regulatory Commission (NRC) definition for Class B and Class C radioactive waste. For waste classification purposes, the activity in a waste package may be averaged over the entire package in accordance with the NRC's 1995 "Final Branch Technical Position on Concentration Averaging and Encapsulation."
- Some radionuclides such as C-14 may have site specific constraints.

For additional information regarding this opportunity, please call or email Russ Meyer at CRCPD at (512) 761-3822 or at rmeyer@crcpd.org.

U.S. Nuclear Regulatory Commission

NRC Hosts Webinar to Discuss Revisions to NUREG/BR-0204, Rev. 2

Instructions for Completing Uniform LLRW Manifest

On June 26, 2013, the U.S. Nuclear Regulatory Commission hosted a public webinar to discuss revisions to NUREG/BR-0204, Rev. 2, "Instructions for Completing NRC's Uniform Low-Level Radioactive Waste Manifest."

The webinar, which was open to all interested stakeholders, was held from 1:00 to 3:00 pm EST.

Purpose

According to the Public Workshop Notice, the purpose of the webinar was to gather state representative comments for the revision to NUREG/BR-0204. Specifically, the NRC staff was interested in obtaining comments from co-regulators at the states to understand how revisions to the NUREG will affect the Agreement States. Comments received during the webinar will be incorporated in a draft document that will be issued for public comment at a later date.

Participation

Participants from the NRC staff included members of the Office of Federal and State Materials and Environmental Management Programs. Representatives from the States of Pennsylvania, South Carolina, Tennessee, Texas, Utah, and Washington also participated in the meeting.

Agenda

The following was the agenda for the June 26 webinar:

1:00 – 1:15 pm	Introduction	NRC Staff
1:15 – 1:30 pm	Background	NRC Staff
1:30 – 2:30 pm	Discussion of Issues	NRC Staff State Reps
2:30 – 3:00 pm	Questions	Public

Submitting Comments

This was a Category 2 Meeting. At this type of meeting, the NRC anticipates that the public will obtain factual information and provide the agency with feedback on the analysis of the issues, alternatives, and/or decisions. The NRC staff also encourages the submission of written comments on the matters to be discussed. Those comments may be submitted to www.regulation.gov under Project No. 0800.

Background

Part 20, Appendix G, ``Requirements for Transfers of Low-Level Radioactive Waste (LLRW) Intended for Disposal at Licensed Land Disposal Facilities and Manifests" requires that an NRC Uniform Waste Manifest (Shipping Paper and Container and Waste Description) be prepared for low-level radioactive waste intended for ultimate disposal at a licensed land disposal facility. The waste generator, collector, or processor who transports, or offers for transportation, low-level radioactive waste must prepare the manifest reflecting information requested on applicable NRC Forms 540 (Uniform Low-Level Radioactive Waste Manifest Shipping Paper) and 541 (Uniform Low-Level Radioactive Waste Manifest Container and Waste Description) and, if necessary, on an applicable NRC Form 542 (Uniform Low-Level Radioactive Waste Manifest Index and Regional Compact Tabulation). NRC Forms 540 and 540A must be completed and must physically accompany the pertinent low-level radioactive waste shipment.

pertinent low-level radioactive waste shipment. Per Appendix G of 10 CFR Part 20, the shipper of the waste must include, on the uniform manifest for the waste shipment, ``[t]he activity of each of the radionuclides H-3, C-14, Tc-99, and I-129 contained in the shipment." These isotopes are of concern because they were found to be especially important to safety from groundwater migration in the 10 CFR Part 61 Draft Environmental Impact Statement (ADAMS Accession No. ML060930564).

In SECY-13-0001, ``Staff Recommendations for Improving the Integration of the Ongoing 10 CFR Part 61 Rulemaking Initiatives" (ADAMS Accession No. ML12199A412), staff noted that involved members of the public have recommended that the earlier assumptions concerning the above isotopes cited in the 10 CFR Part 20, Appendix G should be revisited.

Unfortunately, the activities of H-3, C-14, Tc-99, and I-129 are DTM in the radioactive waste that is generated. Involved members of the public suggest that H-3, C-14, Tc-99, and I-129 are being over-estimated in current site inventory dose assessments because of a reliance on a default value when the amount of the physical isotope in question is below some lower limit of detection threshold for these isotopes. If true, the cumulative effect of this over reporting results in an over-estimation of the site inventory, thus, if reporting requirements are not updated, disposal sites may have to close prematurely due to over-estimation in site inventory dose assessments.

