

LLW *notes*

Volume 35 Number 2 March/April 2020

A Message from the Director --

Well – that didn't go as planned. March 2020 was going to be a big month for the Low-Level Radioactive Waste Forum. Our March 2020 meeting included a facilitated transformation discussion to focus direction and better define our place in the industry. We had scheduled an NRC Commissioner and a strong line-up of speakers – I anticipated a healthy dialogue on current issues within our industry. Then poof – everything stopped.

We have all been through a variety of emotions because of the COVID-19 virus. Life has changed – things will be different moving forward. This time period has caused me to reflect on a few things, such as:

We are better together – the purpose of the Forum is to bring people together to share ideas and hear different perspectives. We have much to learn from each other and the Forum promotes bringing people together to discuss relevant topics.

Being in the same room matters – a certain dynamic happens when we are in the same place and share an experience. We have good tools to facilitate discussion – video chats, conference call, zoom, webinars, etc. However, nothing replaces the dynamic of being together in the same place at the same time. At times I consider myself an introvert, but I am well aware of the social nature of humans.

Service matters – I have been impressed with how people have stepped up and have made a difference. Service is how we impact one another, and the little things count as much as the big things.

We are resilient – we have a great propensity to adapt and change. This too shall pass, and we will learn from this experience.

Until we are able to meet together again, stay safe, keep up the good work, and check on a neighbor or friend.

---Dan Shrum



Please submit comments, suggestions or articles for the LLW *notes* to margaret-llwf@gmail.com

In this Issue... Find news about some ways the industry and government agencies are adapting to COVID-19 and making contributions, updates on Very Low-Level Waste interpretation progress, regulatory activities about facilities in NM, some rule and guide changes upcoming 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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Appalachian Compact

Delaware • Maryland •
Pennsylvania • West Virginia

NRC Issues Subsequent Renewed Licenses for Peach Bottom Reactors

The Nuclear Regulatory Commission staff has approved Exelon Generation Company's application for an additional 20 years of operation for Peach Bottom Atomic Power Station Units 2 and 3, located near Delta, Pa. These renewed licenses authorize reactor operation from 60 to 80 years. The Peach Bottom Unit 2 subsequent renewed license expires on Aug. 8, 2053. The Unit 3 subsequent renewed license expires on July 2, 2054. The rationale for the NRC's decision is documented in the staff's February 2020 final Safety Evaluation Report on the application, as well as the staff's January 2020 final Supplemental Environmental Impact Statement. The NRC's Advisory Committee on Reactor Safeguards also reviewed the safety aspects of renewing the licenses. The NRC's Atomic Safety and Licensing Board terminated the adjudicatory proceeding regarding the application in June 2019 and concluded that no contested matters remained before it for resolution. The Board's decision has been appealed to the Commission. The NRC staff has determined that issuing the subsequent renewed licenses before the Commission acts on the appeals would not foreclose or prejudice any action by the Commission. Exelon submitted the Peach Bottom subsequent license renewal application on July 10, 2018. The application, excluding proprietary details, is available on the NRC website. The subsequent license renewal process determines whether an operating reactor can safely extend its license for an additional 20 years (from 60 to 80 years of operation).

Source: NRC News Release No: 20-013 March 6, 2020

Contact: Scott Burnell, 301-415-8200

Atlantic Compact

Connecticut •
New Jersey • South Carolina

Meeting

The Atlantic Compact Commission meeting on April 21 will be rescheduled to a date in late June 2020. The new date will be available sometime in April.

For additional information please email at max@atlanticcompact.org and see <https://www.atlanticcompact.org/>

NRC to Meet with Connecticut Nuclear Energy Advisory Council to Discuss Millstone Nuclear Power Plant Performance

Nuclear Regulatory Commission staff will discuss the 2019 safety performance of the Millstone nuclear power plant, operated by Dominion Nuclear, during a virtual meeting of the Connecticut Nuclear Energy Advisory Council on April 21. Millstone Units 2 and 3, located in Waterford, Conn., operated safely during 2019. At the end of the year, all inspection findings and performance indicators were green, or of very low safety significance. As a result, both units remain under the NRC's normal level of oversight, which entails thousands of hours of inspection each year.

Source: NRC News Release No: I-20-003 April 8, 2020

Contact: Diane Screnci, 610-337-5330

Neil Sheehan, 610-337-5331

NRC Schedules Virtual Meeting to Discuss 2019 Safety Performance of Summer Nuclear Power Plant

Nuclear Regulatory Commission staff will discuss the 2019 safety performance of the Summer nuclear power plant, operated by Dominion Energy, during a virtual meeting scheduled for April 2. The NRC determined that the Summer nuclear power plant operated safely during 2019. All inspection findings and performance indicators had very low safety significance. As a result, the plant remains under the NRC's normal level of oversight.

Source: NRC News Release No: II-20-005 March 26, 2020

Contact: Roger Hannah, 404-997-4417
Joey Ledford, 404-997-4416

Central Midwest Compact

Illinois • Kentucky

Meetings

Due to nationwide response to COVID-19, the Spring Meeting of April 7, 2020, CMCC has rescheduled for May 12, 2020. See the April agenda <https://cmcompact.org/wp-content/uploads/SPRING-MEETING-ANNOUNCEMENT-AND-AGENDA.pdf>

NRC Schedules Virtual Meeting to Discuss Performance of Honeywell Facility

The Nuclear Regulatory Commission staff will discuss the results of a performance review of the Honeywell uranium conversion facility in Metropolis, Ill., during a virtual meeting scheduled for April 14. The NRC staff assessed performance of the Honeywell facility during the period beginning Jan. 1, 2018 and ending Dec. 31, 2019, in safety operations, safeguards, radiological controls, facility support and other areas. Although the safeguards area was assessed, that information is not publicly available due to its sensitive nature. The NRC staff review determined that Honeywell continued to conduct its activities safely and securely, protecting public health and the environment.

