

## WM2009 Conference Panel Report

### **Panel Session 11: Hot Topics of US Commercial LLW Management**

Panel Reporter – Linda Beach, VP/GM Waste Control Specialists LLC

The Panel “Hot Topics of US Commercial LLW Management” focused on emerging low-level radioactive waste management issues in the US from the perspective of five active members of the Low-Level Radioactive Waste Forum, Inc. Co-Chairs were Marcia Marr, Central Midwest Compact Commission and Kathryn Haynes, Southeast Compact Commission. Panelists included:

Bill House, VP Regulatory Affairs, Energy Solutions  
Larry McNamara, COO, Perma-Fix Environmental Services, Inc.  
Susan Jablonski, Director, Radioactive Materials Division, TCEQ  
Lisa Edwards, NEI/EPRI  
Dan Schultheisz, EPA, Office of Radiation and Indoor Air, Radiation Protection Division

Bill House focused on transition challenges at Barnwell as Barnwell modifies existing disposal operations to match the reduced disposal volume resulting from closure of the compact to non-compact waste. Deconstruction is becoming the primary activity instead of waste disposal. Challenges include maintaining safety and compliance focus while transitioning site emphasis from waste disposal to D&D while reducing long term staff. Additional challenges include a lack of building deconstruction experience, no detailed D&D procedures, and additional regulatory oversight. Bill concluded that the challenges are being overcome with collaboration between primary parties.

Larry McNamara focused on an industry wide issue of “who owns the waste?” Complications can occur as waste moves from generator to broker to processor and finally to a disposer. Additional complications occur when one of the parties goes bankrupt. What, if any, protection does the contract provide the generator and how effective are contract “Return of Waste Clauses”? Although no answers were provided, (the answers will most likely be case specific), the presentation was thought provoking and timely.

Susan Jablonski discussed the status of the Waste Control Specialists LLC (WCS) low level radioactive waste (LLW) disposal license and the recent formation of the Texas Compact Commission. On January 14, 2009, the Texas Commission on Environmental Quality (TCEQ) made a historic decision to deny all hearing requests and grant a LLW Disposal License to WCS once WCS has demonstrated that it has acquired free and clear title to all surface and mineral estates of the proposed license sites. Condemnation proceedings are underway. Although other Texas agencies have conducted condemnation proceedings, this is the first time for TCEQ and the timeframe for completion is uncertain. Susan also discussed that the Texas Compact Commission had held its first organizational meeting on February 13, 2009 and it was too early to speculate as to their policies regarding import and export.

Lisa Edwards reviewed that EPRI has provided a series of guidelines to nuclear power plants for LLW management since the early 1990s when South Carolina began to consider closing Barnwell to sites outside the Southeast Compact. In the absence of a Class B/C disposal site, one option for nuclear power plants is to pursue concentration averaging to create more Class A waste and less Class B/C waste. The advantage to this approach is that the Energy Solutions site in Clive, Utah can receive Class A waste and the Clive site is open to all generators. Concentration averaging would require an expansion of the 1995

NRC Final Branch Technical Position on Concentration Averaging. EPRI has recently submitted supporting data to the NRC in favor of expanded concentration averaging.

Dan Schultheisz provided an update on EPA's activities in drinking water treatment, uranium mining and milling, and other waste management areas. Drinking water treatment can generate residuals with high concentrations of uranium and radium based on a study of eight US plants. EPA has concluded that radon is of concern for the water treatment plant workers. Increased interest in uranium mining and milling has spurred increased regulator activity in this area. EPA is coordinating with NRC and considering whether to revise 40 CFR Part 192 to explicitly address *in situ* leaching. EPA is assisting the Navaho Nation in addressing the above water treatment issues and in evaluating risks associated with uranium mining. Finally, EPA is currently involved in addressing Yucca Mountain standards, recertification of the Waste Isolation Pilot Plant, and evaluating disposal of very low-activity radioactive waste in RCRA landfills.