

# LLW *notes*

Volume 33 Number 2 March/April 2018

## *Texas Compact Commission*

### Texas Compact Commission Publishes Final Waste Management Rule

On March 23, 2018, the Texas Low-Level Radioactive Waste Disposal Compact Commission (Texas Compact Commission) published a final rule regarding the management of low-level radioactive waste within the Texas Compact in the *Texas Register*. (See 43 *Texas Register* 1,871 dated March 23, 2018.)

In particular, the Texas Compact Commission adopted a new §675.24 titled, “Requirement to Report on the Importation of Certain Low-Level Radioactive Waste for Management or Disposal that is not Required to be Disposed of in the Compact Facility.” The final rule incorporates changes to the text as originally published in the *Texas Register* on November 3, 2017. (See 42 *Texas Register* 6,123 dated November 3, 2017).

*Copies of the proposed rule can be obtained from the Texas Compact Commission's website at <http://www.tllrwdcc.org/rules/>.*

#### **Summary of the Factual Basis for the Adoption of the New Rule**

In order to fulfill its responsibilities with respect to 42 United States Code §§2021(b) - 2021(j) and the Texas Low-Level Radioactive Waste Disposal

Compact §3.04(9) and §3.05(6), as set out in Texas Health and Safety Code (THSC), Chapter 403, the Texas Compact Commission has determined that it is in the public interest to gather information regarding low-level radioactive waste that enters the host state irrespective of whether it requires an agreement for importation for disposal at the Compact Facility.

Pursuant to the Commission's authority set out in THSC §403.006, the Commission adopts a new §675.24 to facilitate the gathering of that information by way of reporting requirements after the entry of the low-level radioactive waste into the state rather than requiring approval for the importation of certain categories of low-level radioactive waste into the host state.

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

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# Low-Level Radioactive Waste Forum, Inc.

## *LLW Notes*

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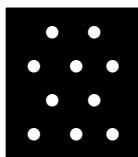
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## Key to Abbreviations

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

## *Low-Level Radioactive Waste Forum, Inc. (LLW Forum)*

### **LLW Forum Hosts Spring 2018 Meeting**

*San Francisco, California*

*April 16-17, 2018*

The spring 2018 meeting of the Low-Level Radioactive Waste Forum (LLW Forum) was held at the Hyatt Regency Airport Hotel in San Francisco, California on April 16-17, 2018.

Designated state and compact members of the LLW Forum Board of Directors met from 2:30 – 5:00 pm on Tuesday afternoon, April 17. The Disused Sources Working Group (DSWG) then met from 9:00 am – 5:00 pm on Wednesday, April 18.

The Southwestern Low-Level Radioactive Waste Compact Commission co-sponsored the meeting.

*Information regarding LLW Forum meetings can be found on the LLW Forum Meeting page of the organization's web site at <http://llwforum.org/llw-forum-meeting/>.*

#### **Agenda**

The LLW Forum meeting agenda covered a range of significant yet diverse topics including, but not limited, to:

- ◆ a presentation by Waste Control Specialists President and COO David Carlson on the completion of the sale of the company to J.F. Lehman & Company addressing industry impacts, vision of the new owners, long-term viability of the facility, and so forth;
- ◆ a comprehensive overview of the international low-level radioactive waste landscape from a representative of the International Atomic Energy Agency (IAEA);
- ◆ an IAEA-led panel session focusing on field missions internationally to help Member

States safely and securely manage their radioactive sources concentrating on the disused sources and end of life management, as well as repatriation or recycling for higher activity sources when there is funding available — including, but not limited to, the Interregional 9182 project on “Cradle to Grave Management of Sources” and the successful missions and progress to date on this project;

- ◆ revisions to the Nuclear/Radiological Incident Annex to the National Response Framework;
- ◆ conductivity risk assessments for disposal of technologically enhanced naturally occurring radioactive material (TENORM) in solid waste landfills; and,
- ◆ U.S. Nuclear Regulatory Commission (NRC) activities and initiatives addressing a variety of topics including the Part 61 rule and associated draft regulatory analysis, 20.2002 alternate disposal guidance, very low-level radioactive waste, uniform waste manifest, Greater-than-Class C (GTCC) technical analysis and decommissioning regulations.

*For a complete listing of all agenda sessions, please see the Agenda as posted on the LLW Forum website at [www.llwforum.org](http://www.llwforum.org).*

#### **Attendance**

Officials from states, compacts, federal agencies, nuclear utilities, disposal operators, brokers/processors, industry, and other interested parties are encouraged to attend the fall 2018 LLW Forum meeting.

LLW Forum meetings are 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. They also offer 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 spring 2018 LLW Forum meeting was held on Monday, April 16 (9:00 am – 5:00 pm) and Tuesday, April 17 (9:00 am – 1:00 pm) at the Hyatt Regency San Francisco Airport, which is located at 1333 Bayshore Highway in Burlingame, California.

The Hyatt Regency San Francisco Airport is conveniently located in Burlingame, situated between downtown San Francisco and near many Silicon Valley industries. Designed for the business and leisure traveler, this San Francisco airport hotel is designed to accommodate both vacationers that want to explore the Bay Area and business executives on the go. The hotel boasts 789 guest rooms including 26 suites, Business Plan rooms and Regency Club level. It features over 69,000 square feet of flexible event space and is located minutes from San Francisco Airport with a 24-hour shuttle service to the hotel and Hertz rentals car service desk on-site. The hotel has a 24-hour fitness center, heated outdoor pool and several restaurants.

*If you have questions or require additional information, please contact Todd D. Lovinger, Esq. — Executive Director of the LLW Forum and Project Director of the Disused Sources and Part 61 Working Groups (DSWG/P61WG) — at (754) 779-7551 or at LLWForumInc@aol.com.*

## **LLW Forum Establishes New Working Group**

### ***Will Address NRC Activities, Initiatives and Rulemakings***

During the spring 2018 meeting of the Low-Level Radioactive Waste Forum (LLW Forum) in California, the organization's Board of Directors passed a resolution to establish a new working group.

The purpose of the new working group is to review, consider and provide timely input and feedback from the states and low-level radioactive waste compact commissions on activities, initiatives and rulemakings of the U.S. Nuclear Regulatory Commission (NRC).

The text of the resolution, as approved by vote of the LLW Forum Board of Directors, is as follows:

### **LLW Forum Resolution re Creation of a Formal Working Group on NRC Activities, Initiatives and Rulemakings**

***San Francisco, California  
April 2018***

As the U.S. Nuclear Regulatory Commission (NRC) has several significant activities, initiatives and rulemakings ongoing related to the management and disposition of low-level radioactive waste including, but not limited to:

- ♦ completion of work on a final rule to amend Title 10 of the Code of Federal Regulations (10 CFR) Parts 20, "Standards for Protection Against Radiation," and Part 61, "Licensing Requirements for Land Disposal of Radioactive Waste;"
- ♦ outreach regarding proposed revisions to its guidance document for alternative

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

disposal requests entitled, “Guidance for the Reviews of Proposed Disposal Procedures and Transfers of Radioactive Material Under 10 CFR 20.2002 and 10 CFR 40.13(a);”

- ♦ preparation for a very low-level radioactive waste (VLLW) scoping study to identify possible options to improve and strengthen the NRC’s regulatory framework for the disposal of the anticipated large volumes of VLLW associated with the decommissioning of nuclear power plants and material sites, as well as waste that might be generated by alternative waste streams that may be created by operating reprocessing facilities or a radiological event;
- ♦ publication of a draft regulatory basis for proposed new regulations on the decommissioning of commercial nuclear power reactors;

As various additional NRC activities, initiatives and rulemakings are planned upon the completion of the 10 CFR Part 61 rulemaking including, but not limited to:

- ♦ drafting of proposed changes to 10 CFR Part 20 Appendix G and NUREG/BR-0204, which require that an NRC Uniform Waste Manifest (UWM) be prepared for waste intended for ultimate disposal at a licensed low-level radioactive waste land disposal facility;
- ♦ consideration of a potential rulemaking on waste classification tables; and,
- ♦ development of a regulatory basis for the disposal of Greater-than-Class C (GTCC) and transuranic waste through means other than a deep geologic disposal, including near surface disposal;

As the NRC is seeking and will continue to seek input from interested stakeholders on

the above-referenced initiatives, rulemakings and other activities related to the management and disposition of low-level radioactive waste;

As all currently operating low-level radioactive waste disposal facilities are regulated by the states in which they are located pursuant to agreements with the NRC;

As the Low-Level Radioactive Waste Forum (LLW Forum) is comprised of designated officials to represent the views and perspectives of states and low-level radioactive waste compact commissions on issues related to the management and disposition of low-level radioactive waste;

As the Low-Level Radioactive Waste Policy Act of 1980 and its 1985 amendments provides that the federal government will provide technical assistance to the states and low-level radioactive waste compact commissions;

As, during a March 2017 meeting, the then-Acting Assistant Secretary for Environmental Management at the U.S. Department of Energy (DOE) informed the LLW Forum that DOE would be reducing its funding to the LLW Forum in FY 2017 by 26% and that other federal agencies need to more equitably participate in future cost-sharing toward this program;

As, in March 2018, DOE notified the LLW Forum of an additional 50% cut in the remaining grant funding allocation for FY 2018;

As, at the fall 2011 LLW Forum meeting, the then-Director of NRC’s Division of Waste Management and Environmental Protection in the Office of Federal & State Materials & Environmental Management Programs specifically requested that the states and low-level radioactive waste

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

compact commissions provide greater input and feedback on NRC activities, initiatives and rulemakings;

As, through the LLW Forum, the states and low-level radioactive waste compact commissions have created working groups to develop and submit input on a variety of NRC activities, initiatives and rulemakings including, but not limited to, the Branch Technical Position on Concentration Averaging and Encapsulation (CA BTP), 10 CFR Part 61 rulemaking, security and accountability of Category 3 radioactive sources and devices, and financial assurance regulations for radioactive byproduct material;

As, these LLW Forum-organized working groups have provided significant benefit and cost efficiencies to the NRC including having the states and low-level radioactive waste compacts resolve, where possible, conflicts and different perspectives prior to the submittal of input on NRC activities, initiatives and rulemakings;

*Now Wherefore Be it Resolved* that the LLW Forum hereby creates a working group that will review, consider and provide timely input and feedback from the states and low-level radioactive waste compact commissions on NRC activities, initiatives and rulemakings to the extent that financial resources are available;

*Now Wherefore Be it Further Resolved* that the LLW Forum will submit an unsolicited application for financial assistance to the NRC to fund the activities of the working group pursuant to NRC Management Directive 11.6, *Financial Assistance Program*, and in line with direction from the DOE for more equitable cost sharing and from NRC for increased comment from the states and low-level radioactive waste compact commissions on NRC activities, initiatives and rulemakings;

*Now Wherefore Be it Further Resolved* that the LLW Forum Chair, in consultation with the LLW Forum Executive Committee, will be empowered to designate state and compact representatives to participate on the working group;

*Now Wherefore Be it Further Resolved* that the working group may seek input from other stakeholders including, but not limited to, other federal agencies, waste disposal facility operators, brokers and processors, industry organizations, generators and users of radioactive materials.

