

# LLW *notes*

Volume 35 Number 1 January/February 2020

## SPRING FORUM MEETING

An Invitation from Dan Shrum, Executive Director

We look forward to networking with everyone in Denver during our Spring Meeting March 25-26, 2020. We have a full agenda and we are pleased to have Commissioner David Wright from the Nuclear Regulatory Commission as our Keynote speaker. We will also have a panel of waste professions discussing very low-level, 20.2002, and Part 61. Our agenda also includes the Nuclear Regulatory Commission, Department of Energy, Compact, and Industry representatives presenting on changes in our industry.

We also hope to see you at the transformation meeting March 24, 2020. We are continuing to re-invent the Forum so that we can better serve our members in the future. We have brought in a professional facilitator to assist us during the transformation meeting – it should be enlightening.

### LLW Forum Spring Meeting

The Spring 2020 meeting of the LLW Forum will be held in Denver, Colorado at the Magnolia Hotel March 25-26, 2020.

Highlights of the Draft Agenda - See pages 3,4,and 5.

Registration Information - See page 6.



Please submit comments, suggestions or articles for the LLW *notes* to [margaretlwf@gmail.com](mailto:margaretlwf@gmail.com)

*In this Issue...* Find news about LLWF Spring Meeting; updates from Working Groups; Texas revenue; TCEQ rate adjustment proposal status; budget proposals by federal agencies for LLW; decommissioning, storage and transport topics; and compact and regional news.

## 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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**Highlights of the Draft Agenda**

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**LOW-LEVEL RADIOACTIVE WASTE FORUM, INC.**  
309 Bradley Boulevard, Suite 201, Richland, WA 99352  
(801) 580-3201 \* [dshrum@llwforum.org](mailto:dshrum@llwforum.org)

**Spring 2020 Meeting**  
**Magnolia Hotel**  
818 17<sup>th</sup> Street, Denver, CO 80202  
Denver, CO

**Wednesday - March 25, 2020**  
**“The Vault”**

**Executive Committee Meeting**

- 7:30 am—8:00 am** Closed Session re: Financial, Legal, and Proprietary Issues Voting LLW Forum Board Members and Alternates Only
- 8:00 am—8:30 am** Open Session re: Outstanding LLW Forum Business  
All Meeting Attendees are Welcome to Attend

**Wednesday - March 25, 2020**  
**“17th by Magnolia”**  
Across the Street

- 8:30 am – 9:00 am** Registration
- 9:00 am – 9:10 am** Introductions and Announcements
- |   |                        |
|---|------------------------|
| <b>Welcome and Introductory Remarks</b>     | <b>Earl Fordham</b>    |
| <b>Departing Interim Executive Director</b> | <b>LLW Forum Chair</b> |
- 9:10 am –10:00 am** Keynote Speaker **Commissioner David Wright**  
**Nuclear Regulatory Commission**
- Q & A**
- |  |                       |
|--|-----------------------|
| <b>10:00 am –10:30 am</b> Results of Transformation Work Session | <b>Alyse Peterson</b> |
| <b>Mission &amp; Operations Subcommittee</b>                     | <b>Ed Hammerberg</b>  |
| <b>Fall 2019 Survey Results</b>                                  | <b>Kristen Schwab</b> |
- 10:30 am – 11:00 am** Break

## Highlights of the Draft Agenda - continued

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- |                            |   |   |
|----------------------------|---|---|
| <b>11:00 am – 11:10 am</b> | <b>Overview of the LLW Forum’s Disused Sources Working Group</b>  | <b>Michael Klebe,<br/>DSWG</b>  |
| <b>11:10 am - 11:20 am</b> | <b>Overview of the LLW Forum’s Part 61 Working Group</b>  | <b>Rusty Lundberg,<br/>Chair</b>  |
| <b>11:20 am - 12:00 pm</b> | <b>NRC Update</b>   | <b>Director, Decommissioning,<br/>Uranium Recovery, and Waste Programs<br/>Patricia Holahan</b> |
|                            | <b>Very low-level radioactive waste update<br/>Part 61 &amp; GTCC rulemaking status<br/>20.2002 update<br/>Decommissioning rule update</b>                          |   |
| <b>12:00 pm – 12:30 pm</b> | <b>DOE Update<br/>Disposal volumes, trends, and budgeting<br/>GTCC and HLA definition</b>   | <b>Julia Shenk<br/>DOE</b>  |
| <b>12:30 pm – 2:00 pm</b>  | <b>Lunch (on your own)</b>  |   |
| <b>2:00 pm – 3:30 pm</b>   | <b>Risk Informing the disposal of Low-Level Radioactive Waste<br/>Consistent exposure standards, VLLW and 20.2002, finalizing Part 61,<br/>alternative disposal</b> | <b>Discussion Leader – Tom Magette<br/>President, Talisman</b>                                  |
|                            | <b>Panelists:</b>   | <b>Paul Black<br/>President, Neptune</b>  |
|                            |   | <b>Patricia Holahan<br/>U.S. NRC</b>  |
|                            |   | <b>Joe Weismann<br/>U.S. Ecology</b>  |
|                            |   | <b>Janet Schlueter<br/>NEI</b>  |
| <b>3:30 pm - 4:00 pm</b>   | <b>Break</b>  |   |
| <b>4:00 pm – 4:30 pm</b>   | <b>Texas Low-Level Radioactive Waste<br/>Disposal Compact Commission Update</b>   | <b>Brandon Hurley<br/>Chair, TLLRWDC</b>  |

**Highlights of the Draft Agenda - continued**

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**4:30 pm – 5:00 pm** Waste Control Specialists (WCS)  
Site Update **David Carlson**  
**President & COO**

**5:00 pm** Session Adjourned—Dinner on your own. We will have recommendations and sign up lists for groups wanting to network and enjoy downtown Denver.

