LLW *notes*

Volume 40 Number 1 January - February 2025

A Message from Dan Shrum, Executive Director

There are still several spots open for our Spring tour of the Waste Control Specialists and URENCO facilities. Please register and reserve your room at the Odessa Marriott.

Daniel B. Shrum, Executive Director

See page 3 for registration information.

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

In this Issue...**Find updates on NRC, DOE and EPA; GOA reports on fusion and on government efficiency; and updates on briefs to the Supreme Court on interim storage in Texas; along with compact and regional news.**

© Low-Level Waste Forum produced by Daniel B. Shrum, Executive Director
Margaret Henderson, Editor

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	U.S. Department of Energy
DOT	U.S. Department of Transportation
EPA	U.S. 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	U.S. Nuclear Regulatory Commission
OAS	Organization of Agreement States
TENORM	Technologically enhanced naturally occurring radioactive material

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Daniel B. Shrum , Executive Director Email: dshrum@llwforum.org www.llwforum.org

Forum Focus

Spring Meeting

Forum Spring Meeting
April 9-10, 2025
Odessa, TX

Tours of WCS and URENCO
April 8, 2025

DSWG Meeting
April 11, 2025
Odessa, TX

Sign up NOW!

Click here to register for the meeting.

Click here to book a room.

FOR THOSE VISITING URENCO

Please include your preference when registering on the LLW Forum page. You will receive a separate email asking for the following details:

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CITIZENSHIP
BIRTH COUNTRY
PASSPORT
Last 4 of Social/Passport
EMAIL

Prohibited Items:

Bluetooth Devices: No cell phones, smart watches, key fobs, or medical devices like hearing aids or insulin pumps.

Other Items: No firearms, alcohol, controlled substances, incendiary devices, explosives, automatic knives, or any other items that could be considered weapons.

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Statement from NRC Chairman David Wright

"I am honored and humbled by President Trump's decision to name me Chairman of the U.S. Nuclear Regulatory Commission. It's a privilege to take on this role and to continue to work with such a dedicated and passionate staff as we tackle the challenges before us. I look forward to working closely and collegially with the other Commissioners on the priorities and opportunities ahead."

Matthew J. Marzano Sworn in as NRC Commissioner

"The next few years are some of the most pivotal in the agency's history," said Marzano. "I'm grateful for the opportunity to join my fellow Commissioners at this moment to work together to help shape the future of the NRC."

- Marzano began his career as a civilian instructor for the Naval Nuclear Propulsion Program at the U.S. Department of Energy....
- Marzano then transitioned to the commercial nuclear power industry at the V.C. Summer new nuclear construction project in South Carolina, ...pursuing a Senior Reactor Operator license.
- He earned his Senior Reactor Operator license at Braidwood Nuclear Power Station, in Illinois....
- Marzano served as a "detailee" from the Idaho National Laboratory to the U.S. Senate Committee on Environment and Public Works, where he advised the committee on policy matters relating to clean air, climate, and energy, including the bipartisan ADVANCE Act. ...
- Marzano holds bachelor's and master's degrees in Nuclear Engineering from the University of Florida, where his research focused on the modeling of nuclear energy systems.

Source: NRC News Release No: 25-002 January 8, 2025

NRC Leadership News

NRC Statement on Passing of Former President Carter

The U.S. Nuclear Regulatory Commission mourns the loss of Jimmy Carter, the 39th President of the United States. President Carter exemplified a lifelong commitment to public service, innovation and safety and made extraordinary contributions to the nuclear community.

"President Carter's legacy in the nuclear field serves as a powerful reminder of the importance of accountability, transparency and innovation in the safe use of nuclear technology," said NRC Chair Christopher T. Hanson. "His work helped lay the foundation for the robust, effective regulatory framework we continue to uphold."

President Carter's leadership during the 1979 Three Mile Island accident remains a defining moment in NRC history. His selection of the NRC's Harold Denton as the President's personal representative provided stability during the worst of the event. **President Carter's leadership led to significant advancements in NRC regulatory oversight and safety protocols, many of which remain central to the agency's mission today.**

President Carter also oversaw a pivotal NRC reorganization that streamlined its operations and clarified the roles and authorities (particularly during emergencies) of the Chair, Commission and Executive Director for Operations. The changes enhanced the safety of nuclear power plants and other uses of nuclear materials.

For more information about the history and mission of the NRC, visit www.nrc.gov.

Source: NRC News Release No: 24-084 December 30, 2024

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

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NRC Approves Updated Mission Statement

ADVANCE Act News

Accelerating Deployment of Versatile, Advanced Nuclear for Clean Energy Act of 2024 (ADVANCE Act)

The Nuclear Regulatory Commission has approved updating the agency's mission statement, as directed by the ADVANCE Act.

"The future of nuclear energy and radioactive materials in this country is at a crossroads, and the NRC should position itself to be a part of the solution," said Chairman David Wright. "Congress has directed the NRC to be an enabler to nuclear technologies while staying true to the core principles laid out in the Atomic Energy Act. This updated mission statement meets that intent."

The Staff Requirements Memo also directs the Office of the Executive Director for Operations to develop implementation guidance and ensure the Commission is provided periodic updates.

Source: NRC News Release No: 25-005 January 24, 2025

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

Tuesday, March 4, 2025
9:00 a.m. Briefing on ADVANCE Act Activities (Public Meeting)

(Contact: Mike King: 301-415-6637;
Luis Betancourt: 301-415-6146)

Additional Information: The meeting will be held in the Commissioners' Hearing Room, 11555 Rockville Pike, Rockville, Maryland.

The public is invited to attend th the Commission's meeting in person or watch live via webcast at the Web address – https://video.nrc.gov/.