The spring 2018 LLW Forum meeting was held at the Hyatt Regency Airport Hotel in San Francisco, California on April 16-17, 2018. (*See related story, this issue.*)

The Southwestern Low-Level Radioactive Waste Compact Commission co-sponsored the meeting.

*If you have questions or require additional information, please contact Todd D. Lovinger, Esq. — Executive Director of the LLW Forum and Project Director of the Disused Sources and Part 61 Working Groups (DSWG/P61WG) — at (754) 779-7551 or at LLWForumInc@aol.com.*

## LLW Forum Hosts Panel 21 for 2018 Waste Management Conference

On March 19, 2018, the Low-Level Radioactive Waste Forum (LLW Forum) hosted Panel 21 titled, *Hot Topics and Emerging Issues in U.S. Commercial Low-Level Radioactive Waste Management*, at the Waste Management 2018 Conference.

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

Information about the Waste Management 2018 conference is available at [www.wmsym.org](http://www.wmsym.org).

## Panel Topics and Speakers

The LLW Forum-organized Panel 21 focused on emerging issues in U.S. commercial low-level radioactive waste management from the perspective of active members of the LLW Forum. State, compact, federal and industry officials shared their views on a variety of timely and significant topics related to low-level radioactive waste management, disposal and related issues.

In particular, the LLW Forum-organized panel included four panelists representing states/compacts, industry and federal agencies providing insight and perspectives on the following:

- ♦ the U.S. Nuclear Regulatory Commission (NRC) Staff Requirements Memorandum (SRM) dated September 8, 2017 on the Part 61 rulemaking initiative and the related draft regulatory analysis;
- ♦ draft revisions to the 20.2002 guidance document for alternative disposal requests;
- ♦ opportunities to enhance the approach for regulating very low-level radioactive waste; and,
- ♦ an update on and perspectives regarding the power reactor decommissioning rulemaking.

The panelists included

- ♦ John Tappert, Director of NRC's Division of Decommissioning, Uranium Recovery and Waste Programs;
- ♦ Dan Shrum, Senior Vice President of Regulatory Compliance at EnergySolutions;
- ♦ Susan Jenkins, Chief of the Bureau of Radiological Health at the South Carolina

Department of Health and Environmental Control; and,

- ♦ Lisa Edwards, Senior Program Manager in the Nuclear Chemistry, Low-Level Waste and Radiation Management Group in the Science and Technology Division at the Electric Power Research Institute (EPRI).

The LLW Forum-organized Panel 21 was Co-Chaired by LLW Forum Executive Director Todd Lovinger and Past-Chair Leonard Slosky.

The NRC hosted a post-conference public meeting on low-level radioactive waste issues in Phoenix on March 23, 2018. The LLW Forum-organized panel was intended to serve as a precursor to the Friday NRC public meeting.

## Presentations Overview

The following is an overview of the panelists' presentations. Persons interested in greater detail are directed to the speakers' slides.

- ♦ John Tappert provided an overview of the agency's low-level radioactive waste program with a focus on the ongoing Part 61 rulemaking, Greater-than-Class C (GTCC) regulatory basis, alternative disposal request guidance revision, Very Low-Level Waste (VLLW) scoping study and reactor decommissioning rulemaking. Tappert stated that the Commission directed NRC staff to make substantive revisions to the draft proposed final Part 61 rule and republish as a supplemental proposed rule, which the agency expects to do later this year. Tappert further noted that the Commission changed the due date for the draft regulatory basis for GTCC waste through means other than deep geologic disposal to six months after publication of the Part 61 supplemental proposed rule. Tappert stated that the purpose of revising the alternative disposal request guidance is to provide more clarity, consistency and transparency, as well as to clarify the NRC's



position regarding disposal – including reuse and recycle. The final guidance is expected to be issued later this year. The purpose of the VLLW scoping study is to explore options to improve and strengthen the NRC's regulatory framework for VLLW disposal. Possible outcomes include rulemaking, additional guidance documents, greater coordination with other agencies, a determination that further analysis is needed or no action. The final regulatory basis for the reactor decommissioning rule was published in November 2017. A proposed rule/draft regulatory guidance is due to the Commission in May 2018, with a draft final rule/final regulatory guidance expected to be submitted to the Commission in the fall of 2019. Many of these topics were subsequently discussed during an NRC public meeting that was held at the Phoenix Convention Center the day following the conclusion of the Waste Management symposium. There was no registration fee to attend and participate in the NRC public meeting.

- ◆ Dan Shrum expressed support for the VLLW scoping study (not the ongoing exemption process), stating that analysis should be on packages as disposed and affirm that disposal sites must meet siting and financial criteria. In regard to GTCC, Shrum's presentation confirmed support for the concept of disposal in shallow trenches if the performance assessment (PA) and siting can properly inform regulatory decisions, but stated that NRC needs to specifically define GTCC and transuranic (TRU) waste as part of rule-making and should retain oversight. On the draft proposed final Part 61 rule, EnergySolutions supports the direction given in SRM-SECY-16-0106, specifically the 1,000 year compliance period, reinstatement of the case-by-case basis for sites that do not want to take depleted uranium (DU) and narrowing the definition of Defense in Depth as it applies to disposal. According to Shrum, requiring a site specific PA makes modifying

the tables in 61.55 unnecessary. In terms of the decommissioning rulemaking, Shrum expressed support for streamlining decommissioning, reducing the requirement of exemptions and using decommissioning funds early for legitimate decommissioning activities at operating power plants.

- ◆ Susan Jenkins provided perspectives regarding the Part 61 rulemaking initiative, alternative disposal guidance, VLLW scoping study and the reactor decommissioning rulemaking. She stated that she is mostly pleased with the SRM for the Part 61 rulemaking initiative and encouraged continued dialogue with stakeholders, though she noted that it has been a lengthy process and will have limited practical effect in South Carolina. She referenced a redevelopment project in Sayreville, New Jersey as a case study re alternative disposal requests. In that case, the estimated dose was less than 1mrem/year and the project was approved with contingencies including Solid Waste Program review and landfill acceptance. As lessons learned, Jenkins noted that states should be advised to have defined procedures for review, as well as clear guidance for waste classification and exempt status. With regard to the reactor decommissioning rulemaking, Jenkins agrees that most issues can be addressed in guidance and rulemaking, stating that the NRC should recognize state authority over non-radiological activities associated with the decommissioning process.
- ◆ Lisa Edwards gave an overview of two EPRI reports on VLLW including: (1) Report ID 1024844, published in 2012, which investigates international and U.S. application of the concept of VLLW and compares international disposal requirements for VLLW to RCRA C landfill requirements in the U.S.; and, (2) Report ID 3002000587, published in 2013, which provides generic technical basis for defining VLLW in the U.S. and compares results to international definitions of VLLW.

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

Key take-aways from the reports include: VLLW is part of the International Atomic Energy Agency (IAEA) categories; VLLW is successfully used in France, Spain and Sweden; the VLLW concept is currently applied in the U.S. via the 20.2002 exemption process and Agreement States; Resource Conservation and Recovery Act (RCRA) facilities compare favorably to disposal requirements for VLLW used abroad; significant industry O&M and decommissioning savings can be realized with RCRA VLLW disposal path; VLLW could play an important role in addressing disposal needs associated with radiological dispersal devices (RDD); and, VLLW can be safely disposed in properly designed generic hazardous waste disposal facilities. Edwards also provided information and data regarding projected cost savings from the implementation of a VLLW category in the United States.

The presentations were followed by a question and answer session which included questions on the process and timeline to complete the Part 61 rulemaking initiative; the potential impact of the creation of a VLLW category on the long-term, economic viability of existing low-level radioactive waste disposal facilities; the implications of an alternate disposal request case study; and, clarification regarding views on the reinstatement of a case-by-case basis for applying new Part 61 requirements to only those sites that plan to accept large quantities of depleted uranium for disposal.

### **Background**

The 2018 Waste Management symposium was held at the Phoenix Convention Center in Phoenix, Arizona on March 18-22, 2018. This year's conference theme was Nuclear and Industrial Robotics, Remote Systems and Other Emerging Technologies.

Waste Management 2018 marks the 44th year of the conference. The symposium typically attracts over 2,000 nuclear specialists from over 35 countries, presenting more than 500 papers in over 130 technical sessions.

The annual Waste Management Conference, presented by WM Symposia (WMS), is an international symposium concerning the safe and secure management of radioactive wastes arising from nuclear operations, facility decommissioning and environmental remediation, as well as storage, transportation and disposal and associated activities. WMS was founded to provide a forum for discussing and seeking cost-effective and environmentally responsible solutions for the safe management and disposition of radioactive waste and radioactive materials.

Supporting organizations include the American Nuclear Society (ANS), the International Atomic Energy Agency (IAEA), the International Framework for Nuclear Energy Cooperation (IFNEC) and the Organization for Economic Cooperation and Development/Nuclear Energy Agency (OECD/NEA).

The conference is also organized in cooperation with the U.S. Department of Energy (DOE), the U.S. Nuclear Regulatory Commission (NRC), the U.S. Environmental Protection Agency (EPA) and the U.S. Department of Defense (DoD).

*For additional information on the Waste Management Conference, please call (480) 557-0263 or email [shelley@wmarizona.org](mailto:shelley@wmarizona.org).*

### *Atlantic Compact*

## Atlantic Compact Commission Holds April 2018 Meeting

On April 24, 2018, the Atlantic Interstate Low-Level Radioactive Waste Management Compact Commission (Atlantic Compact Commission) held a regularly scheduled meeting in Columbia, South Carolina.