**Thursday — March 26, 2020**  
**“17th by Magnolia”**  
**Across the Street**

**8:30 am – 9:00 am** Registration

**9:00 am – 9:15 am** Business Session (include working group updates and resolutions)

**9:15 am – 9:45 am** NEI Updates **Janet Schlueter**  
Legislative and agency activities **NEI**

**9:45 am – 10:15 am** EPA Updates **Tom Peake**  
Rulemaking and agency activities **EPA**

**10:15 am -10:45 am** Clive Update **Vern Rogers**  
Licensing updates, disposal volumes, DU **EnergySolutions**

**10:45 am – 11:15 am** Break (time for hotel check-out)

**11:15 am – 11:45 am** Utah Update **Rusty Lundberg**  
Licensing and legislative activities, staffing **Utah**

**11:45 am -12:15 pm** Barnwell Update **Deborah Ogilvie**  
Disposal update, Sierra Club challenge **EnergySolutions**

**12:15 pm – 12:30 pm** Adjournment



**Denver, Colorado**  
**March 25 – 26, 2020**

**Date and Times:** The spring 2020 meeting of the Low-Level Radioactive Waste Forum (LLW Forum) will be held from March 25-26, 2020. This will be a one and one-half day meeting beginning at 9:00 a.m. on Wednesday and concluding at 1:00 p.m. on Thursday. The Executive Committee will meet from 7:30 – 8:30 a.m. on Thursday morning (March 25). There will also be a Forum Transformation Planning meeting for Board Members and invited guests on Tuesday (March 24) from 9:00 a.m. - 5:00 p.m. The Disused Sources Working Group (DSWG) – including members, staff, organizational liaisons and invited guests will meet on Thursday (March 26) afternoon from 2:00 p.m. –5:00 p.m. and Friday (March 27) from 9:00 a.m. – 1:00 p.m.

**Location:** The meeting will be held at the Magnolia Hotel, 818 17<sup>th</sup> Street in Denver. The Magnolia Hotel Denver is in downtown Denver in the Central Business District, adjacent to the 16<sup>th</sup> Street Mall.

**Hotel Reservations:** A dedicated block of hotel rooms has been reserved for Monday night (March 23) through Friday (March 27) at the rate of \$162 plus tax per night (single or double)! The same rates have been extended to three days post the meeting dates, subject to availability.

*To make a reservation, please call 303 607-9000 or 1-888-915-1110 (Group Code is Low Level Radioactive). Reservations may also be made at the following website:*

**<https://www.marriott.com/event-reservations/reservation-link.mi?id=1562179352497&key=GRP&app=resvlink>**  
*The deadline for reserving a room at the reserved rate is March 2, 2020.*

**Transportation:** Taxi and Uber/Lyft are available from the Denver International Airport (DIA). Taxi service charges are a flat rate of \$56.03.

In terms of public transportation, especially during rush hour times (7-10am; 4-7pm), consider the A line (light rail) from DIA to downtown Denver. There is a \$10.50 charge each way, additional information can be found here: <https://www.rtd-denver.com/services/rail>. The A-line leaves from the airport every 15 minutes during the day and arrives at Union Station, which is 0.5 miles from the hotel. There is a free shuttle bus along the 16<sup>th</sup> Street Mall to explore downtown Denver and possibly assist in the last half mile from Union Station.

**Registration:** The meeting is free for up to two attendees representing members of the LLW Forum. Non-member registration is \$600.00 per attendee, payable to the “LLW Forum” by check or through Pay-Pal. For membership information, please contact Dan Shrum, LLW Forum Executive Director at (801) 580-3201 or go to our website at [www.llwforum.org](http://www.llwforum.org).

Attendees should complete the registration form and forward with payment via check made payable to the “LLW Forum” as follows:

LLW Forum  
309 Bradley Blvd, Suite 201  
Richland, WA 99352

Phone: (801) 580-3201  
Email: [dshrum@llwforum.org](mailto:dshrum@llwforum.org)  
Website: [www.llwforum.org](http://www.llwforum.org)

## Disused Sources Working Group

**Disused Sources Working Group Update**

by Michael Klebe

The Low-Level Waste Forum's Disused Sources Working Group (DSWG) met in October 2019 in conjunction with the Fall meeting of the Forum. The following is a brief summary of the current activities of the DSWG.

The DSWG had explored the idea of establishing a pilot study for a formal source exchange program. This program would involve licensees registering their unwanted sources into a database that could then be searched by licensees needing a source. The CRCPD has conducted an informal source exchange program based on staff knowledge and contacts. Attempts by DSWG support contractors at securing willing participants for this pilot study were not successful and all further efforts by the DSWG to establish a pilot study have been suspended.

