

LLW notes

Volume 34 Number 6 November/December 2019

LLW Forum Submits Comments on Draft Regulatory Basis for the Disposal of Greater-Than-Class-C (GTCC) and Transuranic Waste

Rusty Lundberg, Chair Part 61 Working Group, writing on behalf of the LLWF, submitted to NRC:

“While the future need and importance of a national solution to the proper management of high-level radioactive waste is critical to the commercial nuclear power industry, we believe the scope of the GTCC and TRU waste discussion should not be overshadowed by such out-of-scope matters and that the final regulatory basis remain within the scope intended by the Commission. However, in order to provide added clarity, and in deference to the various comments offered during the recent public meetings, the NRC should provide in its supplemental information the context or relationship of high-level radioactive waste management matters. This information would clarify that such matters as those associated with potential interim storage facilities are beyond the Commission’s direction to staff with respect to GTCC and TRU waste disposal options and are therefore beyond the purpose and scope of the subject regulatory basis.

As sited states that have the jurisdictional authority over the existing low-level radioactive waste (LLRW) disposal facilities, we believe it is important to emphasize current LLRW disposal standards and requirements are in place and serve as the foundation for ensuring the protection of public health and safety and the environment for LLRW disposal. We remain committed to this important role and responsibility and believe the regulatory basis for GTCC and TRU waste disposal should continue to reaffirm this.

We note that the sited states in their role and responsibility as Agreement States have the expertise and technical resources to determine the acceptability of GTCC or TRU wastes for disposal in facilities meeting Part 61 requirements.

A final regulatory basis for GTCC and TRU waste disposal should be consistent with the Forum’s mission to promote access for LLRW waste balanced with the need for flexibility for individual compacts and sited states in order to determine the acceptability of GTCC and TRU waste disposal with respect to state policy, site-specific conditions, and existing waste acceptance criteria, consistent with Part 61 requirements.

We support the Commission’s direction in SRM-SE-CY-15-0094 for the need to harmonize the definition of transuranic waste (TRU waste) in 10 CFR Part 61 with the statutory definition found in current federal law as a matter of making the Part 61 regulations consistent with existing federal law.”

See complete comments published in this issue.

LLW Forum Posts Fiscal Information

As a part of the transformation the LLW Forum is undergoing, financial information is now posted on the public site at <https://llwforum.org/about/>

The site provides detailed information about

- LLWF Summary of Assets and Annual Income (Loss)
- LLW Forum – 2019 Estimated Actual 2020 Draft Budget

The Low-Level Radioactive Waste Forum, Inc. is committed to fiscal transparency and as such will provide up-to-date documents on its summary of assets and budget projections.

Please submit comments, suggestions or articles for the LLW notes to margaretllwf@gmail.com

In this Issue... Find news about Draft Regulatory Basis (GTCC) comments, Very Low-Level Radioactive Waste updates, NRC webinar and reports on decommissioning, Proof of Concept Disposal, and compact and regional news, including the Hodes Award recipient.

About LLW Forum

LLW Forum, established to facilitate state and compact implementation of the Low-Level Radioactive Waste Policy Amendments Act of 1985, promotes the objectives of the low-level radioactive waste regional compacts. LLW Forum provides opportunity for state and compact officials to share information with each other and to exchange views with officials of federal agencies and other interested parties.

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Acronyms Used in LLW notes

- CFR ♦ Code of Federal Regulations
- CRCPD ♦ Conference of Radiation Control Program Directors
- DOE ♦ US Department of Energy
- DOT ♦ US Department of Transportation
- EPA ♦ US Environmental Protection Agency
- IAEA ♦ International Atomic Energy Agency
- ICRP ♦ International Commission on Radiation Protection
- LLWF ♦ Low-Level Waste Forum
- NARM ♦ Naturally occurring and accelerator produced radioactive material
- NCRP ♦ National Council on Radiation Protection and Measurements
- NORM ♦ Naturally occurring radioactive material
- NRC ♦ US Nuclear Regulatory Commission
- OAS ♦ Organization of Agreement States
- TENORM ♦ Technologically enhanced naturally occurring radioactive material

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A Note from Outgoing Interim Executive Director of the LLW Forum, Joe Klinger

I continued through December 15 as the Interim, until Dan Shrum took over as our new Executive Director on Monday, December 16, 2019. We are very fortunate to have Dan on board as our new Executive Director. In my last days as IED, Dan and I spent a couple of days together on transition and he is ready to lead us into the future.

Thanks to all of you for your patience, support and understanding during my tenure as Interim Executive Director. The learning curve was steep and the tasks very challenging, but the support of the LLW Forum Board and other key stakeholders made the job very rewarding and productive. We have enhanced transparency (our financial information is now posted on our open website), cut costs considerably, we now have the ability to pay via credit card using PayPal, we have an organizational credit card, and we are well on our way to operating in a paperless manner. These are baby steps admittedly, but Dan will lead us on through our strategic transformation.

I will resume my role as Chair-elect of the LLW Forum and have a few pending projects that I will complete (off the payroll) to help facilitate the transition.

Please welcome and support Dan as he takes over as our Executive Director. "Dan is the Man" for the future of the Forum. Dan will be located in the DC area.