Additionally, the State of Texas required the performance assessment for the Waste Control Specialists (WCS) low-level radioactive waste disposal facility in Andrews County to address Cl-36 because it is also a key contributor to the groundwater dose and was analyzed in NUREG-1573, ``A Performance Assessment Methodology for Low-Level Radioactive Waste Disposal Facilities" (ADAMS Accession No. ML053250352). Cl-36 may also be over-reported because of minimum detection reporting criteria, thus it is included in the effort to update NUREG/BR-0204.

Involved members of the public would like the NRC to address the manifesting of these isotopes. The NRC staff believes it is possible to revise NUREG/BR-0204, Rev. 2 to provide improved reporting guidance for the DTM radionuclides rather than making changes to 10 CFR Part 20. The NRC staff will also evaluate inclusion of Cl-36 in the update to NUREG/BR-0204, Rev. 2.

For additional information, please contact Donald Lowman of the NRC at (301) 415-5452 or at Donald.Lowman@nrc.gov.

Comment Sought re Proposed Revisions to Policy Statements on Agreement State Programs

The U.S. Nuclear Regulatory Commission is seeking public comment on proposed revisions to two policy statements about the agency's Agreement State programs. The changes, which were published in the *Federal Register* on June 3, 2013, would incorporate language about security of radioactive materials, as well as other current NRC policies and practices that are not addressed in the existing policy statements.

Policy Statements

Agreement States—of which there are currently 37—license and regulate the use of radioactive materials in industry, medicine and academics under an agreement with the NRC. Agreement State radioactive materials programs must be adequate to protect public health and safety, and have regulations that are compatible with the NRC's.

The NRC staff worked with the Agreement States to revise two policy statements:

- Policy Statement on Adequacy and Compatibility of Agreement State Programs, and
- Statements of Principles and Policy for the Agreement State Program.

Both policy statements were originally issued in 1997. Since the terrorist attacks of September 11, 2001, the NRC and Agreement States have implemented new security requirements for radioactive materials under their mandate to protect public health and safety. The revisions attempt to demonstrate a clear connection between public health and safety and security.

Submitting Comments

The public may submit comments on the proposed changes until August 19, 2013. Comments may be submitted

- via website at http://www.regulations.gov using Docket ID NRC-2013-0081;
- 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 policy statements are available on the federal rulemaking website at http:// www.regulations.govunder Docket ID NRC-2013-0081.

For additional information, please contact Maureen Conley of the NRC at (301) 415-8200.

NRC Seeks Comment re Foreign Ownership of Nuclear Power Plants

The U.S. Nuclear Regulatory Commission is seeking public comment on issues related to foreign ownership, control and domination of commercial nuclear power plants. On June 19, 2013, the agency held a public meeting to discuss the topic at NRC headquarters in Rockville, Maryland.

Background

The Atomic Energy Act and NRC regulations disqualify any applicant for a nuclear power plant operating license if the applicant is owned, controlled or dominated by a foreign national, a foreign corporation or a foreign government. In recent years, a number of licensing actions before the NRC have involved complex issues of foreign ownership, control and domination. According to NRC, this is likely due to the increased globalization of the electric power industry and complexity of corporate structures generally.

In March 2013, the Commission directed the staff to prepare a fresh assessment of foreign ownership issues and propose any changes to guidance or practice that may be warranted. The staff's assessment and proposals are due to the Commission by December 31, 2013. At this time, no specific changes to guidance or regulation are under consideration. The staff requested public comment, with specific questions about the extent of indirect foreign ownership that should be allowed, in a notice that was published in the *Federal Register* on June 3, 2013.

Public Meeting and Comment

The June 19 public meeting was held from 9:00 a.m. to noon in the Commission Hearing Room at

One White Flint North at 11555 Rockville Pike in Rockville, Maryland.

Written comments will be accepted through August 2, 2013. Comments may be submitted via

- the federal government's Rulemaking website at www.regulations.gov using Docket ID NRC-2013-0107; or

- mail to Cindy Bladey, Chief, Rules, Announcements, and Directives Branch, Office of Administration, Mail Stop: TWB-05-B01M, U.S. Nuclear Regulatory Commission, Washington, DC, 20555-0001.