It has been over five years since the DSWG published their report with 24 recommendations for the management of disused sealed radioactive sources. Many of these recommendations have been accomplished. The DSWG is in the process of reprioritizing the remaining recommendations and will discuss the new priorities at the spring meeting.

In 2017, the DSWG published the report "Disposition Options and Costs for Certain Radioactive Sealed Sources and Devices." This report focused on the main sealed sources and devices from a variety of industry sectors. At the last meeting, the DSWG asked that this report be simplified and segregated by industry sector. A draft of this revision has been prepared for the DSWG and will be discussed at the spring meeting.

The US Nuclear Regulatory Commission in 2015 published an update to the Branch Technical Position (BTP) on Concentration Averaging and Encapsulation. The original BTP was published in 1995. The revised BTP does not seem to have had a positive impact in promoting the disposal of disused source. The DSWG will discuss the original and revised BTPs at the spring meeting with the goal of formulating a study to determine the impact of the revised guidance. In addition, the DSWG will discuss the merit of developing an implementation guidance specific to the disposal of sealed radioactive sealed sources.

The spring meeting of the DSWG immediately follows the LLW Forum's meeting with sessions beginning the afternoon of Thursday, March 26 and concluding Friday morning.



## Part 61 Working Group

**Part 61 Working Group Update**

by Rusty Lundberg

On July 22, 2019, the Nuclear Regulatory Commission (NRC) published in the Federal Register (84 FR 35037) a request for comment on the Draft Regulatory Basis for the Disposal of GTCC and TRU Waste. The draft document serves to provide an initial analysis for the potential of the NRC proceeding with rulemaking that specifically addresses the disposal of these types of wastes. The comment period initially concluded on September 20, 2019, but based on multiple requests, including one from the working group, the NRC extended the comment period until November 19, 2019.

On behalf of the Forum, the Part 61 Working Group prepared and submitted comments for the NRC's consideration. The comments were provided in the last issue of Notes as well as posted on the Forum's main web site and the working group's web site. In follow up to submitting our comments, the Part 61 Working Group is willing to work with the NRC staff in order to provide further context, from the perspective of the compacts and participating states, to both technical and policy considerations associated with the development of a final regulatory basis and related proposed regulatory changes. As the NRC moves forward with this important effort, the Part 61 Working Group remains open to receiving feedback from Forum members in order to reflect, promote, and support the critical role of compacts and states in the national low-level radioactive waste management system.



**Atlantic Compact**  
Connecticut •  
New Jersey • South Carolina

**Meetings**

The next meeting of the Atlantic Compact Commission is scheduled for Tuesday April 21, 2020 at 10:00 am.

For additional information please email at max@atlanticcompact.org

<https://www.atlanticcompact.org/>

**Appalachian Compact**  
Delaware • Maryland •  
Pennsylvania • West Virginia

**Meetings**

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

**NRC Issues Final Environmental Impact Statement for Peach Bottom Subsequent License Renewal**

Nuclear Regulatory Commission staff members have issued the Final Supplemental Environmental Impact Statement on Exelon Generation Company's application for an additional 20 years of operation for Peach Bottom Atomic Power Station, Units 2 and 3. The NRC has concluded the potential environmental impacts are not so great that preserving the option of license renewal for energy-planning decision makers would be unreasonable.

Exelon submitted the Peach Bottom subsequent license renewal application on July 10, 2018. The subsequent license renewal process determines whether an operating reactor can extend its license for an additional 20 years (initial license renewals add 20 years to a reactor's original 40-year license). The application, excluding proprietary details, is available on

the NRC website. In addition, a copy of the final EIS will be available for public inspection at the Whiteford Branch Library, 2407 Whiteford Road in Whiteford, Md.

Source: NRC News Release No: 20-006 January 27, 2020

Contact: Scott Burnell, 301-415-8200

**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 Announces Opportunity to Request Hearing on Vogtle Unit 3 Notice of Intended Operation**

The Nuclear Regulatory Commission has received notice from Southern Nuclear Operating Company that the company plans to load nuclear fuel into the Vogtle Unit 3 reactor in Waynesboro, GA, beginning in late November 2020. The company has also submitted notifications describing the completion of inspections and other actions required before the beginning of the fuel load. The NRC has published in the Federal Register a notice of opportunity to request a limited adjudicatory hearing regarding the notice of intended operation. Petitions requesting a hearing must be filed by April 13, by anyone whose interest may be affected by Vogtle Unit 3's proposed operation and who wishes to participate as a party in the proceeding. For this hearing opportunity, petitions must also show which acceptance criteria in the Vogtle Unit

3 combined license have not been or will not be met, including why failure to meet the criteria would prevent the NRC from having reasonable assurance that public health and safety will be adequately protected. No environmental contentions will be considered. The Commission will determine whether to grant the hearing request. Information on Southern Nuclear's completion of the required inspections and other actions, excluding proprietary details, is available on the NRC's website. The NRC will consider this information when making a finding later this year on whether Vogtle Unit 3 can begin operating.