Mission Statement

ADVANCE Act

The NRC protects public health and safety and advances the nation's common defense and security by enabling the safe and secure use and deployment of civilian nuclear energy technologies and radioactive materials through efficient and reliable licensing, oversight, and regulation for the benefit of society and the environment.

January 23, 2025

Public Meeting to Discuss ADVANCE Act Section 505 - Nuclear Licensing Efficiency

ADAMS Accession No. ML25008A153

ADAMS Hyperlink: https://adamswebsearch2.nrc.gov/webSearch2/main.

Week of February 3, 2025
Thursday, February 6, 2025

Briefing on ADVANCE Act Activities (Public Meeting)

NRC Proposes to Amend Licensing, Inspection, and Annual Fees for Fiscal Year 2025

The Nuclear Regulatory Commission is seeking public comment on its proposed fee rule for fiscal year 2025, which includes proposed changes to implement Section 201 of the Accelerating Deployment of Versatile, Advanced Nuclear for Clean Energy Act of 2024 (ADVANCE Act).

...

Under the Nuclear Energy Innovation and Modernization Act, **the NRC is required to recover approximately 100 percent of its total budget authority in FY 25,** except funds for specific excluded activities. After accounting for the excluded activities.

Comments will be accepted through March 21, 2025.

Source: News Release No: 25-010 February 20, 2025

Contact: Christine Saah Nazer, 301-415-8200

NRC Regulatory Information Conference (RIC)
March 11-13, 2025
Charting the Next 50 Years

Link to Conference Information
https://www.nrc.gov/public-involve/conference-symposia/ric/general-info.html#1

Link to Agenda
https://ric.nrc.gov/docs/program-agenda.pdf

Atomic Fission: The Breakup of the Atomic Energy Commission and the Energy Reorganization Act of 1974 (NUREG/BR-0533) Date Published: February 2025

Thomas Wellock, Historian, U.S.NRC
Eric Boyle, Historian, U.S. DOE

Abstract

On October 11, 1974, President Gerald Ford signed the Energy Reorganization Act of 1974 (ERA), which separated the U.S. Atomic Energy Commission (AEC) into two new agencies, the U.S. Nuclear Regulatory Commission (NRC) and the U.S. Energy Research and Development Administration (ERDA). ERDA and the NRC began operations on January 19, 1975. On October 1, 1977, ERDA was one of three agencies merged into the new U.S. Department of Energy (DOE). This history provides the first detailed account of the passage of the ERA and the challenges the NRC and ERDA/DOE faced in implementing the law. The story concludes in the early 1980s when the NRC and the DOE survived efforts to dismantle them.

The views expressed in this history are those of the authors alone and not necessarily those of the Nuclear Regulatory Commission or the Department of Energy, and they do not in any way represent an official position of the NRC or DOE.

NRC NOTICE ON DOCUMENTS - POSTED ON WEBSITE SEARCH PAGES

The U.S. Nuclear Regulatory Commission is in the process of rescinding or revising guidance and policies posted on this webpage in accordance with Executive Order 14151 Ending Radical and Wasteful Government DEI Programs and Preferencing, and Executive Order 14168 Defending Women From Gender Ideology Extremism and Restoring Biological Truth to the Federal Government. In the interim, any previously issued diversity, equity, inclusion, or gender-related guidance on this webpage should be considered rescinded that is inconsistent with these Executive Orders.

EPA Places 171 DEIA and Environmental Justice Employees on Administrative Leave

WASHINGTON – Over the last week, the U.S. Environmental Protection Agency (EPA) began implementing President Trump's Ending Radical and Wasteful Government DEI Programs and Preferencing Executive Order and subsequent implementation memos. As a result, EPA has placed 171 employees in Diversity, Equity, Inclusion, and Accessibility and Environmental Justice on administrative leave, 11 and 160, respectively.

"Under President Trump, the EPA will be focused on our core mission to protect human health and the environment, while Powering the Great American Comeback. The previous Administration used DEI and Environmental Justice to advance ideological priorities, distributing billions of dollars to organizations in the name of climate equity. This ends now. We will be good stewards of tax dollars and do everything in our power to deliver clean air, land, and water to every American, regardless of race, religion, background, and creed," said Administrator Lee Zeldin.

Issued: Feb 11, 2025 (8:00am EST) February 11, 2025, EPA Press Office (press@epa.gov)

https://www.epa.gov/newsreleases/epa-places-171-deia-and-environmental-justice-employees-administrative-leave

Just last week, Administrator Zeldin announced that the agency found $20 billion parked at a financial institution by the Biden-Harris Administration in an effort to obligate money with reduced oversight, cancelled grants and contracts related to DEI, environmental justice and more resulting in nearly $60 million in immediate taxpayer savings, terminated a $50 million Biden-era environmental justice grant to the Climate Justice Alliance, and ended more than a million dollars in media subscriptions.

Source: News Release February 25, 2025
EPA Press Office (press@epa.gov)
https://www.epa.gov/newsreleases/epa-administrator-lee-zeldin-cancels-20-grants-2nd-round-cuts-doge-saving-americans

Department of Energy New Secretary--Leading Fusion Research

Secretary Chris Wright leads the DOE. See the fully updated website at https://www.energy.gov/

We're Leading Fusion Research

Commercial fusion energy has the potential to revolutionize the energy industry, help achieve energy abundance and security, and help meet the growing clean energy needs of the United States and the world. Fusion may also potentially provide a combined source of energy in the form of heat and power for hydrogen production, industrial heat, carbon capture, and desalination.