For additional information, please contact Dave McIntyre of the NRC at (301) 415-8200.

License Renewals Continue to Move Forward

The U.S. Nuclear Regulatory Commission (NRC) continues to process license renewal applications from various nuclear power plant operators. In that regard, the agency recently took the following actions:

- On May 29, 2013, NRC received an application from Exelon Generation Company to renew the operating licenses for the Braidwood and Byron nuclear power plants in Illinois for an additional 20 years of operation. The Braidwood Nuclear Station, located 20 miles southwest of Joliet, and the Byron Nuclear Station, located 17 miles southwest of Rockford, each have two pressurized-water reactors. The current operating licenses for Braidwood expire on October 17, 2026 for Unit 1 and on December 18, 2027 for Unit 2. The licenses for Byron expire on October 31, 2024 for Unit 1 and on November 6, 2026 for Unit 2. Exelon, in submitting a single application to cover both plants, cited extensive similarities in the systems, structures and components of each that are analyzed in a license renewal review. The NRC staff is currently reviewing the application to determine if it is sufficiently complete to begin its extensive safety and environmental reviews. If the application is determined to be complete, the staff will docket it and publish a notice of opportunity to request an adjudicatory hearing before the agency's Atomic Safety and Licensing Board.

- On May 23, 2013, NRC staff will host two public meetings to present a draft report that assesses the environmental impacts of extending the license of the Limerick nuclear power plant in Limerick, Pennsylvania. Staff will accept comments during the meetings. Limerick is the site of two boiling-water reactors owned and operated by Exelon Generation Co. LLC. The company submitted a license renewal application for the plant on June 20, 2011. The current operating licenses for Limerick Units 1 and 2 expire on October 26, 2024 and on June 22, 2029, respectively. The draft report, known as a Draft Environmental Impact Statement, was issued on April 30, 2013. As part of its license renewal application, the company was required to submit an environmental report. The NRC staff reviewed the report and performed an on-site audit. The staff also considered comments made during what is known as the environmental scoping process. Based on its review, the NRC staff has preliminarily recommended that the Commission determine the adverse environmental impacts of license renewal for the Limerick plant are not so great that preserving the option of license renewal for energy planning decision-makers would be unreasonable. This recommendation is based on the analysis and findings in the agency's Generic Environmental Impact Statement on license renewal; the environmental report submitted by Exelon; consultation with

federal, state and local agencies; the NRC staff's own independent review; and the NRC staff's consideration of public comments.

- NRC has issued a draft supplement to an earlier environmental impact assessment prepared by the agency on a license renewal application for the Seabrook nuclear power plant. Public comments are currently being accepted on the draft supplement, which does not alter the NRC preliminary recommendation contained in the Draft Environmental Impact Statement (DSEIS) released in August 2011. In that report, which is a plant-specific supplement to the NRC's Generic Environmental Impact Statement for License Renewal of Nuclear Plants, the agency stated that the adverse environmental impacts of a 20-year extension for the Seabrook, New Hampshire plant were not great enough to deny the option of license renewal. The recommendation is based on, among other things, the NRC's environmental review; the environmental study submitted by the plant's owner, NextEra Energy Seabrook LLC; consultation with federal, state and local agencies; and consideration of public comments. The supplement to the DSEIS incorporates new information obtained by the NRC staff since the report was published. It includes the NRC staff evaluation of revised information provided by NextEra pertaining to the severe accident mitigation alternatives analysis for Seabrook. In addition, the supplement updates the uranium fuel cycle section in the DSEIS in light of a June 8, 2012 federal court decision vacating the agency's Waste Confidence Decision Rule, and it provides information on an analysis of new National Environmental Policy Act issues and associated environmental impact findings for license renewal. A copy of the draft supplement can be found in the NRC's ADAMS electronic documents system via the agency's website at www.nrc.gov using accession number ML13113A174. NextEra submitted the license renewal application for Seabrook on May 25, 2010. The NRC has made it clear that a final decision on the license renewal application will not be issued until concrete degradation issues identified at the plant are satisfactorily addressed.

Under NRC regulations, a nuclear power plant's original operating license may last up to 40 years. License renewal may then be granted for up to an additional 20 years, if NRC requirements are met. To date, NRC has approved license extension requests for 73 reactor units. In addition, NRC is currently processing license renewal requests for several other reactors.