Source: NRC News Release No: 20-007 February 12, 2020

Contact: Scott Burnell, 301-415-820

### Northwest Compact

Alaska • Hawaii • Idaho • Montana • Oregon • Utah •  
Washington • Wyoming

### Meetings

#### February 13

A meeting of the State of Utah, Waste Management and Radiation Control Board was scheduled for February 13, 2020 at 1:30 p.m. at the Utah Department of Environmental Quality, Multi Agency State Office Building (Conference Room #1015), 195 North 1950 West, SLC. Telephonic Participation was available for the meetings of this Body (see Agenda).

The Agenda and Board packet information for the Waste Management and Radiation Control Board Meeting is available at:

<https://deq.utah.gov/boards/waste-management-and-radiation-control-board-meetings>

The Agenda and Board packet information has also been posted on the Utah Public Notice website at:

<https://www.utah.gov/pmn/index.html>

Low-Level Radioactive Waste agenda items included:

- EnergySolutions request for a site-specific treatment variance from the Hazardous Waste Man-

agement Rules. EnergySolutions seeks authorization to receive high concentration arsenic waste for disposal (Information Action Item).

- EnergySolutions request for a site-specific treatment variance from the Hazardous Waste Management Rules. EnergySolutions seeks authorization to receive Cemented Uranium Extraction Process Residues for disposal (Information Action Item).
- EnergySolutions request for a site-specific treatment variance from the Hazardous Waste Management Rules. EnergySolutions seeks authorization to receive magnesium/thorium dross for disposal (Information Action Item).

**March 12, 2020**

The next Board meeting is March 12, 2020.

### Utah Report on Low-Level Radioactive Waste Section Activities for 2019

Utah Department of Environmental Quality Waste Management and Radiation Control has published its annual report from 2019, posted January 6, 2020.

Included in the report are comments on the Low-Level Radioactive Waste Section that is tasked with reviewing and writing license conditions for EnergySolutions' Low-level radioactive waste license, 11.e.(2) license, state issued part B permit (mixed waste) and groundwater discharge permit. Highlights of activities quoting from the report:

"Staff were on site at the facility 146 days; 4732 hours were spent on inspections; 6339 hours were spent on licensing. In 2018, a total of 1670 hours were spent in transportation inspections."

Source: <https://documents.deq.utah.gov/waste-management-and-radiation-control/DSHW-2020-002062.pdf>

### Southwestern Compact

Arizona • California • South Dakota • North Dakota

#### Arizona Public Service Company, for operation of Palo Verde, located in Maricopa County, Arizona

The NRC is considering issuance of amendments to Renewed Facility Operating License Nos. NPF-41, NPF-51, and NPF-74 issued to Arizona Public Service Company, for operation of Palo Verde, located in Maricopa County, Arizona.

The proposed amendments would extend the implementation time from February 23, 2020, to August 31, 2020, for the NRC-approved license amendments issued May 29, 2019 (Amendment Nos. 209; AD-AMS Accession No. ML19085A525), associated with risk-informed completion times in accordance with NEI 06-09, Revision 0-A, "Risk-Informed Technical Specification Initiative 4b, Risk-Managed Technical Specifications (RMTS) Guidelines." The licensee is requesting this extension due to unforeseen circumstances.

Before any issuance of the proposed license amendments, the NRC will need to make the findings required by the Atomic Energy Act of 1954, as amended (the Act), and NRC regulations.

The NRC has made a proposed determination that the license amendment request involves no significant hazards consideration. Under the NRC's regulations in section 50.92 of title 10 of the Code of Federal Regulations (10 CFR), this means that operation of the facility in accordance with the proposed amendments would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration

You may submit comments by any of the following methods:

**Federal Rulemaking Website:** Go to <https://www.regulations.gov> and search for Docket ID NRC-2019-0254. Address questions about NRC docket IDs in [Regulations.gov](https://www.regulations.gov) to Jennifer Borges; telephone: 301-287-9127; email: [Jennifer.Borges@nrc.gov](mailto:Jennifer.Borges@nrc.gov). For technical questions, contact the individual listed in the FOR FURTHER INFORMATION CONTACT section of this document.

**Mail comments to:** Office of Administration, Mail Stop: TWFN-7-A60M, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, ATTN: Program Management, Announcements and Editing Staff.

For the announcement, see <https://www.regulations.gov/document?D=NRC-2019-0254-0001>

### Texas Compact

Texas • Vermont

#### Meetings

##### January 23, 2020

The January 23, 2020, meeting included:

Applications/amendments for importation of low-level radioactive waste:

Xcel Energy – Prairie Island

Philotechnics a. NextEra Seabrook

NextEra Seabrook

Bionomics

Applications for exportation of low-level radioactive waste:

Bionomics-SWRI export application 3-0038-00

Bionomics-Quest Diagnostics 3-0039-00

Report from Waste Control Specialists

Discussion of LLWF membership

Chairman's report fiscal matters, audit, contingency plan and personnel matters.

Discussion and possible action regarding the contingency plan including the appointment of commissioners to serve on a Contingency Plan committee.

## March 12, 2020 Agenda

Applications for importation of low-level radioactive waste:

- a. Xcel Energy Monticello – Import Application
- b. Ameriphysics
- c. University of Missouri Research Reactor Report from Waste Control Specialists  
Chairman’s report on fiscal matters, and audit.

Report and discussion of recent and future conferences and meetings attended by Commissioners

Discussion and possible action regarding the contingency plan described in Section 3.04 of the Texas Low-Level Radioactive Waste Disposal Compact, including the appointment of commissioners to serve on a Contingency Plan committee.