Source: NRC News Release No: II-20-007 April 6, 2020

Contact: Roger Hannah, 404-997-4417

NRC Approves License Renewal for Honeywell Uranium Conversion Facility

The Nuclear Regulatory Commission has renewed the operating license of Honeywell International's uranium conversion plant in Metropolis, Ill., for an additional 40 years. The new license expires on March

24, 2060. Uranium conversion is an important step in the nuclear fuel cycle. Honeywell receives uranium oxide from mills and in-situ recovery facilities and converts it to uranium hexafluoride. The UF₆ is then transported to other facilities, where it is enriched and subsequently made into fuel for use in commercial nuclear power reactors. The facility is currently in a "ready-idle" status with a reduced amount of material on site.

Source: NRC News Release No: 20-018 March 25, 2020

Contact: David McIntyre, 301-415-8200

Northwest Compact

Alaska • Hawaii • Idaho •

Montana • Oregon • Utah • Washington • Wyoming

Meeting

A meeting of the Waste Management and Radiation Control Board has been scheduled for April 9, 2020 at 1:30 p.m. All Board members and any interested persons will participate electronically/telephonically.

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

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

NRC Schedules Virtual Meeting to Discuss Performance of Framatome Facility

The Nuclear Regulatory Commission staff will discuss the results of a performance review for the Framatome nuclear fuel fabrication facility in Richland, Wash., during a virtual meeting scheduled for April 7. The NRC staff assessed performance of the Framatome facility in Richland during the period beginning Jan. 1, 2018, and ending Dec. 31, 2019, in safety operations, safeguards, radiological controls, facility support and other areas. Although the safeguards area was assessed, that information is not publicly avail-

able due to its sensitive nature. The NRC staff review determined that Framatome continued to conduct its activities safely and securely, protecting public health and the environment. The review found that no program area needed improvement, which means the NRC will continue its normal inspection program for such facilities.

Source: NRC News Release No: II-20-006 April 2, 2020

Contact: Roger Hannah, 404-997-4417

NRC Makes Oklo Advanced Reactor Application Publicly Available

The Nuclear Regulatory Commission has received an application from Oklo Power LLC for a license to build and operate the company's Aurora compact fast reactor in Idaho. The application is now available for public review on the NRC website. Oklo filed the application on March 11, seeking NRC approval of an advanced reactor cooled by a substance other than water. The proposed Aurora design would use heat pipes to transport heat from the reactor core to a power conversion system, which then would be used to generate electricity.

Source: NRC News Release No: 20-019 March 27, 2020

Contact: Scott Burnell, 301-415-8200

Rocky Mountain Compact Colorado • Nevada • New Mexico

NRC Schedules Virtual Meeting to Discuss Performance of URENCO USA Facility

See separate article in this issue.

NRC Seeks Public Comment on Draft Environmental Report for Proposed Spent Fuel Storage Facility in New Mexico

See separate articles on Holtec in this issue.

Southeast Compact

Alabama • Florida • Georgia •
Mississippi • Tennessee • Virginia

NRC Schedules Virtual Meeting to Discuss 2019 Safety Performance of Three TVA Nuclear Power Plants

Nuclear Regulatory Commission staff will discuss the 2019 safety performance of the Browns Ferry, Sequoyah, and Watts Bar nuclear power plants during a virtual meeting scheduled for April 30. Current performance information for Browns Ferry Unit 1, Browns Ferry Unit 2, Browns Ferry Unit 3, Sequoyah Unit 1, Sequoyah Unit 2, Watts Bar Unit 1, and Watts Bar Unit 2, is also available, updated on a quarterly basis.

Source: NRC News Release No: II-20-011, April 21, 2020

Contact: Roger Hannah, 404-997-4417

NRC Schedules Virtual Meeting to Discuss 2019 Safety Performance of North Anna and Surry Nuclear Power Plants

Nuclear Regulatory Commission staff will discuss the 2019 safety performance of the North Anna and Surry nuclear power plants during a virtual meeting scheduled for April 22. The North Anna plant is in central Virginia and the Surry plant is in southeastern Virginia. Both plants are operated by Dominion Energy.

The NRC determined that the North Anna and Surry plants operated safely during 2019 and all inspection findings and performance indicators had very low safety significance. As a result, both plants remain under the NRC's normal level of oversight.

Source: NRC News Release No: II-20-009, April 15, 2020

Contact: Roger Hannah, 404-997-4417

NRC Schedules Virtual Meeting to Discuss 2019 Safety Performance of Farley and Hatch Nuclear Power Plants

Nuclear Regulatory Commission staff will discuss the 2019 safety performance of the Farley and Hatch

nuclear power plants during a virtual meeting scheduled for April 21. The two-unit Farley plant is located in southern Alabama and the two-unit Hatch plant is in southern Georgia. Source: NRC News Release No: II-20-008, April 14, 2020

Contact: Roger Hannah, 404-997-4417

NRC Issues Final Environmental Impact Statement for Surry Subsequent License Renewal

Nuclear Regulatory Commission staff have issued the Final Supplemental Environmental Impact Statement regarding the Dominion Energy Virginia application for an additional 20 years of operation for Surry Power Station Units 1 and 2. The NRC has concluded the potential environmental impacts are not great enough to prevent the agency from considering issuance of the renewed licenses.

Source: NRC News Release No: 20-022 April 10, 2020

CONTACT: Scott Burnell, 301-415-8200

NRC Approves License Transfer of Crystal River 3 Nuclear Power Plant

The Nuclear Regulatory Commission has approved the license transfer for the Crystal River 3 nuclear power plant from Duke Energy Florida to ADP CR3, enabling active decommissioning of the former nuclear power plant.