At the same time, fusion has both technology gaps (e.g., materials and fuel cycle) and potential risks that need to be managed. **These risks include the generation of activated waste in structural materials that will require short-term storage and recycling solutions.** Fusion may also create potential proliferation pathways. DOE stands ready to deliver innovations that not only bring fusion to technical and commercial viability but also help manage these risks.

https://www.energy.gov/topics/fusion-energy

Fusion Energy

Why GAO Did This Study

Fusion, the process that powers the sun, could produce commercial electric power to help meet growing clean energy needs if technical, economic, and other challenges are overcome. Fusion is also one of five prioritized areas to meet the U.S. goal of net-zero greenhouse gas emissions by 2050.

Congress appropriated about $760 million for FES in fiscal year 2023 to support fusion activities, including public-private partnerships.

GAO was asked to examine DOE's steps to reach the federal vision to accelerate fusion energy commercialization. This report examines (1) the status of DOE's initiatives to facilitate fusion energy commercialization, and (2) the extent to which DOE has planned for facilitating such commercialization.

Recommendations

GAO recommends that the Office of Science finalize and implement ongoing fusion energy planning efforts, including by specifying roles and responsibilities, responding to identified risks, and detailing metrics and timelines for its initiatives.

Link to the report
https://www.gao.gov/products/gao-25-107037?utm_campaign=usgao_email&utm_content=topic_energy&utm_medium=email&utm_source=govdelivery

GAO Issues Report on Fusion Energy

Fusion Energy: Additional Planning Would Strengthen DOE's Efforts to Facilitate Commercialization

GAO-25-107037

Published: January 10, 2025

The Department of Energy (DOE), led by the Office of Science's Fusion Energy Sciences (FES) program, has taken steps to facilitate fusion energy commercialization through public-private partnerships.

These efforts represented about 1.2 percent (about $36 million) of FES's total funding obligations on average during fiscal years 2020 through 2023.

The rest of FES's funding obligations (about 98.8 percent on average, or about $740.8 million) went to efforts to study, among other things, the science of plasma, collaborate internationally, and maintain facilities.

DOE officials indicated that the relatively limited scale of investment in initiatives to facilitate commercialization largely reflects the immature state of fusion energy technology, which GAO reported on in March 2023. Another DOE entity—Advanced Research Projects Agency-Energy (ARPA-E)—obligated nearly $50 million in fiscal year 2020, and about $8.7 million on average during fiscal years 2021 through 2023 to fusion energy commercialization projects.

GAO Urges Attention to 2025 "High Risk List" to Save Billions and Improve Government Efficiency and Effectiveness

PRESS RELEASE
WASHINGTON (February 25, 2025)

The U.S. Government Accountability Office (GAO) today issued its updated High Risk List, which identifies 38 areas of government operations with serious vulnerabilities to fraud, waste, abuse, and mismanagement, or in need of transformation. The updated list, produced every 2 years at the start of each new Congress, describes the status of high-risk areas, outlines actions that are needed to ensure progress, and identifies a new area in need of attention by the executive branch and Congress. Progress was seen in ten areas, resulting in approximately $84 billion in financial benefits since the last update 2 years ago. One new area was added, and three regressed.

"GAO's High Risk List is a blueprint for quickly identifying opportunities to improve program management and save federal funds. In fact, efforts to address high-risk issues have totaled nearly $759 billion in savings—an average of $40 billion per year," said Gene L. Dodaro, Comptroller General of the United States and head of the GAO. "Congress and executive agencies need to work together to address the thousands of open recommendations that, if implemented, will lead to lasting solutions to these high-risk areas, billions more in cost-savings for Americans, and a more efficient and effective government."

Several high-risk areas are critical to better managing the cost of government. GAO's High Risk List identifies billions of dollars in potential savings among federal government programs.

...

The entire 2025 High Risk List is available on GAO's High Risk List web page. For more information, Contact Michelle Sager, Managing Director of Strategic Issues, at sagerm@gao.gov or Sarah Kaczmarek, Managing Director of Public Affairs, at media@gao.gov.

High-Risk Series: Heightened Attention Could Save Billions More and Improve Government Efficiency and Effectiveness
GAO-25-107743
Published: Feb 25, 2025. Publicly Released: February 25, 2025.

Recommendations

Regarding radiation issues, comments were made relative to DOE, DOD and Congressional Actions Needed.

Link to the report: https://www.gao.gov/products/gao-25-107743?utm_campaign=usgao_email&utm_content=daybook&utm_medium=email&utm_source=govdelivery

Why GAO Did This Study

The federal government is one of the world's largest and most complex entities. About $6.8 trillion in outlays in fiscal year 2024 funded a broad array of programs and operations. GAO's High-Risk Series identifies government operations with serious vulnerabilities to fraud, waste, abuse, and mismanagement, or in need of transformation.

Waste Disposal

Information Digest, 2024–2025 (NUREG-1350, Volume 35), February 25, 2025

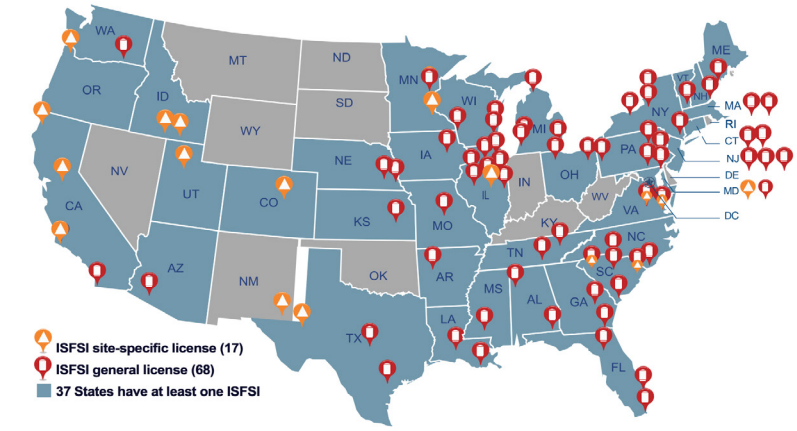
Spent Nuclear Fuel Disposal

The current U.S. policy governing permanent disposal of high-level radioactive waste is defined by the Nuclear Waste Policy Act of 1982, as amended, and the Energy Policy Act of 1992. These acts specify that high-level radioactive waste will be disposed of underground in a deep geologic repository licensed by the NRC. Because the timing of repository availability is uncertain, the NRC looked at potential environmental impacts of storing spent fuel over three possible timeframes: the short term, which includes 60 years of continued storage after a reactor's operating license has expired; the medium term, or 160 years after license expiration; and indefinite, which assumes a repository never becomes available. The NRC's findings—that any environmental impacts can be managed—appear in the 2014 report NUREG-2157, "Generic Environmental Impact Statement for Continued Storage of Spent Nuclear Fuel."