The meeting began at 10:00 a.m. ET. It was held in Conference Room 250 (Second Floor) at the Capitol Center Building, which is located at 1201 Main Street in Columbia, South Carolina.

*The formal meeting agenda is available on the Atlantic Compact Commission's web site at [www.atlanticcompact.org](http://www.atlanticcompact.org).*

### Agenda

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

- ♦ call to order;
- ♦ approval of draft minutes from meeting on October 25, 2017;
- ♦ new business:
  - update from Ben Smith, Director of Barnwell Disposal Operations;
  - Atlantic Compact Commission Executive Director's report;
- ♦ action items:
  - proposed budget request for fiscal year 2019 (July 1, 2018 – June 30, 2019);

- internal transfer of funds from Commission investment account to Commission operating account;
- ♦ information items:
  - audit report for fiscal year 2016 – 2017 (year ended June 30, 2017);
  - revenue/expense report for the period July 1, 2017 – March 31, 2018;
  - Low-Level Radioactive Waste Forum (LLW Forum) meeting (April 16-17, 2018) update;
- ♦ radioactive waste disposal update (Anthony Sandomato);
- ♦ update from Department of Health and Environmental Control (Susan Jenkins);
- ♦ public comment;
- ♦ announcement of next regular meeting;
- ♦ adjournment.

### Background

The Atlantic Compact Commission, which was formerly known as the Northeast Compact Commission, includes the states of South Carolina, Connecticut and New Jersey.

Commissioners and Alternates for the Atlantic Compact Commission include:

- ♦ Elizabeth Partlow (Chair and Commissioner for South Carolina);
- ♦ Kevin McCarthy (Commissioner for Connecticut);
- ♦ Paul Baldauf (Commissioner for New Jersey);

## States and Compacts *continued*

- ♦ Thomas Weeks (Commissioner for South Carolina);
- ♦ John Clark (Alternate for South Carolina);
- ♦ Hank Stallworth (Alternate for South Carolina); and,
- ♦ Paul Orlando (Alternate for New Jersey).

The slot for the Alternate Commissioner for Connecticut is currently vacant.

The last Atlantic Compact Commission meeting was held on October 25, 2017.

*For additional information, please contact Atlantic Compact Commission Executive Director Max Batavia at (803) 748-1261 or [max@atlanticcompact.org](mailto:max@atlanticcompact.org).*

### New Jersey Legislature Passes Nuclear Support Bill

In April 2018, legislators in the State of New Jersey sent a bill supporting nuclear power to Governor Phil Murphy after votes in the state Senate and Assembly moved the bill forward. The initiative to support nuclear power began with the previous administration.

The new law, passed with a Democratic majority in the legislature, would provide \$300 million per year in support for the state's three nuclear power plants. In previous remarks, Governor Murphy has said that he sees nuclear power as a bridge towards a zero-carbon emissions energy portfolio for the state.

Currently, 40 percent of New Jersey's electricity generation comes from its three nuclear power plants including Salem, Oyster Creek and Hope

Creek. Oyster Creek, which is the oldest operating nuclear power plant in the country, is slated to close in October 2018.

The bill underwent several re-writes including a proposal to couple it with a clean energy initiative in support of renewable power. The potential coupling was removed, but a separate clean energy initiative also passed in late April 2018 that calls for a push in renewable power, targeting 35 percent of the state's electricity to come from renewable sources by 2025.

As passed by the legislature, the bill allows for four years of support for the state's nuclear power. However, it can be extended at the end of four years.

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### *Central Midwest Compact*

## Central Midwest Interstate Compact Commission Holds April 2018 Meeting

On April 23, 2018, the Central Midwest Interstate Low-Level Radioactive Waste Management Compact Commission (Central Midwest Compact Commission) held a regularly scheduled meeting.

The meeting began at 9:00 a.m. CDT (Illinois)/10:00 a.m. EDT (Kentucky). It was held at the Illinois Emergency Management Agency (IEMA) and the Kentucky Radiation Health Branch

*The formal meeting agenda is available on the Central Midwest Compact Commission's web site at [www.cmcompact.org](http://www.cmcompact.org).*

## States and Compacts *continued*

### Agenda

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

- ♦ call to order;
- ♦ adoption or modification of the agenda;
- ♦ adoption of minutes from meeting on September 17, 2017 (annual meeting);
- ♦ executive session;
- ♦ first public comment period;
- ♦ reports:
  - Chair and host state report;
  - Kentucky report;
  - Executive Assistant report;
- ♦ other business;
- ♦ second public comment period;
- ♦ next scheduled meeting or announcement of special meeting; and,
- ♦ adjournment.

### Background

The Central Midwest Compact includes the states of Kentucky and Illinois. The Central Midwest Compact Commission is the body appointed to oversee and implement the Compact. Currently, there are three members on the Central Midwest Compact Commission. Two Commissioners are from Illinois and one Commissioner is from Kentucky.

The Central Midwest Compact Commission has numerous responsibilities identified in the Compact Act. The key responsibilities include:

- ♦ preparation of a Regional Management Plan;
- ♦ identification of the need for regional low-level radioactive waste facilities; and,
- ♦ designation of a host state for regional low-level radioactive waste facilities.

In 1987, the Central Midwest Commission determined that there was a need for a regional low-level radioactive waste disposal facility and designated Illinois as the host state. The Central Midwest Commission adopted its first Regional Management Plan in 1988.

*For additional information, please contact Central Midwest Compact Commission Chair Joe Klinger at (217) 836-3018 or at [cmidwestcompact@yahoo.com](mailto:cmidwestcompact@yahoo.com).*

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### *Northwest Compact/State of Utah*

## Utah Adopts Rule Changes re Land Disposal of Radioactive Waste

On March 9, 2018, the Utah Division of Waste Management and Radiation Control notified interested stakeholders of the following rulemaking actions that were taken by the Waste Management and Radiation Control Board during its meeting on February 8, 2018:

- ♦ final adoption of rule changes to R313-25, *License Requirements for Land Disposal of Radioactive Waste — General Provisions*, as published in the *Utah State Bulletin* on

## States and Compacts *continued*

November 1, 2017 except for paragraph R313-25-51.5(3);

- ♦ approve filing with the Office of Administrative Rules of a Notice of Change in Proposed Rule to delete paragraph R313-25-51.5(3) and renumber the subsequent paragraph; and,
- ♦ set an effective date of April 16, 2018 for the above rule changes.

The notice of Change in Proposed Rule was published in the March 1, 2018 issue of the *Utah State Bulletin*.

### Overview of Rule Change

During the 2017 General Session, the Utah legislature passed S.B. 79, *Waste Management Amendments*, which requires the Waste Management and Radiation Control Board to:

- ♦ modify financial assurance requirements for the closure and post-closure care of a radioactive waste disposal facility; and,
- ♦ make conforming and clarifying amendments as to "facility" definitions adopted in S.B. 79.

Although financial assurance requirements have existed in Rule R313-25 for several years, the proposed changes are being made in order to meet the prescribed rulemaking direction found in S.B. 79 and to provide the tools and flexibility the Director believes are necessary to implement S.B. 79.

More specifically, S.B. 79 allows radioactive waste licensees the opportunity to rely on either (i) RS Means or (ii) a "competitive site-specific estimate" as the basis for calculating financial surety. While RS Means represents a national average of heavy civil construction costs, S.B. 79 did not provide a definition for "competitive site-specific estimate."

Based on the legislative history of S.B. 79, it was apparent to the Director that this undefined term referred to local market costs. Based on the Utah Supreme Court case, *Associated General Contractors v. Board of Oil, Gas and Mining* (2001 UT 112, 38 P.3d 291), the Director in this rulemaking proposes to:

- ♦ define this term;
- ♦ provide the Division with access to local market expertise from heavy civil contractors or cost estimators who are familiar with local market construction costs in order to review and validate the information submitted by a licensee; and,
- ♦ provide that the licensee fund such review costs.

The proposed changes to Section R313- 25-31 incorporate the mandatory new rule text from S.B. 79. In addition a new section, R313-25-31.5, is being added to include the changes summarized above.

### Background

During the 2015 General Session, the Utah legislature passed S.B. 173 that required the Board to perform rulemaking to make changes to portions of UAC R313-25 regarding financial assurance requirements for the closure and post closure care of a low-level radioactive waste disposal facility. However, rulemaking was deferred because the U.S. Nuclear Regulatory Commission (NRC) determined that certain provisions of S.B. 173 were incompatible with federal law. These incompatibility issues were not fully resolved until the 2017 General Session of the legislature, when additional changes were made to the statute with the passage of S.B. 79, correcting the incompatible provisions. S.B. 79 also modified certain facility definitions, triggering the need for conforming amendments in R313-25.

At a meeting of the Utah Waste Management and Radiation Control Board on October 12, 2017, the Board approved proceeding with formal rulemaking and public comment by filing with the Office of Administrative Rules and publishing in the *Utah State Bulletin* of proposed changes to UAC R313-25. The proposed changes were subsequently published in the November 1, 2017 issue of the *Utah State Bulletin*.

The public comment period began on November 1, 2017 and concluded on December 1, 2017. One commenter (*EnergySolutions*) submitted comments during the public comment period. In a letter dated January 10, 2018, the Director responded to the comments. Based on the comments received, an additional change to R313- 25 is being proposed in order to delete paragraph R313-25- 31.5(3) and renumber the subsequent paragraph.

Utah administrative rulemaking procedures require a Notice of Change in Proposed Rule be prepared and filed with the Office of Administrative Rules for subsequent publication in the *Utah State Bulletin*. When published in the *Utah State Bulletin*, only the additional changes (i.e., paragraph deletion and paragraph renumbering) to R313-25 will be marked and the financial impact information will only address the additional changes. All other rule changes previously published and not being further changed are considered to be final when published as part of the Notice of Change in Proposed Rule.

*For additional information, please contact Don Verbica at (801) 536-0206 or at [dverbica@utah.gov](mailto:dverbica@utah.gov) or Rusty Lundberg at (801) 536-4257 or at [rlundberg@utah.gov](mailto:rlundberg@utah.gov).*

## Utah Waste Management and Radiation Control Board Meets

On April 12, 2018, the Utah Waste Management and Radiation Control Board held a regularly scheduled meeting beginning at 1:30 p.m. MT in Salt Lake City, Utah.

The meeting, which was open to the public, was held in Conference Room 1015, Department of Environmental Quality (DEQ) Board Room, in the Multi Agency State Office Building that is located at 195 North 1950 West in Salt Lake City, Utah.