Currently no final licensing decisions for reactors, including license renewal, will be made by the Commission until the waste confidence rule is completed. NRC's waste confidence environmental impact statement and rule are expected by September 2014.

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

NRC Seeks Public Comment on Proposed Rule for Packaging and Transporting Radioactive Materials

On May 15, 2013, the U.S. Nuclear Regulatory Commission announced that the agency is requesting public comment on proposed changes to its regulations for packaging and transporting radioactive material.

Background

The agency's current transportation regulations are based, in part, on standards developed by the International Atomic Energy Agency (IAEA)—an

international standard-setting organization. The IAEA periodically revises its transportation standards to reflect acquired knowledge and experience. The NRC is updating its own regulations to be compatible with the IAEA's 2009 transportation standards and the U.S. Department of Transportation's regulations.

The NRC and the DOT share regulatory authority over radioactive materials transport. The DOT is the lead federal agency for regulating hazardous materials transport in the United States and for interacting with the IAEA.

Proposed Changes

The proposal includes 13 changes designed to improve consistency with IAEA standards. In addition, the NRC is proposing to revise a fissile material exemption to further reduce the very low chance that uranium with very low enrichment could inadvertently begin a nuclear chain reaction.

The NRC is also proposing changes to the requirements for quality assurance programs to allow certain program amendments to be made without prior NRC approval, and to extend the duration of NRC's program approvals. Quality assurance refers to the procedures and actions necessary to provide confidence that a system or component will perform satisfactorily. The quality assurance program changes will make the agency's oversight more efficient and allow its focus to remain on reducing the risk of transportation incidents.

Other changes would clarify the requirements for obtaining a general license, the responsibilities of general licensees, and the roles of certificate holders, applicants for a certificate of compliance, and the users of certified transport packages.

Submitting Comments

The public may submit comments on the proposed changes within 75 days of publication in the *Federal Register*. The proposed rule will be available on the federal rulemaking website at www.regulations.gov under Docket ID NRC-2008-0198.

Comments may be submitted by any of the following methods:

- via the federal rulemaking website at www.regulations.gov under Docket ID NRC-2008-0198;
- via email to Rulemaking.Comments@nrc.gov;
- via fax 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.

For additional information, please contact Maureen Conley of the NRC at (301) 415-8200.

NRC Finalizes Rules re Using and Distributing Uranium & Thorium

In late May 2013, the U.S. Nuclear Regulatory Commission announced that the agency is amending its regulations for products and materials containing unenriched uranium and thorium, also known as source material. The changes include new requirements for distributing source material and licensing its use.

The changes will take effect on August 27, 2013.

Rule Changes

Manufacturers and importers of products that can be used without a license—such as welding rods and gas lantern mantles that contain thorium, and decorative glassware containing uranium—will now need to apply to the NRC for specific licenses to distribute these products. Such licenses

will impose new requirements for labeling, quality control, reporting and recordkeeping.

The new regulations also modify distribution, possession and use requirements for small quantities of source material that can be used or transferred without a specific license. Distributors of small quantities must now apply for specific licenses. For source material being processed or in a dispersible form, such as liquid or powder, the limit on the use or transfer at any one time without a license is decreasing from 15 to 3.3 pounds and the annual limit will drop from 150 to 15.4 pounds. Limits are not changing for anyone possessing source material in a solid, non-dispersible form (such as display samples of depleted uranium metal), removing uranium from drinking water, or determining the concentration of uranium and thorium in a material at a laboratory.

The new regulations also expand the exemption from licensing for optical lenses containing thorium to include lenses and mirrors coated with or containing uranium or thorium. These products are typically used in lasers or other high-technology optical systems.

These new license requirements and possession limits are intended to ensure those who possess source material do so safely, and that the NRC has a better understanding of how much source material is being distributed annually.

Background

The final rule was published in the *Federal Register* on May 29, 2013.

The NRC received 15 comment letters from 10 parties on the proposed rule, which was originally published for public comment July 26, 2010.

Those comments are addressed in the *Federal Register* notice of the final rule.

NRC Hosts Meeting re Cumulative Effects of Regulation

On May 8, 2013, U.S. Nuclear Regulatory Commission staff held a public meeting to discuss how the agency can best account for the combined effect of multiple regulatory actions. The meeting took place in Room T10-A1 of the NRC's Two White Flint building at 11555 Rockville Pike in Rockville, Maryland from 1:00 -5:00 p.m.