Discussion and possible action related to personnel matters, including hiring of an administrative assistant and executive director.

## May 7, 2020

The following meeting will be Thursday, May 7, 2020 at the Texas State Capitol at 1100 Congress Ave, Austin, TX 78701.

### Annual Report to the Texas Leadership

January 31, 2020, the TLLRWDCD delivered to the Texas leadership the Annual Report for 2019 TLLRWDCD Activities.

<http://www.tllrwdcc.org/wp-content/uploads/2020/02/TLLRWDCD-Annual-Report-2019-FINAL.pdf>

The report is required by statute and details and mission, membership, revenue sources, status of monitoring and protection of capacity, and waste volumes imported and exported.

Findings in the report as quoted:

“As of December 31, 2019, the total volume of waste disposed of in the Compact Waste Facility (162,679 cubic feet) totals 1.81% of the permitted volumetric capacity of the Compact Waste Facility and the total curies associated with these same volumes of disposed waste (497,145 Ci) totals less than 12.8% of the permitted curies for the facility.”

The Commission has 51 active import agreements and out-of-compact generators and 14 export authorizations.

The submission includes the financial statement and independent auditors report for the year ending August 31, 2018.

Financial highlights:

- The Commission reported expenses of \$311 thousand, reflecting a 9% decrease from the prior fiscal year.
- The decreased expenses in 2018 were primarily the result of less overall costs for professional and contracted services as well as reduced fees for dues and fees.
- Shortly after the fiscal year end, the Commission returned approximately \$266 thousand of unused allocated funds to the State. This amount has been recorded as an amount due to the State as of August 31, 2018.

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/](http://www.nrc.gov/reading-rm/doc-collections/news/) or by clicking on links provided as the “News Release No.”

## Texas Compact Disposal Fees

**Revenue Associated with Agreements Approved by the TLLRWDC**

As a result of import agreements entered into in 2018 and 2019, a number of shipments were made from out-of-compact generators to the Compact Waste Facility in Andrews, TX. Each of these out-of-compact shipments resulted in a fee of 10% for Q1 to Q3 2019, and 20% for Q4 2019 of the amount charged for disposal being paid to the Texas Commission on Environmental Quality, which oversees the operations of the facility. The quarterly totals of the out-of-compact disposal fees for 2019 are listed below in Table 4. Also provided in Table 4 are the annual out-of-compact disposal fees collected each year since 2012, when the Compact Waste Facility began taking out-of-compact radioactive waste.

**Table 4. Breakdown of Fees from Out-of-Compact Disposal - FY 2019**

Description	Quantity (4)
1st Quarter 2019	733,780.76
2nd Quarter 2019	1,218,488.49
3rd Quarter 2019	629,372.18
4th Quarter 2019	304,121.91
Total Fees 2019	2,885,763.34
Total Fees FY 2012 to FY 2019	32,812,988.45

Source: Annual Report for 2019 TLLRWDA Activities, January 2020.

<http://www.tllrwdcc.org/wp-content/uploads/2020/02/TLLRWDC-Annual-Report-2019-FINAL.pdf>

### **Rule Project No. 2016-034-336-WS - Rate Adjustments – Disposal of Low-Level Radioactive Waste - Texas Commission on Environmental Quality**

#### **History of Rulemaking**

The rulemaking was proposed at the May 23, 2018, Commission Agenda, published in the Texas Register on June 8, 2018, offered a rulemaking public hearing on June 28, 2018, comment period closed on July 10, 2018, adopted at the October 17, 2018, Commission Agenda, adoption was published in the Texas Register on November 2, 2018, and rulemaking was effective November 8, 2018. The rulemaking added a requirement for licensees to minimize the introduction of residual radioactivity into the site, including the subsurface; adjusted the surcharge fees for compact waste disposal; and removed the annual requirement for rate adjustment for disposal of Low-Level Radioactive Waste to allow flexibility to incorporate rate adjustments on an as-needed basis.

#### **New Rulemaking**

TCEQ will be proposing a new rulemaking at the April 8, 2020, Commission Agenda.

Information for that rulemaking will be posted on the TCEQ website on March 20, 2020. The rulemaking website location is as follows:

[https://www.tceq.texas.gov/rules/rules\\_rulemaking.html](https://www.tceq.texas.gov/rules/rules_rulemaking.html)



## NRC Regulatory Information Conference (RIC), Rockville, MD - March 10-12, 2020

## MEETING ANNOUNCEMENT

The U.S. Nuclear Regulatory Commission's Annual Regulatory Information Conference (RIC) is the largest public meeting the agency hosts, bringing together nearly 3,000 participants from more than 30 countries representing interested stakeholders from other government agencies, industry, international organizations, and the general public. The RIC is sponsored by the Office of Nuclear Reactor Regulation and the Office of Nuclear Regulatory Research, and offers an open environment in which diverse groups of stakeholders may learn, share, and discuss information on significant and timely nuclear regulatory activities and emergent issues.