### Agenda

The following items, among others, were on the agenda for the April 2018 Board meeting:

- I. Call to Order
- II. Approval of Meeting Minutes for the February 8, 2018 Board Meeting (*Board Action Item*)
- III. Underground Storage Tanks Update
- IV. Administrative Rules
  - A. Approval to proceed with formal rulemaking and public comment on a proposed rule change to R313-37, *Physical Protection of Category 1 and Category 2 Radioactive Materials*, to incorporate federal regulatory changes promulgated by the U.S. Nuclear Regulatory Commission. (*Board Action Item*)
- V. Used Oil Section
  - A. Final adoption of rule changes to R315-15, *Standards for the*

## States and Compacts *continued*

### *Management of Used Oil Rules. (Board Action Item)*

#### VI. Director's Report

- A. Proposed Stipulation and Consent Order between the Board and EnergySolutions, LLC. (*Information Item Only*)

#### VII. Other Business

- A. Miscellaneous Information Item
- B. Scheduling of Next Board Meeting

#### VIII. Election of Board Chair and Vice Chair (*Board Action Item*)

#### IX. Adjourn

### **Background**

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

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

*Copies of the Utah Waste Management and Radiation Control Board meeting agendas and packet information can be found at <http://www.deq.utah.gov/boards/waste/meetings.htm>.*

*For additional information, please contact Rusty Lundberg, Deputy Director of the Division of Waste Management and Radiation Control at the Utah Department of Environmental Quality, at (801) 536-4257 or at [rlundberg@utah.gov](mailto:rlundberg@utah.gov).*

### ***Rocky Mountain Compact/State of New Mexico***

## **Public Meetings Scheduled re Proposed Holtec Consolidated Interim Spent Fuel Facility in New Mexico**

On April 9, 2018, the U.S. Nuclear Regulatory Commission (NRC) announced that the agency is seeking public comment on the scope of its environmental review of Holtec International's application for a license to construct and operate a consolidated interim spent fuel storage facility in Lea County, New Mexico.

NRC staff is holding a series of public meetings in late April and early May to describe the review process and take public comments.

### **Overview**

According to the license application, Holtec is seeking to store up to 8,680 metric tons of uranium in commercial spent fuel in the Holtec International Storage Module Underground "MAXimum" Capacity (HI-STORM UMAX) Storage System for a 40-year license term. The subterranean used nuclear fuel storage system has a maximum storage capacity of 10,000 canisters. The initial license application is for 500 storage cavities. The NRC previously certified HI-STORM UMAX in Docket number 72-1040.

"Engineered over a decade ago and licensed by the NRC in 2015, HI-STORM UMAX is physically sized to store all of the used nuclear fuel produced in the U.S. and all canisters currently licensed in dry storage in the country making it a truly universal used fuel storage facility," states Holtec. "Already deployed at multiple nuclear power plants around the U.S. ..., the HI-STORM UMAX stores the



## States and Compacts *continued*

stainless steel canister containing the spent fuel or high-level waste entirely below-ground to serve as a ‘security-friendly’ storage facility, providing a clear, unobstructed view of the entire CISF from any location. HI-STORE CIS is envisioned to unify the storage of all different storage canisters (both vertically and horizontally stored) in one standardized HI-STORM UMAX cavity system simplifying operations and aging management activities.”

“Storing the Nation’s used nuclear fuel in the HI-STORM UMAX system is a temporary measure, as the stainless-steel canisters are easily retrievable and ready for transport pending the determination of a safe permanent solution for managing used nuclear materials.,” continues Holtec. “The canisters are designed, qualified, and tested to survive and prevent the release of radioactive material under the most adverse accident scenarios postulated by NRC regulations for both storage and transportation.”

Holtec is using its own funds to support the licensing action. According to Holtec, the project has “the enthusiastic support of nuclear-savvy communities in southeastern New Mexico incorporated as the Eddy Lea Energy Alliance (ELEA), LLC.” If the initial application is approved, Holtec plans to make supplemental submittals to incorporate the various canister types being used in the industry.

*The Holtec application and other documents related to the NRC’s review are available on the NRC website at [www.nrc.gov](http://www.nrc.gov).*

### **Public Comment**

On April 25, 2018, NRC held the first “scoping” meeting at the agency’s headquarters in Rockville, Maryland. The meeting was scheduled from 7:00 – 9:00 p.m. ET and included a webinar so people unable to attend in person could follow the meeting.

NRC staff will also hold three meetings in New Mexico as follows:

- ♦ April 30, 2018 from 4:00 – 7:00 p.m. MT at the Eastern New Mexico University- Roswell, Campus Union Building, Multi-Purpose Room 110, which is located at 48 University Boulevard in Roswell;
- ♦ May 1, 2018 from 7:00 – 10:00 p.m. MT at the Lea County Event Center, which is located at 5101 N. Lovington Highway in Hobbs; and,
- ♦ May 3, 2018 from 7:00 – 10:00 p.m. MT at the Eddy County Fire Service, which is located at 1400 Commerce Drive in Carlsbad.

The first meeting will be an open house and poster session. The other two meetings will be full scoping meetings. NRC staff members will hold an open house one hour before each of the Hobbs and Carlsbad meetings to meet informally with members of the public. A court reporter will be available to record comments at all locations. Spanish-speaking staff will be available at the New Mexico meetings to assist with translation.

### **Background**

Holtec submitted its application on March 30, 2017. The NRC formally docketed the application on February 28, 2018.

On March 30, 2018, NRC published a *Federal Register* notice requesting public comments on the scope of its environmental review. (See 83 *Federal Register* 13,802 dated March 30, 2018.) Comments will be accepted through May 29, 2018.

On April 6, 2018, NRC published a separate notice about the public meetings. (See 83 *Federal Register* 14,897 dated April 6, 2018.)

*For additional information, please contact Erika Grandrimo of Holtec at (856) 797-0090 ext. 3920*

or at [e.grandrimo@holtec.com](mailto:e.grandrimo@holtec.com) or David McIntyre of the NRC at (301) 415-8200.

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### *Southeast Compact Commission/State of Florida*

## First Subsequent License Renewal Application Released

On March 22, 2018, the U.S. Nuclear Regulatory Commission released the first-ever subsequent license renewal application, which was submitted by Florida Power & Light Company. FP&L has requested an additional 20 years for the already-renewed operating licenses of Turkey Point Nuclear Generating Units 3 and 4, which are located in Homestead, Florida. The application is now available for public review on the NRC website at [www.nrc.gov](http://www.nrc.gov).

### Overview

On January 31, 2018, FP&L filed the application seeking to renew the licenses for a second time. The Turkey Point units are three-loop, pressurized water reactors located approximately 40 miles south of Miami. The NRC approved the initial license renewal in June 2002, with Unit 3 currently licensed to operate through July 19, 2032 and Unit 4 through April 10, 2033.

### Next Steps

The NRC staff is reviewing the application. 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 NRC's Atomic Safety and Licensing Board.

### Background

Information about the license renewal process is available on the NRC website. Copies of the Turkey Point subsequent license renewal application will be available at:

- ♦ the Homestead Branch Library, which is located at 700 N. Homestead Blvd in Homestead;
- ♦ the South Dade Regional Library, which is located at 10750 SW 211 in Miami; and,
- ♦ the Naraja Branch Library, 14850 SW 280th St. in Homestead.

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

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## New Reactor Licenses Issued to Florida Power and Light

On April 5, 2018, the U.S. Nuclear Regulatory Commission announced that the agency had authorized its staff to issue Combined Licenses for Florida Power and Light's (FPL) Turkey Point site in Florida. The licenses grant FPL permission to build and operate two AP1000 reactors at the site, which is located approximately 25 miles south of Miami.

### Overview

After conducting a hearing on December 12, 2017, the Commission authorized the agency's Office of New Reactors to issue the licenses. The Commission found the staff's review of FPL's application adequate to make the necessary regulatory safety and environmental findings.

## States and Compacts *continued*

### Background

FPL submitted the application on June 30, 2009, seeking permission to build and operate two AP1000 reactors adjacent to the two existing Turkey Point reactors. The NRC certified the 1,100-megawatt AP1000 design in 2011.

The NRC's Advisory Committee on Reactor Safeguards (ACRS) independently reviewed aspects of the application that concern safety, as well as the staff's final safety evaluation report. In September 2016, the committee provided the results of its review to the Commission. In October 2016, the NRC completed its environmental review and issued the final impact statement for the proposed Turkey Point reactors.

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

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*(Continued from page 1)*

### Summary of Changes made in the Proposed Rules after Comments

After reviewing comments received during the public comment period, the Texas Compact Commission:

- ◆ revised the rule to require semi-annual rather than quarterly reporting;
- ◆ added language to sub-section (b)(4) to exclude waste that is regulated under §675.23 titled, "Importation of Waste from a Non-Party Generator for Disposal;"
- ◆ revised subsection (b)(4) to clarify that the Texas Compact Commission seeks gross volume or weight of reported waste;
- ◆ added language to subsection (b)(4) to reflect that waste disposed of in the same reporting

period which it was received should not be reported;

- ◆ revised subsection (c)(2) to clarify the source attributes of waste;
- ◆ removed subsection (c)(6) and combined information sought regarding location of management or the date and location of disposal of waste into subsection (c)(5);
- ◆ added language to subsection (d) to set forth the term of the Texas Compact Commission's fiscal year;
- ◆ added language to subsection (d) to note that entities with a reporting obligation may do so on their own forms so long as the Texas Compact Commission provides prior authorization of the forms; and,
- ◆ added language to note that new entrants that import waste into the host state must enter into an agreement with a reporting requirement within 30 days of commencement of operations.

### Public Comment and Commission Responses

The public comment period on the proposed new rule opened on November 3, 2017 and closed at midnight on December 8, 2017.

On January 29, 2018, the Rules Committee of the Texas Compact Commission conducted a meeting to consider comments on the proposed rule in the Office of the Attorney General of Texas.

During the public comment period, the Commission received written comments from EnergySolutions, Nuclear Sources & Services (NSSI), and Waste Control Specialists LLC (WCS). EnergySolutions supports adoption of the rule. WCS does not oppose adoption of the rule. NSSI believes the rule is inapplicable to its operations based on other law.