The Commission recently directed the staff to continue efforts aimed at ensuring the agency can "consider more completely the overall impacts of multiple rules, orders, generic communications, advisories, and other regulatory actions on licensees and their ability to focus effectively on items of greatest safety import." The Commission also directed the staff to include opinions from those interested in the topic, write up any recommendations and report them to the Commission by March 2015.

During the May 8 meeting, NRC staff described the Commission's directions, as well as the staff's current approach to addressing the Commission's instructions. The staff expects industry and public interest groups to comment on the effort and also invited the public to take part in the discussion.

For additional information, please contact Tara Inverso of the NRC at (301) 415-1024 or at tara.inverso@nrc.gov.

NRC Denies Petition Calling for Proliferation Assessments

On May 31, 2013, the U.S. Nuclear Regulatory Commission announced that the agency has denied a petition for rulemaking submitted by the American Physical Society (APS) that sought to require applicants for uranium enrichment or spent fuel reprocessing licenses to assess potential proliferation risks posed by their facilities. In so doing, the Commission approved the staff's recommendation to deny the petition.

NRC's Decision

According to NRC, one of the agency's primary concerns is to ensure the facilities it regulates that manufacture or use enriched uranium do so safely and securely. The Commission agreed with the staff's assertion that the NRC's comprehensive regulations for licensing, oversight and security of nuclear facilities protect classified information, nuclear materials and technology. Such protections aid the U.S. government's nonproliferation efforts.

In addition, the staff reasoned that the federal government—with its intelligence resources and assessment capabilities—assesses proliferation risks of new technologies or facilities more effectively than a commercial applicant would be able to do so. In this regard, the NRC routinely interacts with and provides expertise to its Executive Branch partners, including the departments of State, Defense, Energy and Commerce.

In reaching its decision, the Commission determined that the agency should explain to the public in plain language how its regulations and activities address these nonproliferation efforts. The Commission also directed that the NRC should periodically review its regulations to ensure they are robust enough to address potential proliferation challenges raised by enrichment or reprocessing technologies the agency has not previously licensed.

"While the Commission denied the petition, the American Physical Society raised important issues that we carefully considered," stated NRC Chairman Allison Macfarlane. "We will now periodically review our regulations and guidance to ensure that they take new technologies into account, and we will more clearly communicate how we look holistically at nonproliferation objectives in our licensing process."

Background

The APS filed the petition in November 2010. NRC published the petition for public comment the following month. The agency received nearly 2,400 comment letters, the majority identical form letters supporting the petition. A summary of the comments received and the staff's responses will be published in a *Federal Register* notice, expected shortly.

Additional information about the NRC's denial of the petition is available in an article posted on the NRC Blog on May 31, 2013. The staff paper outlining the reasons for rejecting the petition (SECY-12-0145), the Commission's Staff Requirements Memorandum, and the Commissioners' individual voting records are also available on the NRC website.

NRC Discusses Post-Fukushima "Regulatory Framework"

On June 5, 2013, U.S. Nuclear Regulatory Commission staff met with interested parties to discuss the staff's progress in implementing a recommendation to revise the NRC's regulatory approach in light of the Fukushima nuclear accident in March 2011.

The meeting was held from 8:00 a.m. to 12:00 noon in Room 1C03 of the NRC's Three White Flint building at 11601 Landsdown Street—just off Marinelli Road in Rockville, Maryland. During the meeting, NRC staff explained their current efforts to respond to Commission direction on implementing the Japan Near-Term Task Force's Recommendation 1, which calls for developing a regulatory framework that appropriately balances requirements for multiple safety measures with consideration of unlikely, high-consequence events.

The public was provided an opportunity to ask questions about the Recommendation 1 effort during the meeting, which included a teleconference and webinar.

Background

The NRC's Japan Near-Term Task Force examined issues raised by the Fukushima Dai-ichi nuclear accident in March 2011. The NRC continues to evaluate and act on the Task Force's recommendations 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 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 task force recommendations and related activities.

For additional information, please contact Scott Burnell of the NRC at (301) 415-8200.

Enhanced Requirements Issued for Post-Fukushima Venting Systems at Many Reactors

On June 6, 2013, the U.S. Nuclear Regulatory Commission directed 31 U.S. reactors to further improve their systems for safely venting pressure from their containment buildings during potential accidents.