Message from Incoming Executive Director, Dan Shrum

I am excited for this opportunity to be part of the Low-Level Waste Forum and am encouraged by our new direction. Although there is room for improvement, we are fortunate to have a system in place to promote the safe and responsible disposal of low-level radioactive waste in the United States. I am impressed by the balancing act between states, compacts, and disposal operators and how they work together to fulfill the concepts envisioned in the Low-Level Radioactive Waste Policy Act. We are better together. The Low-Level Waste Forum has always been and will continue to be a resource to communicate, educate, and share ideas regarding safe waste management and disposal.

Daniel B. Shrum
Executive Director
Low-Level Radioactive Waste Forum
309 Bradley Boulevard, Suite 201
Richland, WA 99352
Telephone: (801) 580-3201
dshrum@llwforum.org

Save the date--

Spring Forum Meeting
March 2020

Transformation meeting on the 24th all day, Forum meeting 25th all day and 26th until around noon. DSWG in the afternoon of the 26th and morning of the 27th.

Denver, Colorado

Part 61 Working Group

LLW Forum Comments on the Draft Regulatory Basis for the Disposal of Greater-Than-Class C (GTCC) and Transuranic Waste (RIN Number: 3150-AK00)

Letter Reprinted in Entirety
November 19, 2019

Secretary, U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
ATTN: Rulemakings and Adjudications Staff
Docket ID No.: NRC-2017-0081
RE: Comments on the Draft Regulatory Basis
for the Disposal of Greater-than-Class C (GTCC)
and Transuranic Waste (RIN number: 3150-
AK00)

Dear Secretary:

On behalf of the Low-Level Radioactive Waste Forum's Part 61 Working Group, we appreciate the opportunity to provide comments on the subject document.

The Low-Level Radioactive Waste Forum (Forum) is a non-profit organization of representatives appointed by Governors and compact commissions that seeks to facilitate compact and state implementation of the Low-Level Radioactive Waste Policy Act of 1980 and its 1985 amendments, as well as to promote the objectives of regional low-level radioactive waste disposal compacts. In 2012, the LLW Forum formed the Part 61 Working Group (P61WG) to provide input from the compacts and states on the 10 CFR Part 61 rulemaking initiative and related low-level radioactive waste matters.

The P61WG is currently comprised of representatives from the sited-states of South Carolina, Utah and Washington, as well as a representative from the Commonwealth of Pennsylvania, as the designated host state in the Appalachian States LLRW Commission (Appalachian Compact).

On July 22, 2019, the U.S. Nuclear Regulatory Commission (NRC) published a notice of the availability of and request for comment on the Draft Regulatory Basis for the Disposal of Greater-than-Class C (GTCC) and Transuranic (TRU) Waste (84 FR 35037, July 22, 2019). In response to various requests from interested stakeholders,

including the Forum's Part 61 Working Group, to extend the comment period, the NRC published on September 13, 2019, a subsequent notice in the Federal Register extending the comment period until November 19, 2019. We express our appreciation to the NRC for extending the comment period.

As a result of the NRC's July Federal Register Notice (FRN), the Forum reactivated the P61WG in order to perform an in-depth review of the draft document and FRN. We have reviewed the Draft Regulatory Basis and offer the following comments and note that more detailed comments addressing matters of specific importance or interest to individual members of the Forum and the P61WG may also be submitted under separate letter for the NRC's consideration. This is important to note because some of the P61WG members have previously commented on the Department of Energy's 2011 Draft Environmental Impact Statement for GTCC and GTCC-like waste management. Accordingly, the comments offered by the Forum's P61WG in this letter are intended to supplement and therefore not conflict with or duplicate those earlier comments.

First, we note that the Executive Summary of the Draft Regulatory Basis document clearly reaffirms the Commission's direction that the NRC staff prepare such a document for stakeholder review and comment. During the recent public meetings, some commenters expressed concerns regarding the management of radioactive waste that is more properly characterized as high-level radioactive waste and essentially outside the scope of the Draft Regulatory Basis for the Disposal of GTCC and TRU wastes. We appreciate the NRC staff's efforts during the public meetings to clarify the purpose and scope of the draft regulatory basis for GTCC and TRU waste disposal.

While the future need and importance of a national solution to the proper management of high-level radioactive waste is critical to the commercial nuclear power industry, we believe the scope of the GTCC and TRU waste discussion

Part 61 Working Group

LLWF Comments - continued

should not be overshadowed by such out-of-scope matters and that the final regulatory basis remain within the scope intended by the Commission. However, in order to provide added clarity, and in deference to the various comments offered during the recent public meetings, the NRC should provide in its supplemental information the context or relationship of high-level radioactive waste management matters. This information would clarify that such matters as those associated with potential interim storage facilities are beyond the Commission's direction to staff with respect to GTCC and TRU waste disposal options and are therefore beyond the purpose and scope of the subject regulatory basis.

As sited states that have the jurisdictional authority over the existing low-level radioactive waste (LLRW) disposal facilities, we believe it is important to emphasize current LLRW disposal standards and requirements are in place and serve as the foundation for ensuring the protection of public health and safety and the environment for LLRW disposal. We remain committed to this important role and responsibility and believe the regulatory basis for GTCC and TRU waste disposal should continue to reaffirm this. We note that the sited states in their role and responsibility as Agreement States have the expertise and technical resources to determine the acceptability of GTCC or TRU wastes for disposal in facilities meeting Part 61 requirements.