## States and Compacts *continued*

**WCS Comments** The following is an overview of the comments that were received by WCS and the responses thereto from the Texas Compact Commission:

- ♦ Comment: WCS recommended that the Texas Compact Commission remove §675.24(b)(1) because WCS asserts there are exceptions in regulations for using the U.S. Nuclear Regulatory Commission (NRC) Forms 540 or 541 that will result in inadvertent exclusions of waste that the Texas Compact Commission wants to capture under new §675.24. However, WCS did not provide specific examples of this inadvertently excluded waste that would cause a reporting discrepancy under subsection (b)(1).

Response: The Texas Compact Commission has not identified any waste that would be inadvertently excluded, causing a reporting discrepancy by the rule as proposed. Accordingly, the Texas Compact Commission declines to make the recommended change.

- ♦ Comment: WCS recommended adding an exclusion of waste that is regulated under existing §675.23 to clarify the differentiation of waste types under §675.23.

Response: The Texas Compact Commission agrees that this clarification will be useful for reporting purposes and makes the recommended change.

- ♦ Comment: WCS took issue with the Texas Compact Commission's statement in the proposed rule preamble that new §675.24 will cause no significant additional economic costs as a result of compliance with the rule. WCS commented that the new reporting requirements will entail significant time, effort and costs to WCS because it will need to modify waste tracking software and provide additional training to employees. WCS accordingly recommended changes to the reporting categories in §675.24(c) including

the removal of subsection (c)(3), which requires reporting on the activity of waste in curies.

Response: The Texas Compact Commission disagrees that the new reporting requirements, including curie amounts, will entail significant economic costs to WCS. First, WCS must already monitor and estimate curie amounts for other purposes such as waste transportation. Accordingly, a new curie-reporting category is unlikely to significantly disrupt WCS's overall operations. Further, the additional reporting cost is outweighed by the necessity of curie reporting information and the public benefit resulting from the Texas Compact Commission's review of curie quantities received. The Texas Compact Commission declines to make any change in response to this comment. However, the Texas Compact Commission has changed the reporting requirement from quarterly to semi-annual, which will relieve some of the expense burden associated with reporting under the new rule. WCS's comment does highlight the fact that the reporting categories in §675.24(c) should be clear and understandable to all affected parties. Accordingly, the Texas Compact Commission revises subsection (c)(2) to clarify the source attributes of waste to be reported.

- ♦ Comment: WCS suggested that §675.24(c)(4) should clarify whether requested weight or volume is gross or net. WCS further recommended that waste not be reported if it is disposed of in the same reporting period in which it was received.

Response: The Texas Compact Commission agrees with both suggestions and revises §675.24(c)(4) to require reporting of gross weight or volume and not require reporting of waste that has been disposed of in the same reporting period in which it is received.

## States and Compacts *continued*

- ♦ Comment: WCS commented that there is some confusion about the location of management and waste in §675.24(c)(5) and (6) given that the entity submitting the report would be the entity managing or disposing of the waste.

Response: The Texas Compact Commission agrees that the rule as proposed should be clarified so there is no ambiguity about the location of management and the waste. Accordingly, the Texas Compact Commission revises the rule to require reporting of either subsection (c)(5) or (6), but not both. Accordingly, the Texas Compact Commission removes subsection (c)(6) and combines this reporting category into a single subsection (c) (5) seeking information regarding the location of management or the date of and location of disposal of waste. The Texas Compact Commission further clarifies that location means the physical location of management or waste.

- ♦ Comment: WCS commented that the subsection (d) should indicate that the timeframe for reporting is the State of Texas fiscal year.

Response: The Texas Compact Commission agrees that the State of Texas fiscal year is appropriate for reporting purposes and revises subsection (d) to reflect the reporting timeframe begins September 1<sup>st</sup> and ends August 31<sup>st</sup>. The Texas Compact Commission further clarifies that a reporting entity may use its own form for reporting the required information so long as the Texas Compact Commission has provided its prior authorization for use of that form.

**EnergySolutions' Comments** The following is an overview of the comments that were received by EnergySolutions and the responses thereto from the Texas Compact Commission:

- ♦ Comment: EnergySolutions questioned whether the new rule is intended to be applicable to the waste described in §675.24(b) if such waste is generated in Texas or Vermont. EnergySolutions expresses the opinion that if it does not so apply, the new rule should be made applicable to such waste if generated in Texas or Vermont.

Response: The Texas Compact Commission does not intend for the new rule to apply to the waste described in §675.24(b) if it is generated within Texas or Vermont. The Texas Compact Commission believes that its primary authority is designed to address issues surrounding the importation of low-level radioactive waste into the Texas Compact for disposal or management. The Texas Compact Commission declines to make any changes to §675.24 based on this comment.

- ♦ Comment: EnergySolutions questioned whether it is intended that a generator or a broker apply for importation of waste described in §675.24(b) or whether it is intended that the applicant should be an entity in the host state that manages or disposes of such waste. EnergySolutions further suggests that if it is intended that an entity in the host state be the applicant that such entity should submit an application for each generator.

Response: The new §675.24 is not intended to set up a system to approve or disapprove of the importation into the host state of waste described in §675.24(b). The rule is intended to require entities within the host state that do import the described waste for management or disposal to report such importations to the Texas Compact Commission on a regular basis. The Texas Compact Commission declines to make any changes to the new rule based on this comment.

- ♦ Comment: EnergySolutions suggested that the use of the word "entity" is confusing as to

## States and Compacts *continued*

its use between §675.24(c) and (e) when compared to its use in §675.23(f).

Response: The Commission does not believe that the use of the word "entity" as used in subsections (c) and (e) is confusing once it is understood that it is not generators or brokers who import Non-Compact-Facility Low-Level Radioactive Waste (NCFW) but entities within the host state that manage or dispose of NCFW that must enter into NCFW reporting agreements with the Texas Compact Commission. The Texas Compact Commission declines to make any change to the new rule based on this comment.

- ♦ Comment: *EnergySolutions* suggested that the Texas Compact Commission, if it has the authority, may wish to include in the new rule a prohibition against the importation of waste of international origin.

Response: The Texas Compact Commission does not intend in this rule to alter the criteria established for importation of NCFW into the host state by agencies of the State of Texas. Rather, this rule is intended to establish a reporting mechanism so that the Texas Compact Commission and thus the people of Texas may have information as to the total of low-level radioactive waste including NCFW and low-level radioactive waste that is shipped to the Compact Facility. The Texas Compact Commission declines to make any changes to the new rule based on this comment.

- ♦ Comment: *EnergySolutions* stated its belief that the fiscal note in the proposed rule preamble that states that no fiscal implications are anticipated for the Texas Compact Commission or units of state or local government as a result of the proposed rule is incorrect because of the diversion of NCFW to the Resource Conservation Recovery Act (RCRA) cell at the WCS site rather than to the Compact Facility resulting in the loss of

import fee income to the compact, the host state and the host county.

Response: The Texas Compact Commission disagrees with this comment. The new rule does not alter the criteria for whether waste may be shipped to a RCRA facility or must be shipped to the Compact Facility and is, therefore, neutral as to import fee income to the compact, the host state and the host county. And, it should be noted that the compact does not directly receive any income from import fees of any kind. The Texas Compact Commission declines to make any changes based on this comment.

- ♦ Comment: *EnergySolutions* encouraged the Commission to promote the disposal of all low-level radioactive waste in licensed facilities in order to limit the number of facilities needed to ensure safe and cost-effective management.

Response: The Texas Compact Commission is unaware that low-level radioactive waste is being disposed of in unlicensed facilities within the Compact. If that is happening, however, this rule may be helpful in discovering such events. Certainly, it will not increase the risk of the occurrence of such disposals. The Texas Compact Commission declines to make any changes based on this comment.

**NSSI Comments** The following is an overview of the comments that were received by NSSI and the responses thereto from the Texas Compact Commission:

- ♦ Comment: NSSI commented that providing much of the information that a host state entity would be required to report under §675.24(c) is proprietary and if publicly available could cause NSSI to be at a competitive disadvantage with other entities that engage in the same or similar business. NSSI also points out that much of the information

## States and Compacts *continued*

required is already provided to the Texas Commission on Environmental Quality (TCEQ).

Response: It is intended that the agreements entered into with entities in the host state that import NCFW will contain a provision that the Texas Compact Commission will protect proprietary information to the extent provided by Texas law up to and including seeking an opinion from the Open Records Division of the Texas Attorney General's Office regarding what information may be withheld from public disclosure. To the extent information is being made available to the TCEQ, the Texas Compact Commission believes that should ease any burden associated with gathering the information for reporting to the Texas Compact Commission. The Texas Compact Commission also believes that its collection of the information separately in a format designed by the Commission is important to its mission. The Texas Compact Commission declines to make any changes to the new rule based on this comment.

- ♦ Comment: NSSI commented that reporting quarterly would be burdensome and suggests that an annual report should be sufficient.

Response: While the Texas Compact Commission does not necessarily agree that a quarterly report is burdensome given that virtually all required information should be readily available, the Texas Compact Commission revises the new rule to provide for a semi-annual report rather than a quarterly one.

- ♦ Comment: NSSI sought clarification as to whether the required agreement is required on the behalf of NSSI itself or is it to be passed on to its customers. It also asks whether there are criteria for becoming an "agreement site" and whether being such a site will require additional fees or audits.

Response: The required agreement is solely the responsibility of an entity in the host state that imports NCFW. There are no criteria for becoming an "agreement site" other than that included within the new rule. Being an agreement site under the new rule will not require any additional fees. Though none are anticipated, there is always the possibility (however remote) of an audit. The Texas Compact Commission declines to make any changes to the new rule based on these comments. However, NSSI's comment raised an issue regarding new entrants in the market that may be subject to the rule. Accordingly, the Texas Compact Commission has added language to §675.24(e) requiring new entrants to enter into an agreement within 30 days of commencement of operations.

- ♦ Comment: NSSI questioned whether the Texas Compact Commission has the authority to cause the suspension of importations of NCFW during a period of dispute about the terms of the NCFW agreement.

Response: The Texas Compact Commission believes it has the authority to disallow importations of NCFW during a period of dispute with an entity over the terms of the NCFW agreement. On the other hand, the Texas Compact Commission believes that it is clear from the terms of the new rule that the primary recourse intended to be utilized by the Texas Compact Commission in the enforcement of this new rule is the reporting of such events to the host state agency responsible for the operations of the entity.

### **Concise Restatement of Statutory Authority**

A new §675.24 is adopted pursuant to Public Law 105-236 and the Texas Low-Level Radioactive Waste Disposal Compact as set out in THSC Chapter 403.