The RIC offers an illustrious technical program featuring experts from across the agency as well as speakers from industry, academia, and our international counterparts. Throughout the 2 ½ day conference, attendees may participate in over 35 dynamic sessions featuring panelists addressing a broad range of topics of interest in the nuclear community. To compliment the technical program, interactive digital exhibits and live demonstrations will be on display and attendees may engage in one-on-one dialogue with exhibitors on topics of their choosing. Attendees also have an opportunity to participate in tours of the NRC Operations Center to round out their overall conference experience. Join us as we showcase the wave of innovation and transformation happening at the NRC! For more information or to register, please use the following link:

<https://www.nrc.gov/public-involve/conference-symposia/ric/index.html>

**See Session, Speakers and Subjects <https://www.nrc.gov/public-involve/conference-symposia/ric/tech-session-info-022020.pdf> for details.**

See details about sessions addressing topics recently covered in the LLW notes:

- Transformation at NRC - See page 15.
- Risk Informed Decisions - See page 15.
- Decommissioning Session - See page 16.

## NRC Regulatory Information Conference (RIC), Rockville, MD - March 10-12, 2020

### Session Details

#### Transformation at NRC – What will we look like? How will we know when we have arrived?

Sponsored by the Office of the Executive Director for Operations NRC is transforming to be best prepared to carry out its regulatory responsibilities in an everchanging environment under the challenges of an evolving economy and energy priorities. The agency remains committed to its critical safety mission, recognizing more than ever our need to focus our resources on activities that have the greatest impact on safety. Through transformation, we are examining and revising our practices and processes while better training our employees to be prepared for nuclear energy development in this next century.

During this session we will explore many of the changes being proposed and made at the NRC. Join us in an exchange of ideas during this important session. People are our best resource.

Format: Modified TV Talk Show

Speakers/Panelists: To Be Announced

#### Risk-Informed Decisions: Oversight and Operations

Sponsored by Region III and Region IV

This session will provide perspectives from NRC and industry representatives on current best practices, initiatives, and approaches to operations and oversight of nuclear power plants, in today's risk-informed and focused environment.

How are the risk-informed initiatives helping shape future operations and decisionmaking?

What are some inspection best practices and focus areas that help shape what risk-informed decisionmaking looks like from an oversight perspective?

The conversation will work from the base assumption that the industry and regulator share a common goal of focusing on the most safety-significant operations. To ensure we are focused on the most important safety issues, we must use risk principles, including probabilistic risk insights. The panelists (three to four) will discuss their perspectives on what being risk-informed “looks like” and what initiatives and program adjustments may help prepare the industry and regulator and advance their respective risk-informed processes.

Speakers/Panelists: Introductory Remarks – Kevin Coyne, Deputy Director, Division of Rulemaking, Environmental, and Financial Support, NMSS/NRC; Roy Linthicum, PWROG Risk Management Committee Chairman, Pressurized Water Reactor Owners Group Bradley Adams, Vice President, Engineering, Southern Nuclear Operating Company; Julio Lara, Director, Division of Reactor Projects, RIII/NRC; Rick Deese, Senior Reactor Analyst, Plant Support Branch #2, Division of Reactor Safety, RIV/NRC; Session Chair - Kevin Coyne, Deputy Director, Division of Rulemaking; Environmental, and Financial Support, NMSS/NRC, 301-415-2478, Kevin.Coyne@nrc.gov; Session Coordinator: John Hanna, Senior Reactor Analyst, Division of Reactor Projects, RIII/NRC, 630-829-9746, John.Hanna@nrc.gov Format: TV Talk Show



## Disposal and Decommissioning

## NRC to Hold Public Meeting on Reactor Decommissioning Financial Assurance

### PUBLIC MEETING ANNOUNCEMENT

Title: Reactor Decommissioning Financial Assurance Working Group Public Meeting  
Date(s) and Time(s): February 05, 2020, 12:30 PM to 02:30 PM

Location: Webinar

Category: This is a Category 3 meeting. Public participation is actively sought for this meeting to fully engage the public in a discussion of regulatory issues.

Purpose: Present NRC findings of power reactor decommissioning trust funds and financial assurance due to changes in decommissioning business models

Contact: Theodore Smith  
301-415-6721  
theodore.smith@nrc.gov

Webinar: Interested members of the public can participate in this meeting via Webinar.

For details, please call the NRC meeting contact.

Source: ADAMS Accession Number: ML20017A236

#### Presentation Slides for the Meeting:

<https://www.nrc.gov/docs/ML2003/ML20037A284.pdf>

<https://www.nrc.gov/docs/ML2003/ML20034D203.pdf>

#### Related Documents

ML20034D203 - Reactor Decommissioning Financial Assurance Working Group WEBEX Presentation for 2/5/2020

ML20034D494 - 02/05/2020 Reactor Decommissioning Financial Assurance Working Group Public Meeting

## NRC Regulatory Information Conference (RIC), Rockville, MD - March 10-12, 2020 - Session Detail

### Reactor Decommissioning: Future Trends and New Challenges

Sponsored by the Office of Nuclear Material Safety and Safeguards

Format: Presentation

The coming decade will probably witness the rapid expansion of decommissioning activity. This session will present an overview of the new challenges the NRC has encountered and address the ways in which it is adapting and intends to change its program. Challenges include the new reactor trends regarding accelerated decommissioning, timing of required submittals, multiple planned locations for decommissioning of one facility and impacts to associated regulatory requirements, trends with community advisory panels and States' desire for decisionmaking, the increased need for internal agency knowledge management during the transition from operations to decommissioning, and the resulting need to update the decommissioning program. The NRC will discuss changes we intend to make in our internal licensing and inspection procedures and our outreach strategy based on the lessons learned and other mechanisms. For additional perspective on how the NRC is addressing these challenges, a State Liaison Officer and a licensee that just underwent license transfer will also be invited to present on coordination activities with the NRC. Speakers/Panelists are provided at Session, Speakers and Subjects <https://www.nrc.gov/public-involve/conference-symposia/ric/tech-session-info-022020.pdf>