A final regulatory basis for GTCC and TRU waste disposal should be consistent with the Forum's mission to promote access for LLRW waste balanced with the need for flexibility for individual compacts and sited states in order to determine the acceptability of GTCC and TRU waste disposal with respect to state policy, site-specific conditions, and existing waste acceptance criteria, consistent with Part 61 requirements.

We support the Commission's direction in SRM-SECY-15-0094 for the need to harmonize the definition of transuranic waste (TRU waste) in 10 CFR Part 61 with the statutory definition found in current federal law as a matter of making the Part 61 regulations consistent with existing federal law.

As stated in the Draft Regulatory Basis, NRC rulemaking would be necessary to establish the relevant criteria and requirements for a LLRW disposal facility licensed under Part 61 by an Agreement State to accept and dispose of GTCC and/or TRU waste. For purposes of providing regulatory consistency and added flexibility for an Agreement State, we support the need for rulemaking, particularly one that is not overly cumbersome or lengthy. Following completion of the regulatory basis, we encourage the NRC staff to not delay in providing the Commission with a rulemaking proposal for the disposal of GTCC and TRU waste under Part 61. The Part 61 Working Group firmly believes the Commission reconsider decoupling the GTCC-TRU rulemaking and the proposed Part 61 rulemaking in order to fold the GTCC-TRU rulemaking into the proposed Part 61 rulemaking as a single rulemaking in a timely manner because of the inherent benefit of integrating both rulemaking efforts. Integrating both rulemakings is especially valid for those low-level radioactive wastes with similar long-lived isotopes. This could also serve to ensure that compacts and sited states can address the Part 61 changes in a single, more coordinated and consolidated effort. This would also allow a sited state to address specific state policy considerations regarding such unique wastes in a similar manner, while maintaining regulatory compatibility.

Additionally, the NRC should clarify that the GTCC-TRU rulemaking would allow TRU waste disposal based on a performance assessment that meets the performance objectives described in the proposed changes to Part 61.

Again, we appreciate the opportunity to provide comments on the Draft Regulatory Basis for the Disposal of GTCC and TRU Waste and look forward to your consideration of our comments. Should you have any questions or require additional information, please feel free to contact me on behalf of the Forum's Part 61 Working Group at (801) 536-4257 or rlundberg@utah.gov.

Sincerely,
Rusty Lundberg, Chair Part 61 Working Group

Atlantic Compact
Connecticut •
New Jersey • South Carolina

NRC Seeks Comments on Draft Environmental Assessment for Westinghouse Columbia Fuel Facility License Renewal

The Nuclear Regulatory Commission is seeking public comment regarding a draft Environmental Assessment and a draft finding of no significant impact concerning the proposed renewal of the operating license for the Westinghouse Columbia Fuel Fabrication Facility.

The NRC staff has scheduled a Nov. 14 public meeting in Columbia to present the findings and receive public comments. In June 2018, the NRC published a final Environmental Assessment, documenting the environmental impacts of continued operation of the Westinghouse plant for an additional 40 years. An equipment leak in July 2018 and new information regarding a past leak from a buried pipe, coupled with community concerns, led the NRC staff to re-open the review and issue the new assessment.

Comments will be accepted at the meeting, and written comments may be submitted through Nov. 27 through the federal rulemaking web site, Docket ID NRC-2015-0039, or by mail at Office of Administration, Mail Stop: TWFN-7-A60M, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, ATTN: Program Management, Announcements and Editing Staff, or by e-mail to WEC-CFFF-EA@nrc.gov.

NRC Press Release No: II-19-037

November 5, 2019

Contact: Roger Hannah, 404-997-4417

Joey Ledford, 404-997-4416

Appalachian Compact
Delaware • Maryland •
Pennsylvania • West Virginia

Annual Meeting 10:00 AM – 12:30 PM November 8, 2019

Actions from the meeting:

Elected Kaley Laleker, Chair, and Clifford Mitchell, Vice-Chair, both from the Maryland Department of Health.

Approved a proposed budget of \$37,700 for FY 2020-21.

Passed a motion to notify the DOE Secretary of the intention of the Commission to use income on the surcharge fund for routine operations of the Commission and the reasons therefor.

Reviewed and discussed:

- Treasurer's report and independent auditors report for FY 2018-19
- Status of compacts and commercial LLRW disposal facilities
- National developments including DOE's interpretation of high-level radioactive waste and NRC's activities related to 10 CFR Part 61 rulemaking, GTCC regulatory basis, and scoping study for Very Low-Level Waste
- Information on LLRW generation in the Appalachian Compact
- Update on LLWF activities
- Overview of nuclear reactor decommissioning

The next meeting is schedule for November 6, 2020, in Harrisburg, PA.

Contact person: Rich Janati

Telephone: 717.787.2163 |

www.depweb.state.pa.us

Central Midwest Compact

Illinois • Kentucky

The next meeting will be April 7, 2020. Frankfort, Kentucky, was tentatively selected for the Spring Meeting.