The NRC adopted those findings into NRC regulations in a continued storage rule. This rule provides an important basis for issuing new or renewed licenses for nuclear power plants and spent fuel storage facilities.

Spent Fuel

The agency has issued a general license authorizing nuclear power reactor licensees to store spent fuel on site in dry storage casks that the NRC has certified. ....At nuclear reactors across the country, spent fuel is kept on site, typically above ground....



ALABAMA
Browns Ferry
Farley
ARIZONA
Palo Verde
ARKANSAS
Arkansas Nuclear One
CALIFORNIA
Diablo Canyon
Humboldt Bay
Rancho Seco
San Onofre
COLORADO
Fort St. Vrain
CONNECTICUT
Haddam Neck
Millstone
FLORIDA
Crystal River
St. Lucie
Turkey Point
GEORGIA
Hatch
Vogtle

IDAHO
DOE: Three Mile Island 2 (Fuel Debris)
DOE: Idaho Spent Fuel Facility *
ILLINOIS
Braidwood
Byron
Clinton
Dresden
GEH Morris (Wet)
LaSalle
Quad Cities
Zion
IOWA
Duane Arnold
KANSAS
Wolf Creek
LOUISIANA
River Bend
Waterford
MAINE
Maine Yankee
MARYLAND
Calvert Cliffs

MASSACHUSETTS
Pilgrim
Yankee Rowe
MICHIGAN
Big Rock Point
Cook
Fermi 2
Palisades
MINNESOTA
Monticello
Prairie Island
MISSISSIPPI
Grand Gulf
MISSOURI
Callaway
NEBRASKA
Cooper
Ft. Calhoun
NEW HAMPSHIRE
Seabrook
NEW JERSEY
Hope Creek
Oyster Creek
Salem

NEW MEXICO
Holtec Hi-Store*
NEW YORK
FitzPatrick
Ginna
Indian Point
Nine Mile Point
NORTH CAROLINA
Brunswick
McGuire
OHIO
Davis-Besse
Perry
OREGON
Trojan
PENNSYLVANIA
Beaver Valley
Limerick
Peach Bottom
Susquehanna
Three Mile Island

SOUTH CAROLINA
Catawba
Oconee
Robinson
Summer
TENNESSEE
Sequoyah
Watts Bar
TEXAS
Interim Storage Partners*
Comanche Peak
South Texas Project
UTAH
Private Fuel Storage*
VERMONT
Vermont Yankee
VIRGINIA
North Anna
Surry
WASHINGTON
Columbia
WISCONSIN
Kewaunee
La Crosse
Point Beach

* Facility licensed only, never built or operated.

Note: Alaska and Hawaii are not pictured and have no sites. NRC-abbreviated reactor names are listed. Data are current as of September 30, 2024. For the most recent information, go to the NRC facility locator page at https://www.nrc.gov/info-finder.html.

Figure 36. Licensed and Operating Independent Spent Fuel Storage Installations by State

Link to the report:
https://www.nrc.gov/docs/ML2505/ML25051A123.pdf

Excerpt on LLW & Compacts

The Low-Level Radioactive Waste Policy Amendments Act gave the States responsibility for LLW disposal capacity. It authorized States to do the following:

- *Form regional compacts, with each compact to provide for LLW disposal site access.*
- *Manage LLW imported to, and exported from, a compact.*
- *Exclude waste generated outside a compact.*

The Agreement States have licensed four active LLW disposal facilities:

- *EnergySolutions' Barnwell facility, located in Barnwell, South Carolina—Previously, Barnwell accepted LLW from all U.S. generators of LLW. Barnwell now accepts waste only from the Atlantic Compact States (Connecticut, New Jersey, and South Carolina). South Carolina licensed Barnwell to receive Class A, B, and C waste.*
- *EnergySolutions' Clive facility, located in Clive, Utah—Clive accepts waste from all States of the United States. Utah licensed Clive for Class A waste only.*
- *Republic Services' Richland facility, located in Richland, Washington, on the DOE Hanford Site—Richland accepts waste from the Northwest Compact States (Alaska, Hawaii, Idaho, Montana, Oregon, Utah, Washington, and Wyoming) and the Rocky Mountain Compact States (Colorado, Nevada, and New Mexico). Washington state licensed Richland to receive Class A, B, and C waste.*
- *Waste Control Specialists' Andrews facility, located in Andrews County, Texas—Andrews accepts waste from the Texas Compact States (Texas and Vermont). It also accepts waste from out-of-compact generators on a case-by-case basis. Texas licensed Andrews to receive Class A, B, and C waste.*

Supreme Court Ruling Anticipated in 2025

Does the Atomic Energy Act Authorize the Commission to License Temporary Storage of Spent Nuclear Fuel Away From Nuclear Reactors?

The Supreme Court is expected to rule in 2025 on a federal appeals court ruling that the Nuclear Regulatory Commission lacked authority to issue such a license for a facility in Andrews County, Texas.

Nuclear Regulatory Commission v. Texas, 23-1300, and Interim Storage Partners v. Texas, 23-1312.