ADP CR3 is a subsidiary of Accelerated Decommissioning Partners LLC, a joint venture of NorthStar Group Services, Inc. and Orano Decommissioning Holdings. NorthStar will also be contracted to demolish the permanently shut down coal-fired Crystal River units 1 and 2. Duke permanently ceased operations at Crystal River 3 in 2013. The company applied for the license transfer in June 2019. Under its agreement with ADP CR3, Duke will remain the owner of the nuclear power plant, property and equipment, and will retain ownership and control of the trust fund that pays for the decommissioning. ADP CR3 will become the NRC licensee responsible for decommissioning the plant in compliance with all state and federal regulations. ADP CR3 plans to complete decommissioning

by 2027.

Source: NRC News Release No: 20-021 April 1, 2020

Contact: David McIntyre, 301-415-8200

NRC Issues Confirmatory Order to Duke Energy for Violations at the Robinson Nuclear Power Plant

The Nuclear Regulatory Commission has issued a confirmatory order to Duke Energy for violations at the Robinson nuclear power plant, located near Hartsville, S.C., approximately 26 miles northwest of Florence. The company has agreed to a series of corrective actions related to fire watches and operator rounds at the Robinson plant and the company's five other nuclear power plant sites. The order stems from a settlement reached under the NRC's Alternative Dispute Resolution process, which was requested by Duke Energy to address violations that occurred in 2017. The NRC found that on several occasions, employees failed to visually inspect assigned areas for signs of fire. Employees also failed to conduct operator rounds and deliberately signed logs indicating they had completed the rounds and fire watches.

The NRC's ADR is a mediation process facilitated by a neutral third party with no decision-making authority, who assists the NRC and a licensee in reaching an agreement when there are differences regarding issues or potential enforcement actions.

A mediation session was held between the NRC staff and Duke Energy on Dec. 16, 2019, where a settlement was reached. The confirmatory order, issued on March 11, outlines the corrective actions and steps Duke Energy has taken and agreed to take to address the violations.

The corrective actions include internal communications with the Robinson plant staff regarding the expectations of fire watches and operator rounds, additional training requirements, and revising or updating procedures related to those activities. Duke Energy has also implemented or agreed to similar corrective actions at the other five nuclear power plants operated by the company and has agreed to conduct periodic reviews of the corrective actions to ensure their effec-

tiveness.

Source: NRC News Release No: II-20-002 March 12, 2020

Contact: Roger Hannah, 404-997-4417
Joey Ledford, 404-997-4416

NRC Schedules Open House to Discuss 2019 Safety Performance of Catawba Nuclear Power Plant

Nuclear Regulatory Commission staff will discuss the 2019 safety performance of the Catawba nuclear power plant, operated by Duke Energy, during an open house on March 18 in Rock Hill, S.C. The NRC determined that the Catawba plant operated safely during 2019 and all inspection findings and performance indicators had very low safety significance or were within the expected range. As a result, the plant remains under the NRC's normal level of oversight, which requires thousands of hours of inspection each year.

Source: NRC News Release No: II-20-001 March 9, 2020

Contact: Roger Hannah, 404-997-4417
Joey Ledford, 404-997-4416

SECY-19-0098/19-0098A – Florida Power & Light Co. (Turkey Point Nuclear Generating Units 3 and 4) - Referred Ruling in LBP-19-3 and FPL's Appeal of LPB-19-3

The Commission, with Commissioner Baran dissenting, approved a Memorandum and Order addressing the Atomic Safety and Licensing Board's referred ruling in the subsequent license renewal proceeding interpreting the scope of 10 CFR. § 51.53(c)(3) and the applicant's appeal of LBP-19-3, which ruled on intervention petitions. The Memorandum and Order accepts the referral, upholds the ruling, and holds that subsequent license renewal applicants and the NRC staff may rely on the Generic Environmental Impact Statement for License Renewal of Nuclear Plants and 10 CFR Part 51, Subpart A, Appendix B, Table B-1 to evaluate environmental impacts of Category 1 issues.

(Subsequently, on April 23, 2020, the Secretary signed the Memorandum and Order.)

Reference: <https://www.nrc.gov/docs/ML2011/ML20114E186.pdf>

Texas Compact Texas • Vermont

Meetings

TLLWDRCC met March 12, 2020. The video is available at <https://www.youtube.com/watch?v=gQ-jefHjuq5M&feature=youtu.be>

Discussion included formation of a committee to work on contingency plans.

The next meeting is scheduled for May 7, 2020, 9:00 A.M. Central Standard Time as a webinar meeting. Register in advance for this webinar:

https://clicks.aweber.com/y/ct/?l=FNxX2&m=3m-w8re_qBphYuMv&b=EbcTD9puPFRZGTPt29g-ZwQ

After registering, you will receive a confirmation email containing information about joining the webinar.

Agenda items include:

Application for importation of low-level radioactive waste - Thomas Gray and Associates

Amendments by PermaFix-Amendment request 1-0221-01 and TVA Browns Ferry Amendment request 1-0225-01

Application for exportation of low-level radioactive waste by Bionomics Peloton export application 3-0040-00

Receive reports Waste Control Specialists and TLLRWDC's Chairman's report on:

a. Fiscal matters to be taken by the Compact and the Budget;

- b. Appointment of a Capacity Committee;
- c. Report on Communications with other Compacts; and
- d. Committee to formulate a comment letter to NRC on its proposed interpretation of its low-level radioactive waste disposal regulations that would permit licensees to dispose of waste by transfer to persons who hold specific exemptions for the purpose of disposal.