Southeast Compact

Alabama • Florida • Georgia •
Mississippi • Tennessee • Virginia

NRC Proposes \$145,000 Civil Penalty to Tennessee Valley Authority

The Nuclear Regulatory Commission has proposed the assessment of a \$145,000 civil penalty to the Tennessee Valley Authority for submitting incomplete and inaccurate information to the NRC that was material in a licensing decision at the Watts Bar nuclear plant.

TVA has admitted to the Severity Level III violation but can contest the assessment of the civil penalty through alternative dispute resolution, involving an independent mediator, if it chooses.

An NRC inspection completed on Aug. 1, 2019, concluded that TVA, on multiple occasions as part of the licensing of Watts Bar Unit 2, and also as part of a license amendment request for Watts Bar Unit 1, submitted incomplete and inaccurate information to the NRC regarding the adequacy of an offsite electric power system.

TVA inaccurately reported to the NRC from July 2010 to January 2015 that two common service station transformers could be counted on as qualified sources of offsite power to be used for accident mitigation. An NRC inspection team identified that the transformers lacked adequate capacity to provide power to safety-related equipment in certain accident scenarios.

Southeast Compact - continued

The violation did not result in any negative consequences, and TVA has since instituted corrective actions to prevent a recurrence of the violation.

NRC Press Release No: II-19-038

November 20, 2019

Contact: Roger Hannah, 404-997-4417

Joey Ledford, 404-997-4416

NRC to Issue Early Site Permit to Tennessee Valley Authority for Clinch River Site

The Nuclear Regulatory Commission has authorized the issuance of an Early Site Permit for Tennessee Valley Authority's Clinch River site near Oak Ridge, Tenn. The permit closes several site-related issues, including many environmental impacts, for small modular reactors at the site.

The Commission authorized the agency's Office of Nuclear Reactor Regulation to issue the permit following a hearing on Aug. 14, 2019. The Commission found the staff's review of TVA's application adequate to make the necessary regulatory safety and environmental findings. The permit, which will be valid for up to 20 years from date of issuance, is expected to be issued in the next few days.

The permit does not authorize any NRC-regulated construction activities. TVA would need to apply separately for an NRC license to build and operate a reactor at the site. The permit includes additional provisions, including approved analysis methods, that deal with the NRC's emergency preparedness regulations. This could allow a future license applicant at the Clinch River site to request an emergency preparedness zone smaller than those found at current U.S. nuclear power plants.

Southeast Compact - continued

The NRC staff's technical review of TVA's application also covered issues such as how the site's characteristics could affect plant safety and environmental protection considerations. The staff published a final environmental impact statement for the permit on April 3, 2019, and a final safety evaluation on June 24, 2019. More information on the Clinch River ESP review is available on the NRC website.

NRC Press Release No: 19-064
December 17, 2019
CONTACT: Office of Public Affairs, 301-415-8200

Southwestern Compact

Arizona • California • South Dakota • North Dakota

83rd Meeting Announcement

The annual meeting was held on Wednesday, 6th of November beginning at 0900 hrs PST at the Embassy Suites, 150 Anza Blvd, Burlingame, CA 90410.

The agenda included the following:

Exportation actions to be considered are:

- a. Ratification of approved petitions
E19-058-141 & WCS19-022-060
- b. Amend "Policy of the Southwestern Low-Level Radioactive Waste Commission Regarding Exportation of Various Low-Level Radioactive Waste Streams" - extend effective date
- c. Amend "Requirements for Exportation Petitions for Low-Level Radioactive Waste Disposal" - extend effective date
- d. Approve update Petition forms

Other action items include:

- Financial Audit Report
- staff performance evaluations

Southwestern Compact - continued

- Executive Director's one year extension on current contract
- renewal of Legal Counsel's one year contract
- Annual Governor's Report
- Amend Fiscal Year 2019-2020 budget
- Approve new Fiscal Year 2020-2021 budget
- Adopt fee schedule
- Election of officers

The Commission did take action to increase the petition minimum fee to \$380. This was needed to keep ahead of annual expenses and changing number of radioactive material licensees within the Compact. Commissioner Donna Earley has again been elected to the Chair of the Compact. Commissioner Brian Goretzki will continue as the Vice Chair. The Commissioners did authorize a one year renewal of the LLW Forum membership. The check will be sent out in January, 2020. The Commission hopes the LLW Forum continues to update their policies, expand membership and have an annual budget which show operations that can stay in the black. Transparency will need to continue in order for continued membership.

Kathy Davis will continue an additional year with the Compact to proceed on projects that the Compact is involved in.

Contact: Kathy A. Davis, Executive Director
Telephone: 916-448-2390
kathydavis@swllrwcc.org

Texas Compact

Texas • Vermont

Meeting November 21, 2019

TLLRWDC met November 21, and considered the following applications for importation of low-level radioactive waste:

- a. Alaron Nuclear Services – Import Application – TLLRWDC 1-0241-00
- b. PG&E – Diablo Canyon – Import Application – TLLRWDC 1-0242-00
- c. Chase Environmental – Import Application – 1-0243-00
- d. Unitech Services Group – Import Application – TLLRWDC 1-0244-00

Other discussion included the need to develop a contingency plan and consideration of value of LLW Forum membership. Regarding personnel matters, the Commission noted they are moving closer to hiring the executive director.