- ♦ Texas Compact §3.05(4) grants the Texas Compact Commission the rulemaking

## States and Compacts *continued*

authority to carry out the terms of the Texas Compact.

- ♦ Texas Compact §3.04(9) authorizes the Texas Compact Commission to assemble and make public information concerning low-level radioactive waste management needs, technologies and problems.
- ♦ Texas Compact §3.05(6) authorizes the Texas Compact Commission to enter into agreements regarding the management and disposal of low-level radioactive waste.

The Texas Compact Commission interprets the foregoing provisions as authority to require reporting of information on NCFW. A new §675.24 will further the public interest by gathering and monitoring information regarding low-level radioactive waste that enters the host state irrespective of whether it requires an agreement for importation for disposal at the Compact Facility.

The language for the new §675.24 is as follows:

*§675.24. Requirement to Report on the Importation of Certain Low- Level Radioactive Waste for Management or Disposal that is not Required to be Disposed of in the Compact Facility.*

*(a) This section is applicable only in the host state.*

*(b) This section is designed to gather information on the importation into the host state for disposal or management of certain low- level waste that:*

*(1) is required when shipped to be listed on Nuclear Regulatory Commission (NRC) Forms 540 or 541 (Uniform Low-Level Waste Manifest Shipping Forms);*

*(2) is included within the definition of low-level radioactive waste found in 30 TAC §336.2(89) (relating to Definitions) as the definition is in effect on the date this section becomes effective or as 30 TAC §336.2(89) may be amended or renumbered in the future, but is not intended for disposal in the Compact Waste Facility;*

*(3) is not low-level radioactive waste described by 42 United States Code, §2021c(b)(1) or waste that is regulated under §675.23 of this title (relating to Importation of Waste from a Non-Party Generator for Disposal); and*

*(4) for the purposes of this section, the material described in this subsection will be referred to as Non-Compact-Facility Low-Level Radioactive Waste ("NCFW").*

*(c) Any entity in the host state that imports NCFW must enter into an agreement with the Commission that contains a requirement that it will report to the Commission on a semi-annual basis the following information with respect to each shipment of NCFW that it has received in the previous six-month period:*

*(1) the name of the generator;*

*(2) the name of the unaffiliated state, territory, or low-level waste compact (if any) where the waste originated;*

*(3) the activity of the waste in curies;*

*(4) the gross volume or weight of the waste; the date of receipt; whether the waste is being stored, processed, or otherwise managed; provided, however, that waste that has been disposed of in the same reporting*



## States and Compacts *continued*

- period in which it was received shall only report gross volume or weight; and*
- (5) *the physical location of management or the date of and physical location of disposal of that waste.*
- (d) *Semi-annual reports must be submitted electronically on forms provided by the Commission and must be submitted before the 31st day after the end of each six-month period of the Commission's fiscal year, which begins on September 1 and ends on August 31. An entity may file its semi-annual report on its own form if the Commission has provided its prior written authorization for the form submitted.*
- (e) *An entity that imports low-level radioactive waste into the host state as described in subsection (c) of this section shall have entered into an agreement with the Commission within 90 days after the effective date of this section or within such time extensions thereafter as the Commission may allow. New entrants that import waste into the host state as described in subsection (c) of this section must enter into an agreement with the Commission within 30 days of commencement of management operations. To the maximum extent possible, each agreement entered into under this section will contain provisions identical to those in each other agreement entered into under this section.*
- (f) *An entity that imports waste into the host state as described in subsection (c) of this section shall submit an application for entry into an agreement with the Commission electronically or on paper on a form provided by the Commission.*
- (g) *Failure on the part of an entity that imports waste into the host state as described in subsection (c) of this section to comply with any provision of this section or the agreement entered into pursuant to subsection (d) of this section may result in the Commission reporting such failures to the host state agency that has licensed, permitted, or otherwise authorized the operation of such entities.*
- (h) *The Commission may revoke or amend an agreement on its own motion or in response to an application by the agreement holder. When the Commission amends an NCFW agreement on its own motion, it may provide a reasonable time to allow the agreement holder to make the changes necessary to comply with any additional requirements imposed by the Commission. No importation of NCFW shall be allowed under any amended agreement for the importation of NCFW until:*
- (1) *the amendment to the NCFW agreement has been executed by both the Commission and the agreement holder; and*
- (2) *the agreement holder has made any changes necessary to comply with additional requirements.*

### **Background**

On November 3, 2017, the Texas Compact Commission published a proposed rule regarding the management of low-level radioactive waste within the Texas Compact in the *Texas Register*. (See *LLW Notes*, November/December 2017, pp. 11-13.) Comments on the proposed rule were due no later than the close of business on December 8, 2017.

The proposed new §675.24 related to a requirement to report on the importation of certain low-level radioactive waste for management or disposal that is not required to be disposed in the

Texas Compact Facility. In order to fulfill its responsibilities, the Texas Compact Commission determined that it is in the public interest that it gathers information regarding low-level radioactive waste that enters the host state irrespective of whether it requires an agreement for importation for disposal at the Texas Compact facility.

The proposed new §675.24 sought to facilitate the gathering of that information by the way of reporting requirements after the entry of the low-level radioactive waste into the state rather than requiring approval for the importation of certain categories of low-level radioactive waste into the host state.

*For additional information, please contact Texas Compact Commission Executive Director Leigh Ing at (512) 217-8045 or at [leigh.ing@tllrwdcc.org](mailto:leigh.ing@tllrwdcc.org).*

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### ***North Carolina***

## **EnergySolutions Opens Decommissioning Headquarters in North Carolina**

On March 5, 2018, the EnergySolutions decommissioning division established its office in Charlotte, North Carolina as headquarters for the company's decontamination and decommissioning (D&D) business.

### **Overview**

According to the press release, EnergySolutions has over 70% of the active decommissioning market in the United States. The company's sixteen thousand square foot office is located in downtown Charlotte at 121 West Trade Street, Suite 2700. Approximately 30 D&D employees,

many of whom are relocating from around the country, will work out of the new office.

"We evaluated a number of locations around the U.S., but in the final analysis, Charlotte stood out because of its expanding economic base, excellent infrastructure and diverse talent pool that will provide the best support to our growing D&D business for years to come," stated Ken Robuck, President of EnergySolutions. "Opening this office will allow us to consolidate resources we currently have spread across the U.S. and more effectively manage projects in the Eastern and Southern U.S. We are looking forward to supporting the expansion of our business with talent found in the Charlotte area."

### **Background**

EnergySolutions operates low-level radioactive waste disposal facilities in Clive, Utah and in Barnwell, South Carolina.

The company offers customers a full range of integrated services and solutions that includes nuclear operations, characterization, decommissioning, decontamination, site closure, transportation, nuclear materials management, processing, recycling and disposition of nuclear waste, and research and engineering services across the nuclear fuel cycle.

*For additional information, please contact Mark Walker at (801) 231-9194 or at [mwalker@energysolutions.com](mailto:mwalker@energysolutions.com).*

## ***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.*

#### **Northwest Compact/State of Alaska**

**Providence Alaska Medical Center** On April 25, 2018, the U.S. Nuclear Regulatory Commission (NRC) announced that the agency is proposing an \$11,600 civil penalty to Providence Alaska Medical Center for violations related to a medical event at the center in Anchorage, Alaska. In an inspection report dated February 2, 2018, three violations of NRC requirements were identified. The violations were related to a medical event that involved the administration of radioactive yttrium-90 to a patient on June 14, 2017. The patient suffered no adverse health effects as a result of the event. On April 3, 2018, NRC staff met with company representatives during a pre-decisional enforcement conference to discuss the three violations. Company officials did not contest the violations and provided the NRC with information about long-term corrective actions. The company has 30 days in which to dispute the fine or request involvement of a neutral third-party mediator to resolve the issue. *For additional information, please contact Victor Dricks of the NRC at (817) 200-1128.*

## **Southeast Compact/States of Georgia and Tennessee**

**Dominion and SCANA Merger** In March 2018, the Georgia Public Service Commission (PSC) unanimously approved the merger of Dominion Energy, Inc., and SCANA Corporation. (See *LLW Notes*, January/February 2018, pp. 6-9.) In so doing, the Georgia PSC became the first state regulatory agency to act on the proposed combination that has already been approved by the Federal Trade Commission (FTC). The acquisition also requires approval from two other state regulators in North and South Carolina, the NRC, the Federal Energy Regulatory Commission (FERC) and SCANA's shareholders. Under the merger agreement, which was announced in January 2018, the combined company would deliver energy to approximately 6.5 million regulated customer accounts and have an electric generating portfolio of about 31,400 megawatts and 93,600 miles of electric transmission and distribution lines. It also would have a natural gas pipeline network totaling 106,400 miles and operate one of the nation's largest natural gas storage systems with 1 trillion cubic feet of capacity. According to news reports, the total price for the deal is \$14.6 billion—including \$7.9 billion in a stock-for-stock exchange, transitioning of about \$6.7 billion in debt and a \$1.3 billion rebate for customers.

**Clinch River Early Site Permit** On June 5, 2018, NRC staff will meet with the public in Kingston, Tennessee to discuss the agency's Draft Environmental Impact Statement (DEIS) on the Early Site Permit (ESP) application for the nearby Clinch River site. According to the NRC's press release, the agency is interested in the public's views on the agency's overall draft conclusion that environmental impacts would be small enough to allow the agency to issue the permit. The meetings will be held at Noah's Event Venue, which is located at 1200 Ladd Landing Boulevard in Kingston. During the meetings, which are scheduled from 2:00 to 4:00 p.m. and then again from 7:00 to 9:00 p.m., NRC staff will describe

the environmental review process and the DEIS conclusions. Each meeting will conclude with a formal public comment period. During NRC open houses, which will precede the meetings from 1:00—2:00 p.m. and again from 6:00—7:00 p.m., NRC staff will provide members of the public the opportunity to talk informally with agency staff. The Tennessee Valley Authority (TVA) submitted the Clinch River application in May 2016 and provided follow-up information throughout the year. The ESP process determines whether a site is suitable for future construction and operation of a nuclear power plant. The NRC held meetings in Oak Ridge in May 2017 to gather comments from the community regarding issues to include in the environmental review. TVA is seeking resolution of safety and environmental issues related to a potential small modular reactor at the site, approximately five miles southwest of Oak Ridge. The NRC has established docket number 52-047 for this application. *For additional information, please contact Scott Burnell of the NRC at (301) 415-8200.*

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### *FirstEnergy*

## FirstEnergy Solutions Declares Bankruptcy and Plant Closing Dates

On March 31, 2018, FirstEnergy Solutions — the parent of First Energy Nuclear Operating Company — filed for bankruptcy protection. As part of its restructuring plan, the company noted that it intended to close three nuclear power plants.