The agency's Order supersedes a March 2012 Order for the 31 reactors with "Mark I" and "Mark II" containments to install or improve their "hardened" venting systems. The enhanced Order requires the vents to handle the pressures, temperatures, hydrogen concentrations and radiation levels from a damaged reactor. The enhancements also ensure plant personnel can operate the vents safely if the reactor core is damaged.

"Strengthened vents will help these plants continue to protect the public and the environment even if emergency systems can't immediately stop an accident," stated NRC Chairman Allison Macfarlane. "By safely releasing built-up pressure and hydrogen, the plants will preserve the buildings that contain radioactive material."

The Order covers venting scenarios for both "wetwells," structures meant to condense accident-generated steam and control pressure, and the larger "drywell" structures that surround

the reactor. The Order requires the 31 plants to complete wetwell venting improvements starting in June 2014—depending upon a plant's refueling schedule. The plants must also analyze their drywell venting scenarios and, if necessary, install a drywell venting option starting in June 2017.

The NRC staff is also following Commission direction to develop a rule for the 31 plants to implement strategies to enhance filtering of radioactive material from any vented gases, as well as improve procedures for preserving containment integrity. The staff expects to hold public meetings to discuss both the technical basis for the rule and the preparation of guidance for complying with the Order.

The June 6 Order is available in the NRC's electronic document database, ADAMS, under accession number ML13130A067.

Ten Facilities Designated Eligible for Weapons Pre-Emption Authority

On June 5, 2013, the U.S. Nuclear Regulatory Commission issued an Order designating 10 nuclear facilities in New York, Maryland, Virginia and California as eligible to apply for authority to permit their security forces to possess and use firearms and related devices despite local, state or federal laws and regulations restricting their use.

The designated facilities are the Indian Point, James A. FitzPatrick, Nine Mile Point and R.E. Ginna nuclear power plants in New York; the San Onofre and Diablo Canyon nuclear power plants in California; the Calvert Cliffs nuclear power plant in Maryland; and, the Babcock & Wilcox nuclear fuel fabrication facility in Virginia. The spent fuel storage installations at Diablo Canyon and Calvert Cliffs, which are licensed separately, are also included.

The Energy Policy Act of 2005 gave the NRC authority to permit security forces at NRC-licensed facilities to possess and use firearms, ammunition and large-capacity ammunition feeding devices in the performance of their official duties regardless of local, state or federal restrictions on their use. This "pre-emption authority" became effective with the 2009 publication of guidelines on the use of firearms at NRC-licensed facilities, which were approved by the NRC and the Department of Justice.

The June 5 Order spells out how the designated facilities would apply for pre-emption authority, should they desire to do so, and how the NRC would review any applications. It also requires the designated facilities to perform background checks to verify their security personnel are not prohibited from carrying firearms by state law.

Pre-emption authority, if granted, would ensure the designated facilities can maintain capabilities described in their current NRC-approved security plans. The Order does not grant pre-emption authority to any NRC-licensed facility. It simply designates the class of facilities eligible to apply to the NRC for pre-emption authority.

The Order was published in the *Federal Register* and is also available in the NRC's online ADAMS document database at ML13121A459.

NRC Amends Security Requirements for Spent Nuclear Fuel in Transit

On May 20, 2013, the U.S. Nuclear Regulatory Commission announced that the agency is amending its security regulations for the transport of spent nuclear fuel.

The final rule will be effective Aug. 19.

Amendments

The amendments establish generically applicable security requirements similar to current measures imposed by the agency in Orders to licensees following the terrorist attacks of September 2001. The amendments establish acceptable performance standards and objectives for the protection of spent nuclear fuel shipments from theft, diversion, or radiological sabotage. The changes were published in the *Federal Register* on May 20, 2013.

Enhancements

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

- preplanning and coordination with states and local law enforcement agencies;
- improved communications among movement control personnel;
- requirement for armed escorts throughout the shipment route;
- the development of normal and contingency response procedures; and,
- more thorough background investigations of individuals associated with the shipment.

Background

The final rule addresses all of these areas.

On October 13, 2010, a proposed rule and draft guidance documents were published for public comment. The NRC received 17 comment letters. Comments are addressed in the current *Federal Register* notice.

For additional information, please contact Dave McIntyre of the NRC at (301) 415-8200.