This article includes excerpts of key issues.

For complete documents and citations see https://www.supremecourt.gov/docket/docketfiles/html/public/23-1300.html.

Brief of Respondents Texas, et al.

Decades ago, Congress determined that the federal government should dispose of the nation's spent nuclear fuel deep underground in a permanent facility in Yucca Mountain, Nevada. For various reasons—mostly political, some practical—construction of that facility has stalled and now is all but "dead." Nico Portuondo, The Return of Yucca Mountain? GOP Floats Waste Site's Revival, E&E NEWS (Apr. 11, 2024), https://perma.cc/ZS52-ZC4K.

"By law," however, "Yucca Mountain is still the government's official plan to deal with the more than 85,000 metric tons of spent nuclear fuel that has piled up at more than 100 locations across the country."

After ignoring its statutory duties for decades, in recent years, the federal government has begun focusing on what it claims is a policy workaround: so-called "interim storage projects."

Rather than placing spent fuel in a facility dedicated to permanent (and safe) disposal, private facilities away from reactors will store waste on a nominally temporary basis. Congress, however, has never authorized such a scheme.

In any event, how can storage be temporary if there is little prospect of "an eventual permanent repository"?

Nothing about this license is lawful. Congress has already legislated a solution to the nation's nuclear-waste problem: permanent storage in Yucca Mountain. No statute mentions, let alone authorizes, private interim offsite storage. Instead, the only interim storage Congress has permitted is in federal facilities, and only under defined circumstances.

KEN PAXTON
Attorney General of Texas

Reply of Petitioner Interim Storage Partners, LLC

The Atomic Energy Act's provisions regarding the constituent radioactive elements of spent nuclear fuel authorize the NRC to regulate spent nuclear fuel.

In its decision, the Fifth Circuit accepted the oftrecited (and accurate) proposition that **"[s]pecial nuclear material, source material, and byproduct material are constituent materials of spent nuclear fuel,"** and then proceeded to base its statutory analysis upon AEA provisions addressing those constituent materials.

Respondents, however, have decided to take a different tack: their AEA arguments now are largely based on the fact that the term "spent nuclear fuel" was not separately defined in the original AEA, but was instead added in 1988 as part of an unrelated overhaul of the Price Anderson Act. ("Indeed, Congress did not amend the AEA to add 'spent nuclear fuel' as a defined term until 1988.")

Respondents are unable to proffer any plausible interpretation of statutory text to support what they say the law is.

Respondents' definitional arguments reveal another fundamental flaw in their efforts to defend the result of the Fifth Circuit: there is no sensible interpretation of the statutes that leads to what respondents contend the law to be. Texas asserts that the NRC "cannot license possession of spent nuclear fuel at all." Similarly, Fasken asserts that "[n]o AEA provision grants NRC express authority to issue a license for storing spent fuel." But, at the same time, Texas admits that "no one disputes that storage facilities onsite are permissible; they must be."

Well, what statutory provision provides that "permission"? Respondents do not say.

BRAD FAGG
Counsel of Record
TIMOTHY P. MATTHEWS
MICHAEL E. KENNEALLY
RYAN K. LIGHTY
MORGAN, LEWIS
& BOCKIUS LLP
Counsel for Petitioner

Reply of Petitioners Nuclear Regulatory Commission, et al.

Congress Has Authorized The Commission To License Temporary Offsite Storage Of Spent Nuclear Fuel

The Atomic Energy Act authorized the Commission to license temporary offsite storage of spent nuclear fuel. The Policy Act did not disturb that authority, but instead manifested Congress's approval of the Commission's prior materials-licensing practices. **Respondents' contrary arguments reflect serious misunderstandings of the text and context of both statutes.**

The Atomic Energy Act authorizes the Commission to license temporary offsite storage of spent fuel. **Three Atomic Energy Act provisions authorize the Commission to issue licenses to possess the components of spent nuclear fuel for purposes, including interim storage, that relate to generating nuclear power.**

The Act does not impose any geographic restrictions on such storage.

In arguing that the Commission lacks authority to license offsite storage of spent fuel, respondents misread the statutory text and sidestep the disruptive practical implications of their arguments.

SARAH M. HARRIS
Acting Solicitor General, Department of Justice

Supreme Court Ruling Anticipated in 2025

Other filings in January and February can be accessed at https://www.supremecourt.gov/docket/docketfiles/html/public/23-1300.html

Brief amici curiae of Utah, et al.

Brief amici curiae of Don't Waste Michigan, et al.

Brief amicus curiae of City of Fort Worth

Brief amici curiae of New Mexico, et al.

Brief amicus curiae of Idaho

Brief amicus curiae of Pacific Legal Foundation

Brief amici curiae of United States Senator Ted Cruz, et al.

Brief amicus curiae of Beyond Nuclear, Inc.

Brief amici curiae of Permian Basin Petroleum Association, et al.

Thursday, March 6, 2025
9:30 a.m. Affirmation for SECY-23-0003 (U.S. DEPARTMENT OF ENERGY (HIGH LEVEL WASTE REPOSITORY) (Public Meeting))
(Contact: Christopher Markley: 301-415-6293)

Additional Information: The meeting will be held in the Commissioners' Hearing Room, 11555 Rockville Pike, Rockville, Maryland. The public is invited to attend the Commission meeting in person or watch live via webcast at the Web address – https://video.nrc.gov/.

Decommissioning and Waste Disposal

Report on Waste Burial Charges: Changes in Decommissioning Waste Disposal Costs at Low-Level Waste Burial Facilities Final Report (NUREG-1307, Revision 20), February 11, 2025

NRC requires nuclear power reactor licensees to adjust annually, in current year dollars, their estimate of the cost to decommission their plants.