## Federal Budget Requests: Low-Level Radioactive Waste

## Nuclear Regulatory Commission Congressional Budget Justification Fiscal Year 2021 NUREG-1100, Volume 36

NRC Fiscal Year (FY) 2021 Congressional Budget Justification has been published. The FY 2021 budget request also reflects changes directed by Public Law 115-439, "Nuclear Energy Innovation and Modernization Act" (NEIMA). The NRC's fiscal year (FY) 2021 budget request is \$863.4 million, including 2,868 full-time equivalents (FTE).

The publication gives information on expenses for Low-Level Waste activities. FY 2019 actuals were \$23.7 million and 92.8 FTE (full-time equivalents). FY 20 enacted were \$93.0 million and 93 FTE. FY 21 requested budget is \$22.8 and 86 FTE. Change from FY 20 is an increase of \$1 million and a decrease of 7 FTE.

Other items of interest are the "Status of Reactors Transitioning from Operating to Decommissioning" on page 20 of the report. Also Figure 9: Anticipated Locations of NRC-Regulated Sites Undergoing Decommissioning in FY 2021, from page 68 of the report.

Anticipated rulemaking for Low-Level Radioactive Waste Disposal (Part 61) is shown as high priority, with final rule publication anticipated for August 31, 2021.

See the full report at <https://www.nrc.gov/docs/ML2002/ML20024D764.pdf>.

For a summary, see FY 2021 Congressional Budget Justification Summary, February 10, 2020 at <https://www.nrc.gov/docs/ML2002/ML20024D751.pdf>

## Department of Energy Budget Requests Fiscal Years 2020 and 2021

To accelerate progress on national priorities and advance the DOE mission, the FY 2020 Budget Request invests:

\$6.8 billion in FY 20 and \$6.4 billion in FY

21 for Environmental Management and Legacy Management to clean up and monitor past cleanup of sites that supported development of the U.S. nuclear deterrent.

Sources: <https://www.energy.gov/articles/department-energy-fy-2020-budget-request-fact-sheet> and [https://www.energy.gov/sites/prod/files/2020/02/f71/doe-fy2021-budget-fact-sheet\\_0.pdf](https://www.energy.gov/sites/prod/files/2020/02/f71/doe-fy2021-budget-fact-sheet_0.pdf)

Quoting from the report:

"Funds will continue and support cleanup resulting from six decades of nuclear weapons development and production and Government-sponsored nuclear energy research and cleanup of millions of gallons of liquid radioactive waste and thousands of tons of spent nuclear fuel and nuclear materials. DOE will dispose of large volumes of transuranic and mixed/low-level waste, and huge quantities of contaminated soil and water." See <https://www.energy.gov/sites/prod/files/2020/02/f72/doe-fy2021-budget-in-brief.pdf>

To see the breakout of funding and activities for Environmental Management, see

<https://www.energy.gov/sites/prod/files/2020/02/f72/doe-fy2021-budget-volume-5.pdf>

## United States Environmental Protection Agency Fiscal Year 2021 Justification of Appropriation Estimates for the Committee on Appropriations Agency Fiscal Year 2021

EPA is a member of the Interagency Radiation Source Protection and Security Task Force, established in the Energy Policy Act, to improve the security of domestic radioactive sources. To see justifications for activities involving radioactive sources and waste, see

<https://www.epa.gov/sites/production/files/2020-02/documents/fy-2021-congressional-justification-all-tabs.pdf>

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

**Denial of Petition for Rulemaking on Revisions of 10 CFR Part 72 Requirements for the Storage of Spent Nuclear Fuel**

The petitioners assert a mismatch now exists between the NRC regulations for the storage of spent nuclear fuel in dry casks in 10 CFR part 72 and the status for the disposal and storage of spent nuclear fuel today. The petitioners note that a geologic repository for permanent disposal of spent nuclear fuel does not exist. Additionally, the petitioners state that storage of spent nuclear fuel at nuclear plants for an indefinite period is allowed under the NRC's regulations.

The petitioners request many revisions to the 10 CFR part 72 requirements and state these are needed to accommodate the indefinite surface storage of spent nuclear fuel. After consideration of the proposals presented by the petitioners, the rationale provided in the NRC's 2014 final rule, and the evaluations discussed in this document, the NRC finds the regulatory changes requested by the petitioners are not needed to provide reasonable assurance that continued storage of spent nuclear fuel in dry cask storage systems is safe and secure.