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

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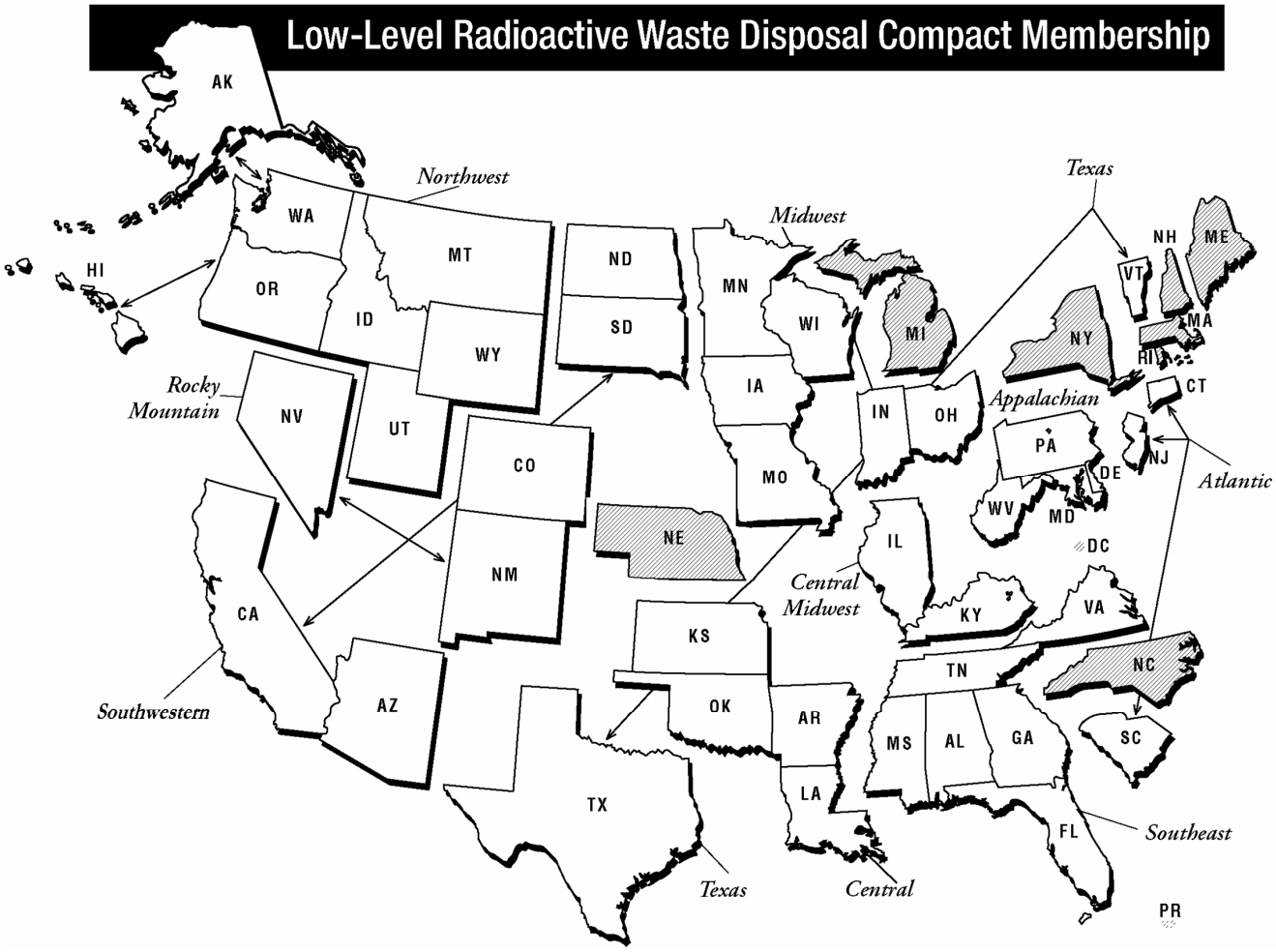
LLW Notes, LLW Forum *Contact Information* and the *Summary Report: Low-Level Radioactive Waste Management Activities in the States and Compacts* are distributed to the Board of Directors of the LLW Forum, Inc. As of March 1998, *LLW Notes* and membership information are also available on the LLW Forum 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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Colorado
Nevada
New Mexico

Northwest accepts Rocky Mountain waste as agreed between compacts

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