To hear the discussion, visit <https://www.youtube.com/watch?v=Y6xfwelG2i0&feature=youtu.be>

The next meeting is tentatively scheduled for Thursday, January 23, 2020 in Austin, Texas.

Texas Commission on Environmental Quality (TCEQ) New Commissioner

Bobby Janecka—who had spent the previous five years as a section manager in TCEQ’s Radioactive Materials Division—served for the last year as a policy adviser to Texas Gov. Greg Abbott and as the state’s liaison to the Nuclear Regulatory Commission. Gov. Abbott appointed Janecka to the three-member commission.

Note: In the States and Compact Section, NRC news releases are abbreviated. Access the complete news release at the NRC website www.nrc.gov/reading-rm/doc-collections/news/ or by clicking on links provided as the “News Release No.”

TCEQ Rule Project on Rate Adjustment

A new rule project approved by the Executive Director has been announced by the TCEQ, November 1, 2019, as Rule Project No. 2020-009-336-WS - Rate Adjustments – Disposal of Low-Level Radioactive Waste.

The announcement comes as a Rulemaking Draft Concept and Initiation Memo - Radioactive Substance Rules.

The memo details the concept to adjust the curie inventory charge which WCS says is necessary to stay competitive. Effects on the regulatory community are detailed in the document.

Proposal is anticipated for April 8, 2020, with adoption September 9, 2020.

https://www.tceq.texas.gov/assets/public/legal/rules/rule_lib/memos/20009336_concept_memo.pdf

TCEQ Approves WCS Performance Assessment

TCEQ has approved the WCS Updated Performance Assessment (PA) for its Compact Waste Facility and Federal Waste Facility. TCEQ’s approval was received on October 30, 2019. Updates are required every five years.

The PA examines site features such as geology, surface water and groundwater, potential future weather changes, residential and intrusion scenarios, and possible future uses of the land out to one million years. The WCS PA meets all Texas requirements and goes beyond the federally recommended compliance period of one to ten thousand years after site closure. The current disposed WCS inventory has a peak dose of approximately 0.5 millirem per year at 170,000 years from closure of the facility.

Source: WCS press release.

Savannah River Remediation LLC Receives 2020 Hodes Award

The Southeast Compact Commission (SECC) selected Savannah River Remediation LLC (SRR) to receive the 2020 Richard S. Hodes Award (Award) for developing and implementing a technical, regulatory, and engineering strategy to work with the U.S. Department of Energy (DOE) for the removal and treatment of liquid radioactive waste associated with reprocessing in a manner that allows its disposition as other than high-level waste.

The Award is given to an individual, company, or organization that contributed in a significant way to improve technology, policy, or practices of low-level radioactive waste (LLRW) management in the United States. The criteria for selection include innovation, safety, economics, and transferability.

SRR combined progressive waste processing policies with state-of-the-art technologies to reclassify high-level wastes and then contain them for permanent disposal as LLRW. Using these innovative methodologies, SRR was able to save tax-payers over \$55 billion. Additionally, many of the innovative solutions developed by SRR are directly transferrable to others for solving complex issues with treatment and disposition of complex radioactive waste streams.

John Lanza, one of the SECC commissioners participating in the Award recipient selection, said the creative work of SRR clearly exemplifies the spirit and commitment that the Hodes Award is intended to recognize.

“The primary strategic value of the SECC is that permanent disposal of low-level radioactive waste is preferable to storage,” Lanza said. “This value is exemplified by SRR as they successfully addressed a problem that was described by the South Carolina Department of Health and Environmental Control as ‘...the greatest environmental risk in the State of South Carolina.’”

The award will be presented Tuesday, March 10 during the 2020 Waste Management Conference, which will be held March 8-12, 2020 in Phoenix, Arizona. Immediately following the award presentation, a representative of SRR will present a lecture on its innovative efforts. The SECC will provide a \$5,000 honorarium and will pay for travel expenses for the individual accepting the award and presenting the lecture in Phoenix.

The Commission established the Richard S. Hodes, M.D. Honor Lecture Award to honor the memory of Dr. Richard S. Hodes, who served as chair of the Southeast Compact Commission from its inception in 1983 until his death in 2002. He was a strong proponent of innovative approaches to improve the management of LLRW in the U.S.

The Commission would like to thank those individuals and organizations that participated in the 2020 awards program. Their involvement has helped to assure the continued success of the Richard S. Hodes, M.D. Honor Lecture Award.

Very Low-Level Waste Regulatory Issue

LLW Forum Update Regarding NRC's Very Low-Level Waste Regulatory Issue Summary RIS-2016-011

Regarding NRC RIS-2016-011 and whether NRC or Agreement States have authority to regulate the disposal of VLLW by an NRC licensee located in an Agreement State, November 15, 2019, the Nuclear Energy Institute (NEI) filed a petition for review with the U.S. Court of Appeals for the D.C. Circuit. NEI is challenging the NRC's apparent reversal of its longstanding (since 1986) position that Agreement States have authority to approve disposal of very low-level waste generated by an NRC licensee located in an Agreement State. This issue could have a significant impact on operating and decommissioning reactors and other NRC licensees. This Very Low-Level Waste topic was discussed at the recent Fall LLW Forum meeting in Chicago, and we will keep you posted on any further developments.