SECY-19-0097: Denial of Petition for Rulemaking on Revisions of 10 CFR Part 72 Requirements for the Storage of Spent Nuclear Fuel (PRM-72-8; NRC-2018-0017), posted January 24, 2020  
FRN: <https://www.govinfo.gov/content/pkg/FR-2020-01-23/pdf/2020-01026.pdf>

## Industrial Security and Waste Management

**A Moving Target: Nuclear Security During Transport  
IAEA's International Conference on Nuclear Security: Sustaining and Strengthening Efforts (ICONS 2020)**

**February 10 - 14, 2020**

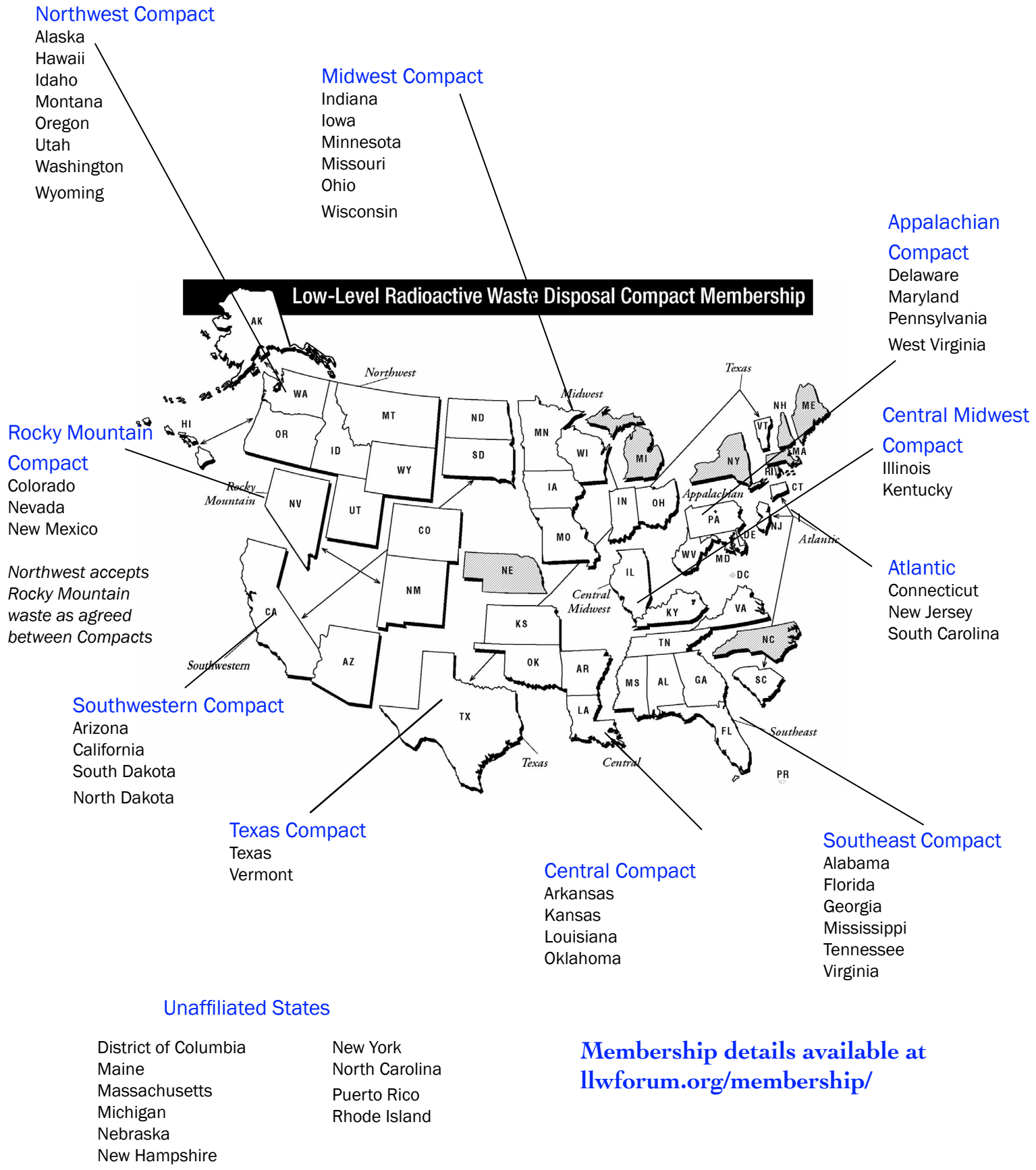
<https://www.iaea.org/events/nuclear-security-conference-2020>

How to further strengthen nuclear security during transport is one of the topics that will be discussed. The conference will provide a forum for ministers, policymakers, senior officials and experts to discuss current approaches and priorities for nuclear security.

While only around 30 countries use nuclear power and therefore have significant amounts of nuclear materials to transport, almost all countries use radioactive sources. The IAEA assists countries with the security of disused sources. Such sources are beyond their useful life but can remain radioactive for a long time and frequently require transport to temporary storage facilities or permanent repositories.

IAEA reports that more than half of the incidents of theft of radioactive material reported to the IAEA between 1993 and 2019 occurred while it was in transport.

**Low-Level Radioactive Waste Disposal Compact Membership**



Membership details available at [llwforum.org/membership/](http://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](http://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](mailto: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](http://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 government databases) <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](http://www.llwforum.org)

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### Copyright Policy

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

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

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

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- LLW Forum publications will include a statement that the material is copyrighted and may not be used without advance permission in writing from the LLW Forum.

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