

**PANEL SESSION 15 - Hot Topics and Emerging Issues in US Commercial
Low-Level Radioactive Waste Management**

Co-Chairs: Leonard Slosky, *Rocky Mountain LLRW Board*;
James Kennedy, *US NRC*

Reporter: Todd Lovinger, *LLW Forum, Inc.*

Panelists Included:

- Leonard Slosky, *Rocky Mountain LLRW Board*
- Michael Ford, *Texas LLRW Compact Commission*
- Dan Schultheisz, *US EPA*
- Larry Camper, *US NRC*
- Rusty Lundberg, *State of Utah*

Some 80 to 90 people were present to hear this session on Hot Topics and Emerging Issues in US Commercial Low-Level Radioactive Waste Management. Following introductions by the Co-Chair, **Leonard Slosky** opened the proceedings. He gave an overview of the recent appellate court decision in *EnergySolutions v. Northwest Compact*—a lawsuit challenging the compact's authority over the Clive facility in Utah and covering issues regarding the importation of radioactive waste from foreign countries for recycling and reuse, as well as for disposal in US waste management facilities. Slosky explained the impact of the court's decision on both the individual compact as well as to the compact system as a whole and reviewed some of the more significant implications.

Michael Ford's presentation focused on recent activities by the Texas Compact Commission and steps toward development of the Waste Control Specialist facility. Ford provide an overview of the Compact Commission's actions at a January 4, 2011 meeting to approve import and export rules, and detailed steps taken by the opposition in advance of the vote. Ford explained that, although the rules were passed, they were procedural in nature as the compact does not have the funding at this time to review and consider import applications. Ford also gave an overview of various developments in Texas, including the authorization of commencement of construction by the Executive Director of the Texas Commission on Environmental Quality and consideration by the legislature of the Compact Commission's funding request.

Dan Schultheisz reported on the coordination and execution of clean-up from a hypothetical incident involving a radiological dispersion device and provided an overview of the Liberty RadEx exercises. Schultheisz provided detailed information on agency activities to prepare for response coordination in the event of a national catastrophe and provided analyses of the anticipated incident response. Schultheisz discussed participation by the Commonwealth of Pennsylvania and their comments on what to do in the aftermath of such an event. Waste management and disposal issues at both the state and federal level were an integral part of the agency's work product, including projecting the plume path and identifying a location(s) for disposal of any resultant waste.

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Larry Camper discussed activities at and projects being undertaken by the US Nuclear Regulatory Commission including among other things revising the branch technical position on concentration averaging and encapsulation, unique waste streams (depleted uranium and blended waste), guidance development and rulemaking, and consideration of risk-informed/performance-based revisions to 10 CFR Part 61. Several of the topics discussed during Larry's presentation were on the agenda during various other sessions at Waste Management, and the final item (proposed revisions to Part 61) was the subject of a joint NRC/DOE workshop to be held immediately after the Waste Management Symposia on Friday, March 4 in the Grand Ballroom of the Hyatt Regency Hotel.

Rusty Lundberg provided a very thorough and detailed update on regulatory activities in the State of Utah including, but not limited to, the draft prospective performance assessment rule, by-product material rulemaking, draft administrative proceeding rule, blended and classification position statements and depleted uranium performance assessment rule. As the regulator of the Clive facility, Lundberg is in the unique position to provide an important viewpoint on a variety of state and federal regulatory initiatives and activities. Lundberg, a first-time attendee at the Waste Management Symposia, also provided feedback on issues covered by other panelists including implications of the appellate court decision and efforts to risk-inform Part 61.

Public Comment and/or Questions

Comment – Thirty-six states do not currently have access for Class B and C waste, so opening of the Waste Control Specialists facility—with the potential for importation of non-regional waste—is a major milestone that is being closely watched by the rest of the waste management community.

Comment/Question – Other states and federal agencies would like to have input as EPA coordinates its proposed response to cleanup from a hypothetical incident involving a radiological dispersal device. How can stakeholders provide feedback? By participating in workshops and submitting information to the federal emergency response coordinators.

Comment –Revising Part 61 to make it risk-informed/performance based will be a daunting task that will take significant time and input to execute and will require considerable coordination with the states and compacts.

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