--Joe Klinger--

Very Low-Level Waste Regulatory Issue Summary RIS-2016-011**INTENT**

The U.S. Nuclear Regulatory Commission (NRC) is issuing this Regulatory Issue Summary (RIS) to correct the information provided in Information Notice (IN) 1986-90, "Requests to Dispose of Very Low-Level Radioactive Waste Pursuant to 10 CFR 20.302." This RIS clarifies the application process for obtaining approvals to dispose of low-level waste (LLW) in accordance with Title 10 of the Code of Federal Regulations (10 CFR) 20.2002 regulations, or equivalent Agreement State regulations.

The NRC expects recipients to review the information for applicability to their facilities and to consider actions, as appropriate. However, this RIS requires no specific action or written response on the part of an addressee. The NRC is providing this RIS to the Agreement States for their information and distribution to their licensees as appropriate. This RIS supersedes Information Notice (IN) 1986-90.

See the entire document at <https://www.nrc.gov/docs/ML1600/ML16007A488.pdf>

Draft Regulatory Basis

NRC Posted Public Comments on the Draft Regulatory Basis

November through December Postings

Approximately 6700 form letters and emails as well as comments from:

Sierra Club members
Will Green
New York State Energy Research and Development Authority
James Mayer
Earl Fordham on behalf of State of Washington Department of Health
Bud Brigham
Marc Maddox
Karen Hadden
Rusty Lundberg - LLW Forum Part 61
Working Group Comments
Alicia and DiAnn Barker
Barbara Warren RN, MS
Ty Howard - Utah Dept. of Environmental Quality
Council on Intelligent Energy and Conservation
Marvin Resnikoff
Ken Niles
Theresa Kliczewski, Department of Energy
Robert Brescia
Jeff Semancik, CRCPD

Janet Schlueter
Patricia Townsend - Citizen Task Force at West Valley, representing the Buffalo-Niagara League of Women Voters
Jenny Tibbetts
Craig Little - Health Physics Society
Joan Christensen
Tommy Taylor
Diane D'Arrigo - NIRS
Toby Baker on behalf of TCEQ
Chikaodi Agumadu
Daniel Hawkins
Terry Derstine, OAS
Alexandra Smith
Heatherly Duke - BWT Technical Services Group
Brad Little, Governor of Idaho
David Carlson - Waste Control Specialists
John Greeves
Tiffany Drake, Missouri Department of Natural Resources
Rosemary Shively
Charlotte Sullivan, Texas Department of State Health Services
Carol Ortiz
Katherine Dawes
Kathleen Cox

Disposal and Decommissioning

NRC to Conduct Webinar Seeking Public Comments on Decommissioning Community Advisory Board Best Practices

The Nuclear Regulatory Commission staff will hold a webinar on Nov. 19 to provide interested members of the public another opportunity to comment on decommissioning community advisory board best practices. The webinar is scheduled to begin at 1 p.m. Eastern time with participants able to view slides prepared by NRC staff and ask questions both verbally and in writing via a web page set up to host the session. Online registration is required to participate. Under the Nuclear Energy Innovation and Modernization Act, which became law on Jan. 14, 2019, the NRC is required to prepare a report for Congress identifying best practices for the establishment and operation of local community advisory boards in communities near decommissioning nuclear power plants. To gather information for that report, the NRC staff conducted a kickoff webinar on Aug. 8 and held 11 public meetings around the country beginning in late August and concluding in mid-October. Holding meetings near every plant undergoing decommissioning or preparing for the decommissioning process was not practical. The webinar on Nov. 19 will provide another opportunity for interested members of the public to offer comments. Additional information on NEIMA Section 108 activities are on the NRC website.

No: I-19-029

November 12, 2019

Contact: Diane Screnci, 610-337-5330

Neil Sheehan, 610-337-5331

<https://www.nrc.gov/reading-rm/doc-collections/news/2019/19-029.i.pdf>

NRC 2019 Annual Report on the Status of the Decommissioning Program

The 2019 Annual Report on the Status of the Decommissioning Program provides a summary of the NRC's decommissioning program. The report summarizes the status of sites undergoing decommissioning through September 30, 2019, including the decommissioning of power reactors, research and test reactors, complex materials sites, 1 uranium recovery facilities, and fuel cycle facilities. The report also provides key decommissioning accomplishments in FY 2019 and informs the Commission of expected activities for FY 2020.

In summary, as of September 30, 2019, 23 nuclear power and early demonstration reactors, 3 research and test reactors, 12 complex materials facilities, 5 Title 11 2 uranium recovery facilities, 3 and parts of 1 fuel cycle facility are undergoing decommissioning or are in long-term safe storage (SAFSTOR) under NRC jurisdiction. Of the 23 power and early demonstration reactors in decommissioning, 12 are in SAFSTOR and 11 are in active decommissioning. Additionally, 20 Title I and 6 Title II uranium recovery facilities are in long-term care under a general license held by the U.S. Department of Energy (DOE), pursuant to Title 10 of the Code of Federal Regulations (10 CFR) 40.27 and 40.28.