Discussion and possible action regarding the contingency plan

Discussion and possible action related to personnel matters

Discussion and possible changes of dates and locations of future Commission meetings in 2020 and 2021.

The next meeting is tentatively scheduled for Thursday, July 9, 2020.

Save the date....

**LLW Forum
Fall Meeting**
The Fall 2020
meeting of the
LLW Forum
will be held in
San Antonio,
Texas at the
La Quinta
Riverwalk
Hotel
October
13 - 15, 2020.

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/

Very Low-Level Waste

Transfer of Very Low-Level Waste to Exempt Persons for Disposal

Chronology

On March 6, 2020, the NRC issued a proposed interpretation of its low-level radioactive waste disposal regulations in 10 CFR 20.2001 that would permit licensees to dispose of waste by transfer to persons who hold specific exemptions for the purpose of disposal (85 FR 13076) <https://www.govinfo.gov/content/pkg/FR-2020-03-06/pdf/2020-04506.pdf>. In the proposed interpretation, the NRC would consider approval of requests for specific exemptions for the purpose of disposal if they are for the disposal of VLLW by land burial. Therefore, the NRC's intent is that this interpretive rule would allow licensees to transfer VLLW to exempt persons for the purpose of disposal by land burial. The NRC is requesting comment on this proposed interpretive rule. Comments were to have been submitted by April 20, 2020.

<https://www.nrc.gov/waste/llw-disposal/very-llw.html>

On April 9, 2020 (85 FR 19907) the NRC issued revised guidance for alternative disposal requests, "Guidance for the Reviews of Proposed Disposal Procedures and Transfers of Radioactive Material Under 10 CFR 20.2002 and 10 CFR 40.13(a)," which provides guidance and the NRC staff process for documenting, reviewing, and dispositioning requests received for alternative disposal of licensed material. The revision incorporates changes made in response to comments received on the draft guidance document, as well as interactions with NRC stakeholders.

Extension of Comment Period: Transfer of Very Low-Level Waste To Exempt Persons for Disposal

The due date of comments requested in the document published on March 6, 2020 (85 FR 13076) is extended. Comments should be filed no later than July 20, 2020.

To find more information, see DOCKETS RULEMAKING RC-2020-0065-0001

<https://www.regulations.gov/document?D=N-RC-2020-0065-0001>

Webinar for Stakeholder Feedback

An NRC webinar was held March 30, 2020, and a second webinar is to be scheduled.

Summary of March 30, 2020 Webinar

On March 30, 2020, a Category 3 public webinar was held by the U.S. Nuclear Regulatory Commission (NRC). The webinar was noticed on the NRC's public website and the notice is available in the NRC's Agencywide Documents Access and Management System (ADAMS) at Accession No. ML20090C538. The meeting agenda was included as part of the meeting notice. The meeting slides are available at ADAMS Accession No. ML20087F607.

The webinar was held to gather stakeholder feedback on a proposed interpretation of the low-level radioactive waste disposal regulations in Section 20.2001, "General requirements," of Subpart K, "Waste Disposal," to Part 20, "Standards for Protection Against Radiation," of Title 10 of the Code of Federal Regulations (10 CFR). The proposed interpretation would permit licensees to dispose of waste by transfer to persons holding specific exemptions (in addition to licenses) for the purpose of disposal. This is a potential alternative pathway for certain disposal proposals that would otherwise require individual disposal requests on a case-by-case basis in accordance with the requirements in 10 CFR 20.2002, "Method for obtaining approval of proposed disposal procedures." The NRC would consider requests for specific exemptions for the purpose of disposal if they are for disposal by land burial (e.g., in Resource Conservation and Recovery Act (RCRA) sites) consistent with existing

Very Low-Level Waste

Transfer of Very Low-Level Waste to Exempt Persons for Disposal - continued

guidance in NUREG-1757.

SUMMARY OF NRC PRESENTATION

Marlayna Doell, Project Manager, Low Level Waste and Projects Branch, opened the meeting for the NRC by providing an introduction to the topics being discussed and describing the format of the meeting. Ms. Doell then introduced the next speaker, Patricia Holahan, Director, Division of Decommissioning, Uranium Recovery and Waste Programs. Ms. Holahan discussed slides on the purpose of the meeting, the description of an interpretive rule, the benefits of the proposed interpretation, and the current very low-level waste (VLLW) disposal practices. Ms. Holahan then turned the presentation over to Chris McKenney, Branch Chief, Risk and Technical Analysis Branch. Mr. McKenney discussed slides on the details of the proposed interpretive rule, the proposed exemption considerations, and the five public feedback questions. Mr. McKenney noted that an exemption to be an authorized recipient will only be granted for disposal of VLLW by land burial. Mr. McKenney also noted that the proposed interpretive rule would not provide a generic approval for disposal pursuant to an exemption. Each specific exemption request would be reviewed on an individual, case-by-case basis and approved with specific requirements for the types and quantities of VLLW that can be accepted under the exemption. Ms. Doell then discussed the methods for submitting comments and opened the public feedback portion of the meeting.

PUBLIC COMMENT OVERVIEW

Participants from States, industry, and individuals representing groups or themselves made comments either in writing through the webinar software or by phone. The meeting was transcribed (ADAMS Accession No. ML20112F441); therefore, the individual comments can be read in the transcript starting on page 20. Addition-

ally, transcripts of the written questions and chat comments received using the webinar software are available at ADAMS Accession Nos. ML20099B338 and ML20099B339, respectively. An overview of the comments follows.