Link to the report: https://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1307/r20/index.html

...Licensees may dispose of LLW at one or more of the four currently operating LLW disposal facilities in the United States licensed by the NRC or Agreement States, and the cost of disposal varies among each of the four facilities. In addition, there are various limitations on LLW disposal facility access by reactors, based upon the state in which the reactor is located. The different LLW burial scenarios are described in detail in the report Section 1.2, "LLW Disposal Cost Scenarios." **Appendix A of the report gives specifics of costs.**

The Texas, South Carolina, and Washington facilities are the host disposal sites for the Texas LLW Disposal Compact (Texas Compact), the Atlantic Interstate LLW Management Compact (Atlantic Compact), and the Northwest Compact on LLW Management (Northwest Compact). The Washington LLW disposal facility also accepts LLW generated in the three member-states of the Rocky Mountain LLW Compact (Rocky Mountain Compact).

The fourth site (Utah) is not associated with a specific LLW compact, and so is referred to in this report as a non-compact disposal facility.

Nuclear power plant facilities located within LLW compacts that have compact-affiliated disposal facilities can dispose of their LLW at the affiliated disposal facility or, in some cases, can dispose of a portion of their LLW at the non-compact disposal facility. Nuclear power plants not located within a LLW compact having a compact-affiliated disposal facility can dispose of their LLW at either the Texas or Utah disposal facilities.

The Utah facility accepts only Class A LLW while the Texas compact-affiliated facility will accept Class A, B, and C LLW.

For plants that have no disposal site available within their designated LLW compact, this report assumes that the cost for disposal of Class A LLW is the same as that for the Utah disposal facility, and the cost for disposal of Class B and C LLW is the same as that for the Texas disposal facility, and includes accounting for out-of-compact fees. In the 2023 decommissioning fund status reporting cycle, in which licensees provided decommissioning trust fund data to the NRC by March 31, 2023, as required by 10 CFR 50.75(f), 71 of the 93 operating reactors in the U.S. applied LLW burial cost escalation factors based on the Table 2-1 scenario in which generators are located in States that do not have a compact-affiliated LLW disposal facility.

In this current revision to NUREG-1307, estimated 2024 disposal costs for this scenario are approximately 9.5 percent lower for the reference PWR and 5.2 percent lower for the reference BWR compared to 2022 disposal costs.

For the reference PWR and BWR, decrease in disposal costs are due to decreases in disposal fees for the Clive disposal facility.

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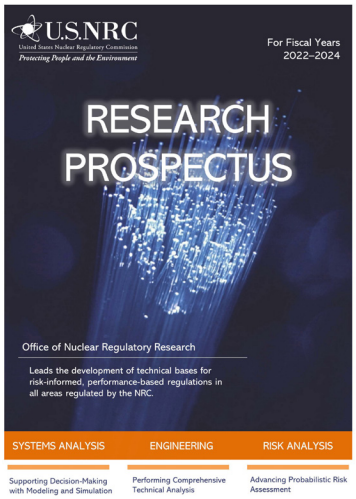
Advanced and Small Modular Reactors



See pages 8 & 9 for Projects and Budgets

Link to the report https://www.nrc.gov/docs/ML2223/ML22235A651.pdf

U.S. Nuclear Regulatory Commission Summary of The January 22, 2025, Observation Public Meeting on The Status of Nuscale's US460 Standard Design Approval Application

ADAMS Accession No.: ML25028A176

Open ADAMS Document (U.S. Nuclear Regulatory Commission Summary of The January 22, 2025, Observation Public Meeting on The Status of Nuscale's US460 Standard Design)

Abilene Christian University in Abilene, Texas Project Status Dashboard

at https://www.nrc.gov/reactors/non-power/new-facility-licensing/msrr-acu/dashboard.html

Description
Low-power molten salt research reactor to support academic research.
Functional containment (See SECY-18-0096 for a description of functional containment.)
Up to 1 MW_{th} (The research reactor will not produce electricity.)
High Assay Low Enriched Uranium (HALEU) dissolved in Flibe salt.

Source Security

IAEA Photoessay: Radium-226 Removal from Fiji and Disposition in USA

IAEA launched the Global Radium-226 Management Initiative to promote the safe and effective management of legacy sources.

An IAEA expert mission was deployed to Suva, Fiji, to support the recovery and transportation of radium-226 to the USA, where the sources will be used as a feedstock to produce actinium-225, an alpha-emitting isotope which is increasingly used in targeted cancer treatments.

The IAEA facilitated an agreement with Niowave through which the medical radioisotope company provided a transport container to deliver the sources to its premises in the United States of America for recycling.

The barrels containing the disused radium sources had been stored for a decade at a Ministry of Health and Medical Services site. As the building lacked a roof, the steel drums were directly exposed to the elements and suffered extensive corrosion. However, the radioactive sources remained intact for safe recovery and re-packaging.

A photoessay is available on the conditions of storage and the retrieval. See online at the link below.

Source: Recycling Old Radium into Cancer Drugs, © IAEA, February 17, 2025, Photoessay, at https://www.iaea.org/newscenter/multimedia/photoessays/recycling-old-radium-into-cancer-drugs