According to published news reports, FirstEnergy Chief Executive Officer and President Charles E. Jones stated as follows: “FirstEnergy will remain

focused on creating long-term value for its customers, employees and shareholders. Simply put, we will be better positioned to deliver on the tremendous opportunities for customer-focused growth.”

### **Plant Closings**

The company plans to retreat from its role as an energy generating company. In this regard, FirstEnergy Solutions intends to close the following plants:

- ◆ the Davis Besse nuclear plant in Oak Harbor, Ohio by 2020;
- ◆ the two-unit Beaver Valley Power Plant in Shippingport, Pennsylvania by 2021; and,
- ◆ the Perry Nuclear Power Plant in Perry, Ohio, in 2021.

The company said the closings were a milestone in its path towards redefining itself as a utility and not a power producer.

### **DOE Filing**

Pursuant to the Federal Power Act law, FirstEnergy Solutions has also requested that the U.S. Department of Energy (DOE) declare that an emergency exists in its PJM market. The PJM Energy Market procures electricity to meet consumer’s demands both in real time and in the near term. It includes the sale or purchase of energy in PJM’s Real-Time Energy Market (five minutes) and Day-Ahead Market (one day forward).

If DOE Secretary Rick Perry agrees to the request, it would mean the PJM would have to compensate both nuclear and coal generators in the at-risk market in order to protect the stability of the grid.

### ***Entergy Nuclear Operations***

## **Confirmatory Order Issued to Entergy**

On March 14, 2018, the U.S. Nuclear Regulatory Commission (NRC) issued a Confirmatory Order to Entergy Nuclear Operations, Inc., and Entergy Operations, Inc. documenting actions they have agreed to take to implement programs designed to prevent willful misconduct at their fleet of seven operating nuclear power plants.

### **Overview**

As a result of investigations at the Grand Gulf nuclear power plant in Port Gibson, Mississippi, Entergy identified that:

- ♦ an examination proctor deliberately compromised examinations by providing inappropriate assistance to trainees;
- ♦ workers did not perform required rounds to check equipment and plant conditions; and,
- ♦ workers deliberately provided inaccurate documentation indicating they had done so.

Three apparent violations of NRC requirements are described in an inspection report dated November 20, 2017.

Entergy requested the Alternative Dispute Resolution process with the NRC to discuss corrective actions. The process uses a neutral mediator with no decision-making authority to assist the NRC and its licensees in coming to an agreement.

Following a meeting with Entergy officials on February 6, 2018, the NRC issued a Confirmatory Order documenting actions the company agreed to take.

### **Background**

In addition to Grand Gulf, the Entergy fleet includes:

- ♦ Arkansas Nuclear One in Russellville, Arkansas;
- ♦ Indian Point 2 and 3 in Buchanan, New York;
- ♦ Palisades in Covert, Michigan;
- ♦ Pilgrim in Plymouth, Massachusetts;
- ♦ River Bend in St. Francisville, Louisiana; and,
- ♦ Waterford in Killona, Louisiana.

*For additional information, please contact Victor Dricks at (817) 200-1128.*

### *U.S. Department of Energy (DOE)*

## Anne White Sworn in as Assistant Secretary for Environmental Management

On March 29, 2018, Anne Marie White of Michigan was sworn in as Assistant Secretary for Environmental Management (EM) at the U.S. Department of Energy (DOE).

“As Assistant Secretary, White will provide leadership to continue the safe cleanup of the environmental legacy brought about from five decades of nuclear weapons development and government-sponsored nuclear energy research,” states the DOE press release announcing the swearing in. “She will work closely with communities that have partnered with DOE and its predecessor agencies for many decades.”

“It is an honor to serve as Assistant Secretary of Energy for EM,” White said. “I look forward to the challenges ahead and know that with the talented federal staff, our dedicated workers in the field, and the support of a wide array of stakeholders, we will deliver the EM mission safely and cost effectively.”

### **Overview**

White is the founder of Bastet Technical Services, LLC — a consulting firm that has been engaged in providing strategic solutions to solve complex environmental challenges across the DOE complex. She has more than 25 years of experience across a broad range of activities within the nuclear field, mainly focused on project and program management projects with complex technical, regulatory and stakeholder challenges.

“She has industry-recognized credentials in technical skills that lead to sound, technically underpinned, cost effective solutions,” stated an

earlier announcement. “She has extensive hands on in the field experience at many of the Environmental Management sites for which she will have responsibility.”

White, who has supported a number of emerging nuclear power nations to develop legal and regulatory structures and national policies, received a Master’s Degree of Science in Nuclear Engineering from the University of Missouri-Columbia.

### **Background**

On January 3, 2018, the White House announced President Donald J. Trump’s intent to nominate White to be the EM Assistant Secretary. On March 22, 2018, White was confirmed for the position by voice vote of the U.S. Senate.

Since June 2017, James Owendoff has been serving as the Acting EM-1 Assistant Secretary. In this role, Owendoff has focused on more timely decisions on cleanup projects.

The position was previously held by Monica Regalbuto at the end of the administration of former-President Barack Obama.

*For additional information, please contact Douglas Tonkay, Director of the U.S. Department of Energy’s Office of Disposal, at (301) 903-7212 or at [Douglas.Tonkay@em.doe.gov](mailto:Douglas.Tonkay@em.doe.gov) or go to [www.energy.gov](http://www.energy.gov).*

### Director Named for DOE Environmental Management Consolidated Business Center

On March 1, 2018, the U.S. Department of Energy (DOE) Office of Environmental Management (EM) announced the appointment of Jeffrey Kash Grimes as Director of the Environmental Management Consolidated Business Center (EMCBC).

Since December 29, 2017, Grimes has served as Acting Director of the EMCBC, which provides business and technical support services to sites in the DOE complex where EM is performing environmental cleanup from the legacy of 50 years of nuclear weapons development and government-sponsored nuclear research. He joined the DOE in 2016 as Deputy Director of the EMCBC, which is based in Cincinnati, Ohio.

“Kash is a disciplined and respected leader with extensive experience that positions him well to lead the EMCBC,” said James Owendoff, EM Principal Deputy Assistant Secretary. “He has demonstrated leadership while at DOE and before then as a respected Navy officer.”

“I am privileged to be chosen to continue to work alongside the talented and dedicated men and women of the EMCBC and our sites as the Director. I look forward to helping them support the Office of Environmental Management as we work to complete our important cleanup mission,” said Grimes.

The EMCBC has two primary responsibilities. It puts contracts in place for all EM cleanup work and it has line management authority for selected EM field sites including:

- ♦ the Energy Technology Engineering Center in California;

- ♦ the Moab Uranium Mill Tailings Remedial Action (UMTRA) project in Utah;
- ♦ the Nevada National Security Site (NMSS);
- ♦ the Separations Process Research Unit (SPRU) in New York;
- ♦ the West Valley Demonstration Project (WVDP) in New York; and,
- ♦ EM cleanup work at the Lawrence Berkeley National Laboratory in California and the Brookhaven National Laboratory (BNL) in New York.

Prior to joining DOE, Grimes served with distinction in the U.S. Navy, retiring as a Captain in the Supply Corps. His final assignment was Deputy Assistant Commander for Contracts at the Naval Air Systems Command where he managed an 800-plus organization performing business and contracting functions at five major sites nationwide for 140 major acquisition programs involving 22,000 contract actions totaling \$28 billion.

His other military assignments included two command tours as Commanding Officer of Priority Material Office (Bremerton, Washington) and Commander of the Defense Contract Management Agency (Denver, Colorado).

A native of Versailles, Kentucky, Grimes attended the University of Kentucky, earning a Bachelor of Business Management in Finance and a Juris Doctor degree. He also earned a Masters of Science in Management at the Naval Postgraduate School in Monterey, California and completed the Senior Executive Program at Columbia University in New York, New York.

# NRC Issues Annual Assessments for Nation's Nuclear Plants

On March 5, 2018, the U.S. Nuclear Regulatory Commission (NRC) announced that the agency has issued annual letters to the nation's 99 commercial nuclear power plants operating in 2017 regarding their operational performance throughout the year.

All but three plants were in the two highest performance categories.

### Overview

Of the 96 highest-performing reactors, 83 met all safety and security performance objectives and were inspected by the NRC using the standard "baseline" inspection program.

The NRC determined that 13 reactors needed resolution of one or two items of low safety significance. For this performance level, regulatory oversight includes additional inspections and follow-up of corrective actions. Plants in this level include:

- ◆ Browns Ferry 1, 2 and 3 (Alabama);
- ◆ Catawba 2 (South Carolina);
- ◆ Clinton (Illinois);
- ◆ Columbia (Washington);
- ◆ Diablo Canyon 2 (California);
- ◆ Fermi 2 (Michigan);
- ◆ Grand Gulf (Mississippi);
- ◆ Perry (Ohio);
- ◆ Sequoyah 1 and 2 (Tennessee); and,
- ◆ Wolf Creek (Kansas).
- ◆

Diablo Canyon 2 and Fermi 2 have resolved their findings since the reporting period ended and have transitioned to the highest performing level.

There were no reactors in the third performance category with a degraded level of performance. The NRC noted that there were three reactors in the fourth performance category. Arkansas Nuclear One 1 and 2 require increased oversight because of two safety findings of substantial significance. Pilgrim (Massachusetts) is in the fourth performance category because of long-standing issues of low-to-moderate safety significance. Additional inspections will be conducted to confirm that the performance issues are being addressed.

### Next Steps

Later this spring and summer, the NRC will host a public meeting or other event near each plant to discuss the details of the annual assessments. A separate announcement will be issued for each public assessment meeting.

In addition to the annual assessment letters, plants also receive an NRC inspection plan for the coming year.

### Background

Information on the NRC's oversight of commercial nuclear power plants is available through the NRC's webpage on the Reactor Oversight Process. The NRC routinely updates information on each plant's current performance and posts the latest information as it becomes available to the action matrix summary. To see the 2017 assessment letters, click on "2017q4" for each plant.