There were many comments asking for an extension of the comment period due to the public health emergency (PHE) caused by the COVID-19 PHE. Many commenters stated that the comment period should be extended until after the COVID-19 PHE was over. Most commenters were against the NRC's proposed interpretation for the disposal of VLLW and they requested that the NRC stop this proposed interpretive rule. Some commenters requested the NRC create an email address for submitting comments in addition to using either regulations.gov or letters to submit comments. Some commenters expressed concerns about the dangers of low-level radiation. Some were concerned that the proposed 25 mrem per year cumulative dose limit was too high. Some commenters were concerned about the absence of public notification requirements regarding the possible use of disposal sites near them. Some were concerned about radioactive wastes contaminating ground water at these unlicensed disposal facilities. Other commenters asked clarifying questions on portions of the rule including concerns about the definition of very low-level waste, tracking and inspection of these disposals, calculating cumulative doses - including radioactive material from previous disposals and from sources such as fracking, and potential impacts on Low-Level Waste Compacts and Agreement States.

When participants were finished providing their questions and comments, Ms. Holahan thanked everyone for participating. She noted that the NRC staff will not be responding specifically to any questions or comments during this meeting, but that the NRC staff will consider them before

Very Low-Level Waste

Transfer of Very Low-Level Waste to Exempt Persons for Disposal - continued

the agency makes a decision regarding next steps for the proposed interpretive rule. She also noted the NRC staff was considering an extension of the public comment period. Subsequently, on April 9, 2020, the NRC published a notice in the Federal Register (85 FR 19907) extending the comment period for the proposed interpretive rule from April 20 to July 20, 2020.

In addition, in response to comments received during the meeting the NRC staff has established an email address for interested parties to submit comments on the proposed interpretive rule before the end of the extended July 20, 2020, comment period.

The email address for providing comments is VLLWTransferComments.Resource@nrc.gov and is available to accept feedback throughout the comment period.

Source: NRC Memo April 21, 2020 from Stephen Dembek

Webinar Transcript

A transcript of the meeting is available at <https://www.nrc.gov/docs/ML2011/ML20112F441.pdf>

LLWF Commentary

LLWF's Executive Director, Dan Shrum has contacted Forum members regarding submission of comments and inquired about persons who are interested in participating. He noted, "Our Spring 2020 Forum meeting had a panel discussion set up to discuss this issue and I assumed we would have developed a small committee to provide comment. Since our Spring meeting did not occur, I would like to see if anyone is interested in participating in a preparing a comment letter...I believe the Forum should be an active participant on these issues." Leonard Slosky and Rusty Lundberg have expressed interest in being part of the team.

Dan noted some response topics for consideration include:

The proposed interpretation may limit the authority given to compacts to control where low-level radioactive waste may be disposed.

Very Low Level Radioactive Waste (VLLW) is not defined. Instead of this proposed interpretation, should the NRC update Part 61 to define VLLW and develop criteria to the safe disposal of VLLW? Part 61 deals explicitly with Low-Level Radioactive Waste disposal – shouldn't VLLW be encompassed in those Rules?

The disposal criteria is to ensure that the disposed wastes not exceed the cumulative dose of 25 mrem per year, but no guidance is given to time frames? What will the time frames be?

There is more to siting/managing LLRW waste than just dose issues, how will those be taken into consideration? For example, LLRW sites must meet certain surety and siting requirements, to what standard will those be evaluated?

It is confusing as to whom will approve the disposal site facility – it assumed that the NRC will allow the process, but the facility will permitted using state resources, is that correct?

Just a few to consider. Please let me know if you would or a staff person would be willing to participate.

CONTACT:

Daniel B. Shrum
Executive Director
Low-Level Radioactive Waste Forum
Telephone: 801-580-3201

Reports to Congress

NRC Issues Annual Assessments for Nation's Nuclear Power Plants

The Nuclear Regulatory Commission has issued annual assessment letters to operators of the nation's 96 commercial nuclear power plants for full-year 2019 performance. All plants were rated in the highest performance category.

All 96 plant operators fully met established safety and security performance objectives, which will be inspected by the NRC using the normal "baseline" inspection program involving thousands of hours of inspection per reactor.

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

Information on the NRC's oversight of commercial nuclear power plants is available through the agency's Reactor Oversight Process webpage. The NRC routinely updates information on each licensee's performance and posts the latest information as it becomes available to the action matrix summary. Assessment letters are posted here; click on "2019q4" for each plant for the 2019 annual assessment. Annual construction oversight assessments for new reactors at the Vogtle units 3 and 4 sites are also available on the NRC website.

Source: NRC News Release No: 20-011 March 5, 2020
CONTACT: Scott Burnell, 301-415-8200

NRC Submits Monthly Congressional Status Reports on Decommissioning and Low-Level Waste Funds

As of March 31, 2020
spreadsheet link <https://www.nrc.gov/docs/ML2009/ML20098G008.pdf>

Federal and State Rule and Guide Updates

TCEQ Rule Project on Rate Adjustment Proposal Approved

The Texas Commission on Environmental Quality has approved the Project on Rate Adjustments for proposal, "Chapter 336, Radioactive Substance Rules Rate Adjustments – Disposal of Low-Level Radioactive Waste." This rulemaking would lower the minimum rate for nonparty generators and the maximum rate for party state generators, resulting in potentially lower disposal costs for both party and non-party generators.

Reference: <https://www.tceq.texas.gov/rules/pendprop.html> and Executive Summary at https://www.tceq.texas.gov/assets/public/legal/rules/rule_lib/proposals/20009336_pex.pdf

2020-009-336-WS Approved*

*The rulemaking was approved for proposal by commissioners at the April 8, 2020 Agenda. Status: pending filing with the Office of the Secretary of State for publication in the *Texas Register*. Anticipated adoption date is July 1, 2020.