Source Security

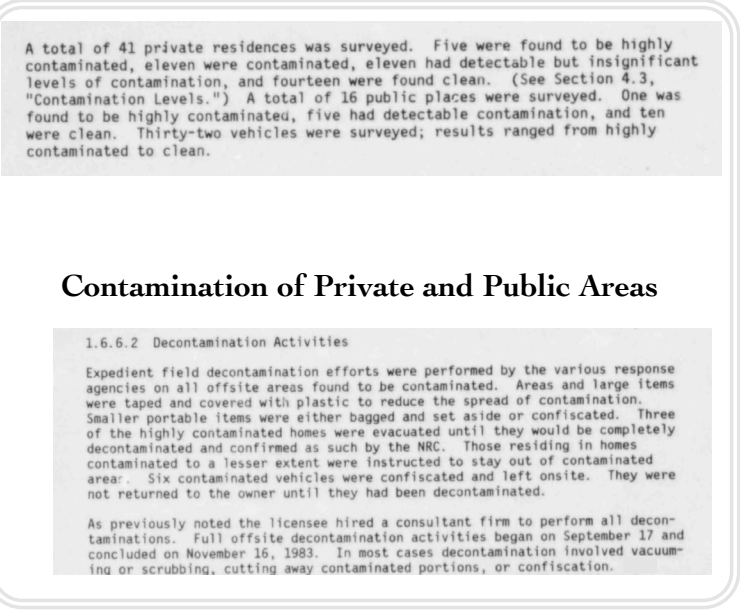
Ruptured Cesium-137 Well-Logging Source at Shelwell Services, Inc., Hebron, Ohio (NUREG-1028), Posted January 22, 2025

Abstract

This NRC report documents the circumstances surrounding the September 13, 1983, cesium-137 sealed source rupture incident at the Shelwell Services, Inc., facility in Hebron, Ohio. The document was release online in January 2025.

It focuses on the period from approximately 4:00 p.m. (EDT) on September 13, 1983, when the source ruptured, to October 5, 1983, when the radiological emergency response aspects of the event were concluded.

Information outside these periods is recounted as necessary. The incident resulted in radiation doses to two licensee employees that exceeded the regulatory limits for whole-body and extremity exposures, and **contamination of the licensee's facility, private residences, public buildings, and the personal effects of the licensee's employees, families, and friends.**



A total of 41 private residences was surveyed. Five were found to be highly contaminated, eleven were contaminated, eleven had detectable but insignificant levels of contamination, and fourteen were found clean. (See Section 4.3, "Contamination Levels.") A total of 16 public places were surveyed. One was found to be highly contaminated, five had detectable contamination, and ten were clean. Thirty-two vehicles were surveyed; results ranged from highly contaminated to clean.

Contamination of Private and Public Areas

1.6.6.2 Decontamination Activities

Expedient field decontamination efforts were performed by the various response agencies on all offsite areas found to be contaminated. Areas and large items were taped and covered with plastic to reduce the spread of contamination. Smaller portable items were either bagged and set aside or confiscated. Three of the highly contaminated homes were evacuated until they would be completely decontaminated and confirmed as such by the NRC. Those residing in homes contaminated to a lesser extent were instructed to stay out of contaminated areas. Six contaminated vehicles were confiscated and left onsite. They were not returned to the owner until they had been decontaminated.

As previously noted the licensee hired a consultant firm to perform all decontaminations. Full offsite decontamination activities began on September 17 and concluded on November 16, 1983. In most cases decontamination involved vacuuming or scrubbing, cutting away contaminated portions, or confiscation.

The emergency response required the combined efforts of NRC, U. S. Department of Energy, and state personnel. The report describes the factual information and significant findings associated with the event and, thereby, provides a data base for subsequent detailed analyses and recommendations by various NRC offices. Report link: https://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1028/index.html

NRC Proposes $9,000 Civil Penalty to Materials Testing Consultants, Inc.

The Nuclear Regulatory Commission has proposed a $9,000 fine to Materials Testing Consultants in Grand Rapids, Michigan, for violations of NRC requirements associated with the control of NRC-regulated material.

The two violations involved the company's failure to conduct physical inventories and maintain constant control and surveillance for licensed radioactive material and the associated devices when not in storage. **These failures resulted in the loss of a portable gauge with radioactive material.**

Source: NRC News Release No: III-25-002 February 18, 2025

Contact: Viktoria Mitlyng, 630-829-9662 Prema Chandrathil, 630-829-9663

Appalachian Compact
Delaware • Maryland • Pennsylvania • West Virginia

Contributed by Rich Janati

Pennsylvania, the host state for the Appalachian Compact, has appointed a new member to the LLW Forum. Dwight Shearer, Director of the Pennsylvania Department of Environmental Protection's Bureau of Radiation Protection, will now represent Pennsylvania. Rich Janati, Administrator of the Appalachian Compact Commission, will continue to represent the Appalachian Compact Commission on the Forum, with Ed Hammerberg of the Maryland Deportment of the Environment serving as Rich's alternate.

Three Mile Island Nuclear Station, Unit 1

NRC Acceptance of Requested Licensing Action Re: License Amendment Request to Change Facility Name from Three Mile Island, Unit 1 to Christopher M. Crane Clean Energy Center

NRC Acceptance of Requested Licensing Action Re: Request for Exemption from 10 CFR 50.82(A)(2) to Support Reauthorization of Power Operations

Atlantic Compact
Connecticut • New Jersey • South Carolina

Meetings
March 13, 2025

The next meeting of the Atlantic Compact Commission is scheduled on March 13, 2025 in Columbia, SC. For more details please Contact Max at max@atlanticcompact.org

NRC Issues Final Environmental Impact Statement for Oconee Nuclear Station Subsequent License Renewal

The Nuclear Regulatory Commission has published its final environmental impact statement for the proposed second license renewal for Oconee Nuclear Station, Units 1, 2 and 3.... for renewal of Oconee's operating licenses for an additional 20 years.

Duke Energy is seeking a second, or subsequent, licensing term to extend the plant's operations from 60 to 80 years. The licenses for the Oconee reactors, located 30 miles west of Greenville, South Carolina....

Source: NRC News Release No: 25-009 February 7, 2025

Contact: Scott Burnell, 301-415-8200

Central Midwest Compact
Illinois • Kentucky

Commissioners

The Central Midwest Compact Commission has two new Illinois Commissioners. They are Dr. Shih-Yew Chen and Dr. William Robert Roy.