Annual construction oversight assessments for new reactors at the Vogtle Unit 3 and 4 sites are also on the NRC website.

*For additional information, please contact the NRC's Office of Public Affairs at (301) 415-8200.*



## NRC Issues Information Notices and Regulatory Issue Summaries

In March 2018, the U.S. Nuclear Regulatory Commission (NRC) released a revision to a 2017 Regulatory Issue Summary (RIS), as well as two new RIS documents for calendar year 2018.

In addition, during March and April 2018, NRC issued three new Information Notices (IN) for calendar year 2018.

### Regulatory Issue Summaries

NRC released the following RIS documents in March 2018:

- ♦ RIS 2017-01, Revision 1, *Human Reliability and Human Performance Database*, was issued on March 29, 2018 to inform addressees about the NRC's Scenario, Authoring, Characterization, and Debriefing Application (SACADA) software for operator simulator training, as well as to announce that the agency is seeking industry partners to voluntarily use SACADA to support the NRC's research in Human Reliability Analysis (HRA) method improvements; and,
- ♦ Errata RIS 2018-01, *Common Violations Cited During First 2 Years of 10 CFR Part 37, "Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material," Implementation and Guidance Documents Available to Support Rule Implementation*, was issued on March 1, 2018 to correct an error in the original document that was issued on January 22, 2018—specifically, that the date by which the Agreement States were required to issue compatible requirements for their licensees should have been on or before the “March 19, 2016” deadline, not “March 19, 2014;” and,

- ♦ RIS 2018-02, *Preparation and Scheduling of Operator Licensing Examinations*, was issued on March 26, 2018 to inform addressees of the NRC staff's need for updated information on projected site-specific operator licensing examination schedules and on the estimated number of applicants planning to take operator licensing examinations in order to help the NRC plan its resources more effectively.

The above-referenced RIS documents do not require specific action or written responses on the part of addressees.

### Information Notices

NRC released the following IN documents in March and April 2018:

- ♦ IN 2018-04, *Operating Experience Regarding Failure of Operators to Trip the Plant when Experiencing Unstable Conditions*, was issued on February 26, 2018 to inform addressees of several reactor events during which operators failed to take timely action to place the plant in a stable condition;
- ♦ IN 2018-05, *Long-Term Fissile Material Accumulation Due to Unanalyzed or Improperly Analyzed Conditions at Fuel Cycle Facilities*, to inform addressees of recent operating experience involving unanticipated, long-term accumulation of fissile material in uncontrolled geometry systems due to improper analysis of credible plant conditions; and,
- ♦ IN 2018-06, *Determination of Management Measures for Process Isolation Controls Designated as Items Relied on for Safety and Implementation of Adequate Quality Assurance Measures for Plant Features and Procedures*, to inform addressees of recent operating experience regarding programs and procedures for determining and implementing management measures for isolation controls, which may be required to be available and

reliable to perform specific safety functions to prevent or mitigate accident sequences.

Suggestions contained in the above IN are not NRC requirements; therefore, no specific action or written response is required.

*Additional information can be found on the NRC's website at [www.nrc.gov](http://www.nrc.gov).*

### NRC Posts Additional Information to 2018 Regulatory Information Conference Website

On April 3, 2018, the U.S. Nuclear Regulatory Commission (NRC) announced that the 30th annual Regulatory Information Conference (RIC) page has been updated with the videos of the plenary session and the latest copies of the presentations and speaker biographies.

Additional information and other items of interest, such as transcripts of the plenary sessions and audio files of the plenary and technical sessions, will be available on the RIC website soon.

*The RIC website can be found at <https://ric.nrc.gov/agenda>.*

#### Overview

The RIC usually draws a few thousand attendees including industry executives, representatives from state governments, non-governmental organizations, individual community members and representatives from foreign countries. The conference is an opportunity for attendees to discuss issues related to the safety and security of commercial nuclear facilities and current regulatory activities.

#### Program

The program featured NRC Chair Kristine Svinicki as the keynote speaker. Additional program highlights included plenary sessions with NRC Commissioners Jeff Baran and Stephen Burns. NRC's Executive Director for Operations, Victor McCree, also delivered remarks. Other technical sessions addressed significant domestic and international issues including cyber-security, risk-informed analysis, advanced and small modular reactors, spent fuel research activities, recent reactor material issues and the reactor oversight process.

#### Background

The RIC was held in North Bethesda, Maryland from March 13-15, 2018. The NRC offices of Nuclear Reactor Regulation and Nuclear Regulatory Research jointly hosted the conference, which was open to the public.

*For additional information, please contact Ivonne Couret of the NRC at (301) 415-8200.*

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- U.S. Senate Document Room ..... (202) 224-7860

#### by internet

- NRC Reference Library (NRC regulations, technical reports, information digests, and regulatory guides).....[www.nrc.gov](http://www.nrc.gov)
- EPA Listserve Network • Contact Lockheed Martin EPA Technical Support at (800) 334-2405 or email (leave subject blank and type help in body of message).....[listserv@unixmail.rtpnc.epa.gov](mailto:listserv@unixmail.rtpnc.epa.gov)
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- U.S. Government Printing Office (GPO) (for the Congressional Record, *Federal Register*, congressional bills and other documents, and access to more than 70 government databases)..... [www.access.gpo.gov](http://www.access.gpo.gov)
- GAO homepage (access to reports and testimony) ..... [www.gao.gov](http://www.gao.gov)

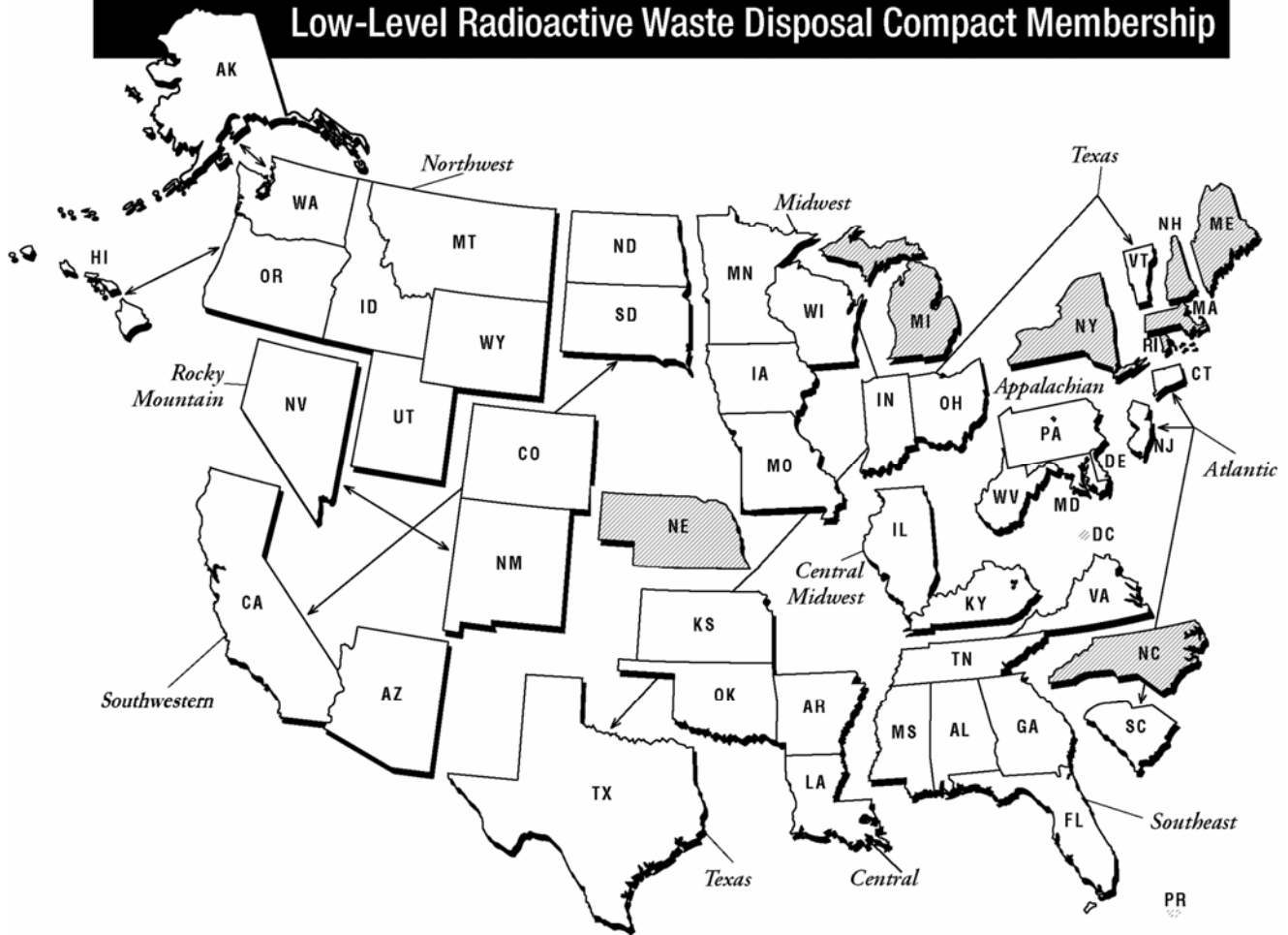
**To access a variety of documents through numerous links, visit the website for the LLW Forum, Inc. at [www.llwforum.org](http://www.llwforum.org)**

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## Low-Level Radioactive Waste Disposal Compact Membership



### Appalachian Compact

Delaware  
Maryland  
Pennsylvania  
West Virginia

### Atlantic Compact

Connecticut  
New Jersey  
South Carolina

### Central Compact

Arkansas  
Kansas  
Louisiana  
Oklahoma

### Central Midwest Compact

Illinois  
Kentucky

### Northwest Compact

Alaska  
Hawaii  
Idaho  
Montana  
Oregon  
Utah  
Washington  
Wyoming

### Midwest Compact

Indiana  
Iowa  
Minnesota  
Missouri  
Ohio  
Wisconsin

### Rocky Mountain Compact

Colorado  
Nevada  
New Mexico

*Northwest accepts Rocky Mountain waste as agreed between compacts*

### Southeast Compact

Alabama  
Florida  
Georgia  
Mississippi  
Tennessee  
Virginia

### Southwestern Compact

Arizona  
California  
North Dakota  
South Dakota

### Texas Compact

Texas  
Vermont

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Michigan  
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