NUREG/BR-0204, "Instructions for Completing the NRC's Uniform Low-Level Radioactive Waste Manifest" Update Expected in 2020

The NRC staff published Draft Revision 3 of NUREG/BR-0204 with a notice of opportunity for public comment on October 30, 2018 in the Federal Register (83 FR 54620), with a 60-day comment period ending on December 31, 2018. An extension of the comment period until January 31, 2019, was subsequently published on December 21, 2018 (83 FR 65759).

The NRC staff has used these comments, as well as those from 2013, in the changes for the final Rev 3 of the NUREG as it prepares to finalize the NUREG. The primary changes include the following:

- updated instructions to reflect changes to the Uniform Manifest forms;
- updated references to U.S. Department of Transportation (DOT) regulations to reflect the current DOT regulations;
- additional discussion on the reporting of inventories based on lower limit of detection (LLD) values, the potential use of indirect methods to determine these inventories, and the use of indirect methods in waste classification calculations;
- additional clarification of the intent of the certification statement on Form 540; and
- overall improvements to the clarity of the document.

The staff plans to publish the Final Revision 3 of NUREG/BR-0204 in 2020.

Reference: <https://www.nrc.gov/waste/llw-disposal/llw-pa/llw-uwm.html>

Spent Fuel Storage and Management and Nuclear Security for Fuel Cycle Facilities**Holtec International HI–STORE Consolidated Interim Storage Facility Project**

The U.S. Nuclear Regulatory Commission (NRC) is issuing for public comment a draft Environmental Impact Statement (EIS) for Holtec International's (Holtec's) application to construct and operate a consolidated interim storage facility (CISF) for spent nuclear fuel (SNF) and Greater-Than Class C (GTCC) waste, along with a small quantity of mixed oxide fuel. The proposed CISF would be located in southeast New Mexico at a site located approximately halfway between the cities of Carlsbad and Hobbs, New Mexico. The proposed action is the issuance of an NRC license authorizing the initial phase (Phase 1) of the project to store up to 8,680 metric tons of uranium [9,568 short tons] in 500 canisters for a license period of 40 years. Holtec plans to subsequently request amendments to the license to store an additional 500 canisters for each of 19 expansion phases of the proposed CISF (a total of 20 phases), to be completed over the course of 20 years, and to expand the proposed facility to eventually store up to 10,000 canisters of SNF.

Sources and Contacts:

16151 Federal Register/Vol. 85, No. 55/Friday, March 20, 2020/Notices

<https://www.govinfo.gov/content/pkg/FR-2020-03-20/pdf/2020-05690.pdf>

Federal Rulemaking Website: Go to <https://www.regulations.gov/> and search for Docket ID NRC–2018–0052. Address questions about NRC Docket IDs to Jennifer Borges; telephone: 301–287–9127; email: Jennifer.Borges@nrc.gov.

Comment deadline: May 22, 2020. Comments received after this date will be considered if it is practical to do so, but the NRC is able to ensure consideration only for comments received before this date.

Also see Nuclear Regulatory Commission - News Release

No: 20-014 March 10, 2020

Contact: David McIntyre, 301-415-8200

HOLTEC . SECY-19-0116 – Holtec International HI–STORE Consolidated Interim Storage Facility, Appeals of LBP-19-4; Motions for New Contentions

The Commission, with Chairman Svinicki dissenting in part, approved a Memorandum and Order addressing five separate appeals of the Atomic Safety and Licensing Board's denial of requests to intervene in the proceeding regarding Holtec International's application to construct and operate a consolidated interim storage facility in Lea County, New Mexico. The Memorandum and Order affirms in part and reverses and remands in part the Board's ruling denying the petitions. The Memorandum and Order also remands to the Board Fasken's new proposed contention and Sierra Club's Contention 30 for determination of their admissibility. (Subsequently, on April 23, 2020, the Secretary signed the Memorandum and Order.) <https://www.nrc.gov/docs/ML2011/ML20114E186.pdf>

See MEMORANDUM AND ORDER document at <https://www.nrc.gov/docs/ML2011/ML20114E150.pdf>

NRC Schedules Virtual Meeting to Discuss Performance of URENCO USA Facility

The Nuclear Regulatory Commission staff will discuss the results of a performance review of the URENCO USA uranium enrichment facility in Eunice, N.M., during a virtual meeting scheduled for March 30.

The session will be held from 3-5 p.m. Eastern Time (1-3 p.m. Mountain Time) with NRC officials from the Region II office in Atlanta and URENCO officials from the Eunice facility. The meeting can be accessed by the public and media via Skype. NRC officials will be available following the formal portion of the meeting to answer questions. For individuals without access to Skype, a telephone conference number will also be available.

The NRC staff assessed performance of the URENCO facility during the period beginning Jan. 1, 2018, and ending Dec. 31, 2019, in safety operations, safeguards, radiological controls, facility support and other areas. Although the safeguards, or security-related, area was assessed, that information is not publicly available due to its sensitive nature. The NRC staff review determined that URENCO continued to conduct its activities safely and securely, protecting public health and the environment.

The review found that none of the program areas needed improvement, thus the NRC will continue its normal inspection program for such facilities. The NRC does not have resident inspectors at the Eunice facility, but fuel facility inspectors from its Atlanta regional office conduct periodic inspections of various aspects of the operation.

A copy of the NRC letter to the company regarding the performance review is publicly available on the NRC website.

For virtual meeting access or telephone call-in information, contact either Brannen J. Adkins at 404-997-4620 (email: Brannen.Adkins@nrc.gov) or Lindsey Cooke at 404-997-4836 (email: Lindsey.Cooke@nrc.gov).

NRC - Press Release

No: II-20-003 March 23, 2020

Contact: Roger Hannah, 404-997-4417 Joey Ledford, 404-997-4416

The COVID-19 pandemic has necessitated numerous changes in the way work is done by the radiation protection community and industry. As essential critical infrastructure workers, as defined by the Department of Homeland Security, the workers and industry have a special responsibility. A few of the changes and policies and their contributions are noted in this issue, for your information.