They join J.P. Kelly who serves as Commissioner for the Commonwealth of Kentucky.

Midwest Compact
Indiana • Iowa • Minnesota • Missouri • Ohio • Wisconsin

NRC Renews Monticello Operating License For a Second Time

The Nuclear Regulatory Commission has renewed for a second time the operating license of Monticello Nuclear Generating Plant, Unit 1, for an additional 20 years.

Monticello is a boiling-water reactor located in Monticello, Minnesota, about 35 miles northwest of Minneapolis. Its operating license will now expire Sept. 8, 2050.

With the renewal of the Monticello license, nine commercial nuclear power reactors have received subsequent renewed licenses (authorizing operations from 60 to 80 years). Six applications for subsequent license renewal are currently under review.

Source: NRC News Release No: 25-001 January 2, 2025

Contact: Scott Burnell, 301-415-8200

Texas Compact
Texas • Vermont

Meetings
February 6, 2025

Thursday, April 10, 2025

via Zoom Meeting webinar and in person in Odessa, TX at 10 am CDT. Deadline for import applications is Thursday, March 6, 2025.

Thursday, July 24, 2025

via Zoom Meeting webinar and in person in Fort Worth, Texas at 10 am CST.

The Texas Low Level Radioactive Waste Disposal Compact Commission had a scheduled a meeting for February 6, 2025 at the Texas Low Level Radioactive Waste Disposal Compact Commission office located at 1502 West Avenue, First Floor Conference Room Austin, Texas by webinar and in person.

The agenda may be found at http://www.tllrwdcc.org/wp-content/uploads/2025/01/Agenda-February-6-2025.pdf

To listen to the February meeting webinar visit https://www.youtube.com/watch?v=OsW1T57zxcc

Unaffiliated States

NRC Atomic Safety and Licensing Board to Hold Oral Argument on Palisades Restart License Amendment Requests

A Nuclear Regulatory Commission Atomic Safety and Licensing Board will conduct an oral argument Feb. 12 on adjudicatory hearing petitions ...and hear challenges concerning Holtec Decommissioning International, LLC's, and Holtec Palisades, LLC's, license amendment requests and an exemption request related to a potential restart of the Palisades Nuclear Plant. Palisades is located in Covert, Michigan.

Source: NRC News Release No: 25-004 February 10, 2025

Contact: Scott Burnell, 301-415-8200

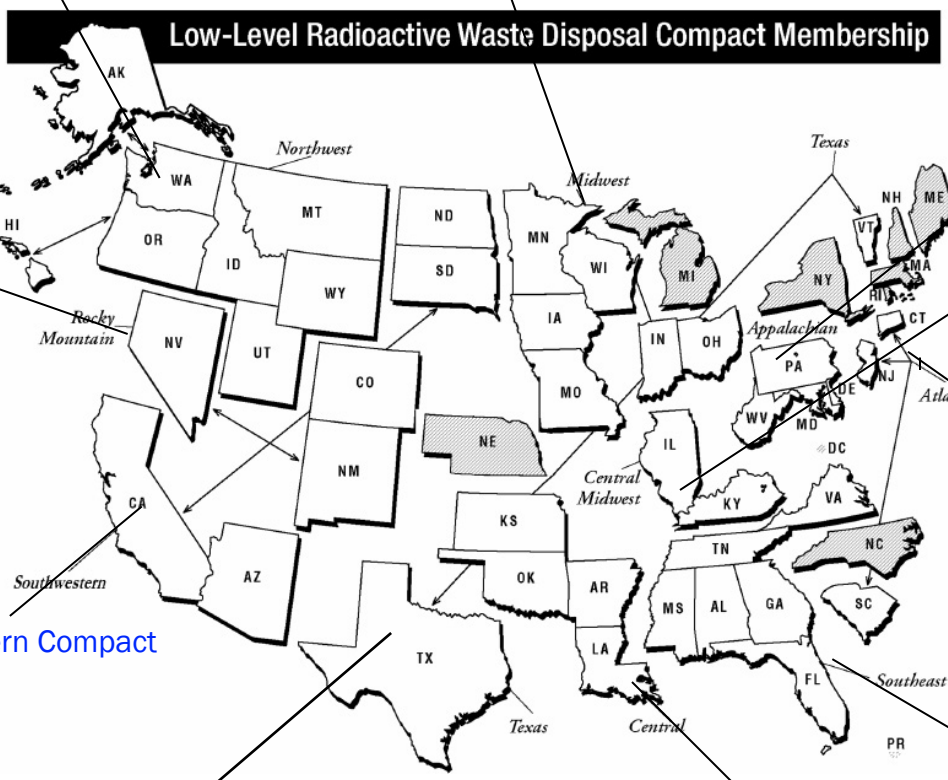
Northwest Compact
Alaska
Hawaii
Idaho
Montana
Oregon
Utah
Washington
Wyoming

Midwest Compact
Indiana
Iowa
Minnesota
Missouri
Ohio
Wisconsin

Appalachian Compact
Delaware
Maryland
Pennsylvania
West Virginia

Rocky Mountain Compact
Colorado
Nevada
New Mexico

Northwest accepts Rocky Mountain waste as agreed between Compacts



Southwestern Compact
Arizona
California
South Dakota
North Dakota

Texas Compact
Texas
Vermont

Central Compact
Arkansas
Kansas
Louisiana
Oklahoma

Southeast Compact
Alabama
Florida
Georgia
Mississippi
Tennessee
Virginia

Atlantic
Connecticut
New Jersey
South Carolina

Central Midwest Compact
Illinois
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Information Resources

- DOE Public Affairs/Press Office - 202/586-5806
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- 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) listserver@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 https://llwforum.org/

Acknowledgment & Disclaimer

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