Further, there are 2 additional former mill sites that are not under a general license by DOE but have been designated as Title I sites by Congress. Thus, there are 22 Title I sites in total.

References:

<https://www.nrc.gov/docs/ML1928/ML19282A391.html>

and slides

<https://www.nrc.gov/reading-rm/doc-collections/commission/slides/2019/20191204/staff-20191204.pdf>

Source:

Status of the Decommissioning Program - 2019 Annual Report

11/27/2019

SECY-19-0113

Disposal and Decommissioning

NRC Report to Congress - Power Reactor Decommissioning

New on the NRC website, December 2, 2019, is *NUREG-1415, Volume 33, Number 2, Office of the Inspector General Semiannual Report to Congress: April 1, 2019 – September 20, 2019*.

<https://www.nrc.gov/docs/ML1933/ML19331A150.pdf>

Most Serious Management and Performance Challenges

As one of the challenges facing the Nuclear Regulatory Commission in FY 2019 (as identified by the Inspector General) the report comments on Challenge 2 Regulation of nuclear materials and radioactive waste programs.

Power Reactor Decommissioning Status - Audit of NRC's Transition Process for Decommissioning Power Reactors explains "Decommissioning is the process used to safely remove a nuclear power plant from service and reduce residual radioactivity to a level that permits release of the property and termination of the NRC license under which the plant operates."

Quoted from the report:

The Office of Nuclear Reactor Regulation (NRR) maintains oversight of all operating nuclear power plants. The Office of Nuclear Material Safety and Safeguards (NMSS) maintains oversight of all decommissioning activities. Once a licensee announces its intention to shut down its reactor, NRR and NMSS closely coordinate during the transition process from operating to decommissioned. The audit objective was to determine whether NRC's transfer of oversight responsibilities, used when operating power reactors undergo decommissioning, is efficient and effective.

Audit Results:

OIG found that NRC's transfer of oversight responsibilities is effective; however, the efficiency could be improved. Specifically, NRC should update decommissioning guidance and implement a formal project manager knowledge transfer process. Agency guidance states NRC should run its programs effectively and efficiently; however, NRC does not practice certain knowledge management principles in the reactor decommissioning process. Consequently, there may be unnecessary delays in the processing and management of reactor decommissioning projects which may incur additional costs to licensees, NRC, and taxpayers.

Spent Fuel Storage and Management and Nuclear Security for Fuel Cycle Facilities

Strategic Programmatic Overview of the Fuel Facilities and the Spent Fuel Storage and Transportation Business Lines (Public Meeting)

Purpose: The purpose of the briefing is to provide the Commission with a discussion of strategic considerations associated with the Fuel Facilities and Spent Fuel Storage and Transportation business lines.

Scheduled: December 4, 2019

9:00 a.m.

See announcement <https://www.nrc.gov/reading-rm/doc-collections/commission/agenda/2019/agenda-20191204.pdf>

Workforce Development and Education

IAEA Strategic Approach to Education and Training in Radiation, Transport and Waste Safety, 2011-2020

IAEA continues to offer a range of education and training services and activities to its Member States to build competence in the area of radiation, transport and waste safety. The support is offered in line with the IAEA's mandate, the safety standards and the Strategic Approach to Education and Training in Radiation, Transport and Waste Safety, 2011-2020. <https://www-ns.iaea.org/downloads/rw/training/strategic-approach2011-2020.pdf> This is a continuation of the strategic approach 2001-2010. The report summarizes the achievements of 2001-2010 and discusses strategies for 2010-2020. USNRC was a contributor to the report.

Industrial Security and Waste Management

Proof of Concept Disposal at the Northwest Compact and Texas-Vermont Sites

by Russ Meyer, CRCPD

On February 25, 2015, NRC announced the availability of revision 1 of their Branch Technical Position on Concentration Averaging and Encapsulation. This revision was an update on previous Branch Technical Positions on Classification and Concentration Averaging of low-level radioactive waste (LLRW). The new revision allows for sealed sources containing those Table 2 radioisotopes with specified class C limits to be disposed in commercial disposal sites at higher activities. A sealed source of Cs-137 up to 130 Ci can now be disposed in a commercial LLRW disposal site without justification. Higher activity Cs-137 and other sources (up to the class C limits) also can be disposed in commercial facilities, if reasonable assurance is provided demonstrating the source has a low probability of presenting a radiation hazard to future generations.

Since then CRCPD has been working with DOE as a part of the Source Collection and Threat Reduction (SCATR) Program to perform a “proof of concept” disposal at the Northwest Compact (US Ecology) and Texas-Vermont (Waste Control Specialists) waste disposal sites.

A successful disposal of a Cs-137 source greater than 130 Ci (550 Ci at the time of disposal) was made at the Northwest Compact site on September 27, 2017. Subsequently, a similar disposal was recently made at the Texas-Vermont site on December 11, 2019, of two sources, one of 251 Ci and the other of 128 Ci. Both sources contained Cs-137. CRCPD’s broker collected each source at a different location (approximately 761 miles apart), loaded them both in the same cask, and transported them to Waste Control Specialists for disposal. The collection, transport and disposal of the two sources, were uneventful.

DOE and CRCPD will provide more information on scheduling and cost sharing for disposals of higher activity sealed sources in the near future.