NRC Staff Issues Updated Inspection Manual Chapter 2515, Appendix E

On March 27, 2020, the U.S. Nuclear Regulatory Commission (NRC) staff updated Inspection Manual Chapter 2515, Appendix E, "Inspection Program Modifications During Pandemics, Epidemics, or Other Widespread Illnesses or Diseases" (ADAMS Accession No. ML20079E700) to update guidance regarding reactor oversight process inspection program modifications, resident inspector site staffing, the expanded use of technology and other considerations to perform inspections remotely.

Staff Approves First Part 26 Exemption Request Related to COVID-19

On April 2, 2020, the staff received the first Part 26 exemption request related to COVID-19 that was submitted in the accordance with the process outlined in the NRC's March 28, 2020, letter. The submittal was for the Limerick Generating Station Units 1 and 2, exemption from select requirements of Title 10 of the Code of Federal Regulations Part 26. The U.S. Nuclear Regulatory Commission (NRC) has approved the requested exemption from specific requirements of Title 10 of the Code of Federal Regulations (10 CFR) Part 26, "Fitness for Duty Programs," Section 26.205, "Work hours." (Agencywide Document Access and Management System (ADAMS) Accession No. ML20093M206).

The approval letter can be found at ADAMS Accession No. ML20093M820.

<https://www.nrc.gov/docs/ML2009/ML20093M820.pdf>

<https://www.nrc.gov/docs/ML2010/ML20104A221.pdf>

NRC Authorizes Annual Fee Deferral

The Commission has approved a 90-day deferral of all annual-fee (10 C.F.R. Part 171) invoices that would have been issued in the third quarter of Fiscal Year 2020, temporarily deferring collecting fees and charges from NRC's licensees that are experiencing challenges given the COVID-19 Pandemic. The NRC is taking this action to temporarily mitigate the financial impacts and economic disruptions caused by the COVID-19 Pandemic. The new billing date for annual fees that were scheduled to be billed in the third quarter (April, May, and June) will be July 22, 2020.

April 10, 2020

<https://www.nrc.gov/docs/ML2009/ML20099B857.pdf>

NRC to Discuss Temporary Work-Hour Limit Exemption Guidance for Nation's Nuclear Power Plants

The Nuclear Regulatory Commission will hold a teleconference Thursday, April 2, to discuss the agency's new guidance for U.S. nuclear power plants to implement alternate work-hour limits, if needed, during the COVID-19 public health emergency.

The teleconference, which is expected to run from 10-11:30 a.m., will cover the NRC's consideration of work hours and effective management of worker fatigue during the COVID-19 emergency. Meeting details, including call-in information, are available on the NRC website.

The NRC issued a letter on March 28 detailing the process for ensuring that plant operators have flexibility in scheduling staff during COVID-19 to ensure continued safe and secure operations. The Office of Nuclear Reactor Regulation will use its existing authority to grant, upon request from individual licensees, 60-day exemptions from standard work-hour controls specified in the letter. Exempted plants must use alternate administrative methods to manage worker fatigue, based on limits described in the letter.

Source: NRC News Release No: 20-020 April 1, 2020
Contact: Scott Burnell, 301-415-8200

IAEA Presents Webinar on Radiation Protection of Healthcare Workers during COVID-19

On April 22, 2020, IAEA presented a webinar entitled Health Workers and COVID-19: Radiation Protection. Health workers are at the front line of the COVID-19 outbreak response and as such are exposed to hazards that put them at risk of infection. They need to reduce the possibility of COVID-19 infections and deal with a loss of staff due to quarantine, in addition to the usual hazards and the added stress of the pandemic.

The recorded broadcast and a copy of the presentations made during the webinar are now available at <https://www.iaea.org/resources/webinar/covid-19-and-health-workers-radiation-protection>

Staff Approach to Exercise Enforcement Discretion for Noncompliances Caused by the COVID-19 Pandemic

The purpose of this paper is to inform the Commission of the staff's plan to exercise enforcement discretion via the development of an enforcement guidance memorandum (EGM) or through existing Enforcement Policy discretion for licensee noncompliances of regulatory requirements resulting from illnesses or other factors caused by the COVID-19 pandemic. This approach will be applicable to all U.S. Nuclear Regulatory Commission (NRC) licensees.

Source: NRC News Release Policy Issue SECY-20-0034

IAEA to Support Countries in the Detection of Novel Coronavirus - March 9, 2020

The International Atomic Energy Agency (IAEA) will provide diagnostic kits, equipment and training in nuclear-derived detection techniques to countries asking for assistance in tackling the worldwide spread of the novel coronavirus causing COVID-19, Director General Rafael Mariano Grossi announced today.

The assistance, requested by 14 countries in Africa, Asia, Latin America and the Caribbean, is part of intensified global efforts to contain infections. The diagnostic technique, known as real time reverse transcription-polymerase chain reaction (real time RT-PCR), can help detect and identify the novel coronavirus accurately within hours in humans, as well as in animals that may also host it.

Source: <https://www.iaea.org/newscenter/pressreleases/iaea-to-support-countries-in-the-detection-of-novel-coronavirus>

State And Local Government Organizations Seek Pause On Public Comments On Rulemaking Processes

March 20, 2020, in a letter to President Trump--
On behalf of the nation's states, cities, and counties, we write to request a formal pause, beginning on March 11, for all open public comment periods concerning both active rulemakings and nonrulemaking notices across every federal department or agency. State and local government policymakers' thoughtful input into proposed federal agency actions is a vital component of our democratic system and provides federal agencies with much-needed perspectives and potential impacts of federal actions.

We recognize that our members are facing massive challenges in responding to, and as a result of, this global pandemic. At present, regulations.gov acknowledges nearly 700 open comment periods that will close in the next 30 days and more than 1000 over the next 90 days. Regulations.gov stated vision of its eRulemaking Program is "to enable the public ease of access to participate in a high quality, efficient, and open rulemaking process." The extreme impact on normal working and living conditions will impair the ability of not only state and local officials, but also the general public, issue experts and others to provide thoughtful and meaningful participation and involvement in potential federal government actions that directly affect millions of people.

Consistent and meaningful engagement and consultation between intergovernmental partners is vital in the development and implementation of effective policies, programs and regulations. Therefore, state and local governments urge you to extend agency comment periods for a reasonable period of time, which will allow our state and local policymakers to focus on addressing the nation's immediate pandemic response needs and ensure their ability to devote proper consideration of agency regulations. Thank you for your consideration.

Signed by:
National Governors Association
National Conference of State Legislatures
The Council of State Governments
National Association of Counties
National League of Cities
The United States Conference of Mayors
Government Finance Officers Association
International City/County Management Association
National Association of State Auditors, Comptrollers and Treasurers

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

The Nuclear Regulatory Commission has cancelled its 32nd annual Regulatory Information Conference, originally scheduled for March 10-12 in North Bethesda, Md., due to circumstances surrounding the novel coronavirus, COVID-19.

In recent days, a number of organizations and presenters have changed their attendance plans, with indications that others would reach similar decisions in coming days.

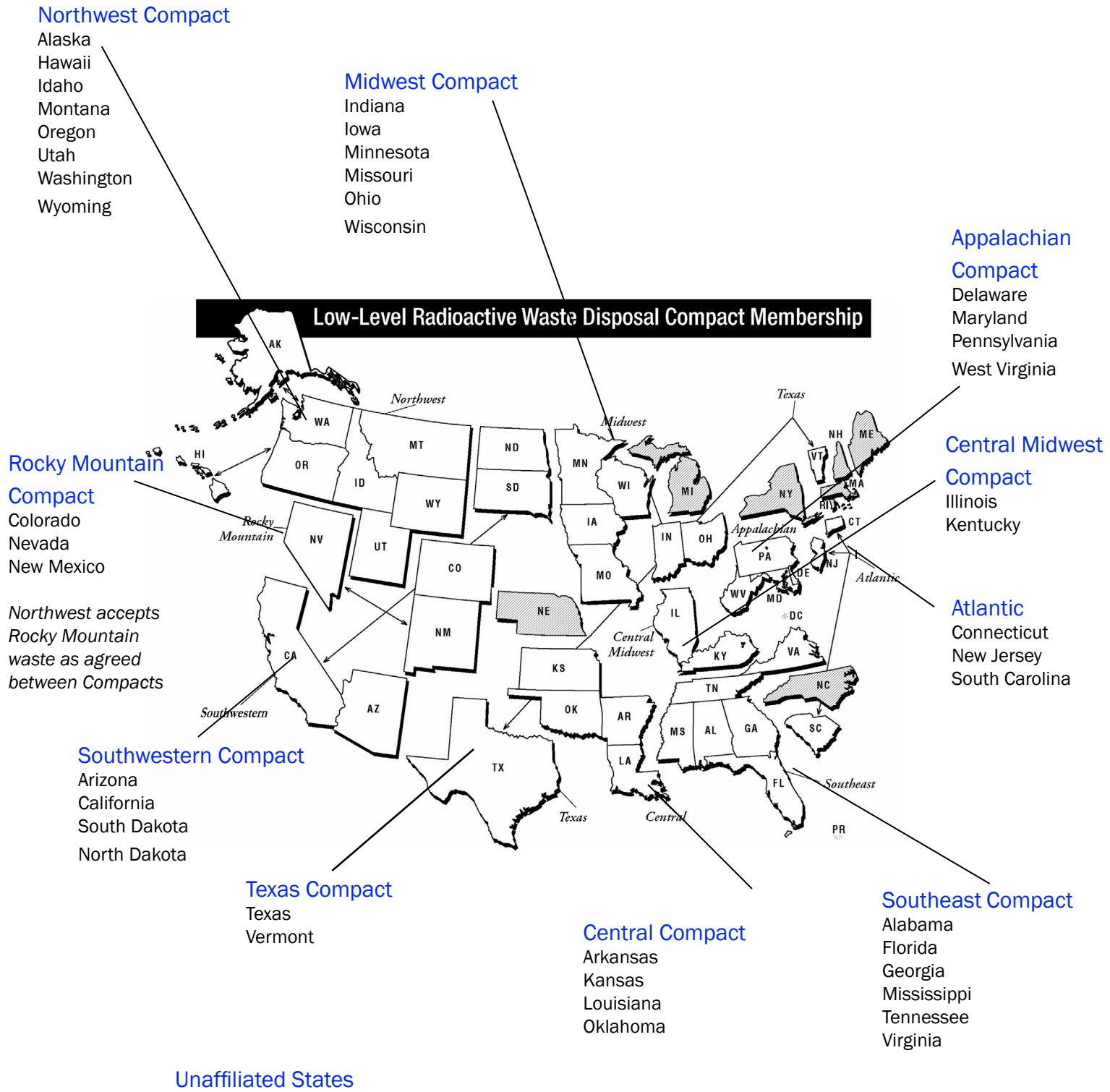
The NRC expresses its regret for the inconvenience and looks forward to holding the RIC next year, in 2021.

Nuclear Regulatory Commission - News Release

No: 20-012 March 5, 2020

Cocontact: Office of Public Affairs, 301-415-8200

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 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

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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.

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Contact: Dshrum@llwforum.org