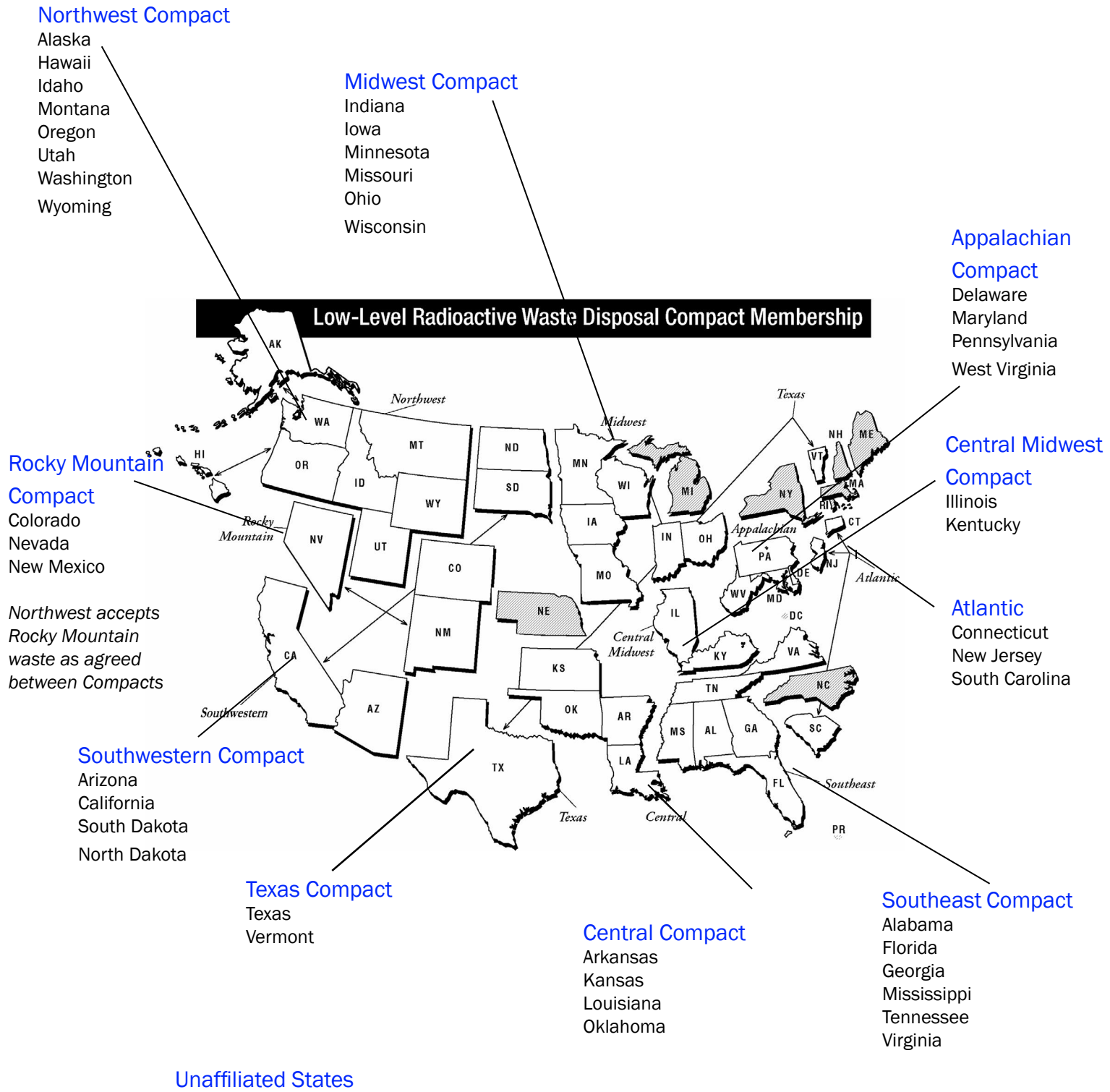
For more information, contact:

Russ Meyer, CRCPD

Telephone: 512-761-3822

rmeyer@crcpd.org

Low-Level Radioactive Waste Disposal Compact Membership



Membership details available at llwforum.org/membership/

Information Resources

- DOE Public Affairs/Press Office - 202/586-5806
- DOE Distribution Center - 202/586-9642
- EPA (for program information, publications, laws and regulations) www.epa.gov
- EPA Information Resources Center - 202/260-5922
- 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) list-server@unixmail.rtpnc.epa.gov
- Government Accounting Office (GAO) Document Room - 202/512-6000
- Government Printing Office (to order entire *Federal Register* notices) - 202/ 512-1800
- Legislative Resource Center (to order U.S. House of Representatives documents)- 202/226-5200
- NRC Public Document Room - 202/ 634-3273
- NRC Reference Library (NRC regulations, technical reports, information digests, and regulatory guides) www.nrc.gov
- U.S. Government Printing Office (GPO) (for the Congressional Record, Federal Register, congressional bills and other documents, and access to more than 70 governmentdatabases) <http://www.access.gpo.gov>
- U.S. Senate Document Room - 202/224-7860
- Variety of documents through numerous links at LLW Forum, Inc. at www.llwforum.org

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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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Contact: Dshrum@llwforum.org