

WM2012 Conference Panel Report

PANEL SESSION 14: Hot Topics and Emerging Issues in US Commercial LLRW Management

Co-Chairs: Leonard Slosky, *Rocky Mountain LLRW Board*
Todd Lovinger, *LLW Forum, Inc.*

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

Panelists:

1. Robert Wilson, *Chair, Texas Low-Level Radioactive Waste Compact Commission*
2. Christine Gelles, *Associate DAS for Waste Management, US DOE*
3. Larry Camper, *Director of the Division of Waste Management and Environmental Protection, Office of Federal & State Materials & Environmental Management Programs, US NRC*
4. Tom Magette, *Senior Vice President, EnergySolutions*
5. Janet Schleuter, *Director, Fuel and Materials Safety, Nuclear Energy Institute*

More than 100 people attended this session that focused on emerging issues in commercial low-level radioactive waste management in the United States from the perspectives of five active members of the Low-Level Radioactive Waste Forum, Inc. (LLW Forum). The session opened with each of the 5 panelists giving a 10-15 minute overview of their individual topics – some using PowerPoint presentations while others simply provided prepared remarks. The audience asked the speakers questions by stepping to the microphone (8 questions received).

Robert Wilson kicked the session off by explaining that, although construction has been completed at the Waste Control Specialists' (WCS) facility, a few outstanding issues need to be resolved between the Texas Commission on Environmental Quality (TCEQ) and WCS before the facility may begin to accept waste for disposal. Wilson also outlined the process for setting final rates at the facility, noting that at least three separate requests for a contested case hearing on the issue have been filed to date. TCEQ is charged with establishing the maximum disposal rates that may be collected for the disposal of compact waste under Chapter 336, Subchapter N of the agency's rules.

Christine Gelles, who was recently named the Associate Deputy Secretary for Waste Management in the US DOE Office of Disposal Operations, then gave an update on reorganization activities and operations at the Department. Gelles also discussed the Greater-than-Class C draft environmental impact statement (EIS), which was originally released in February 2011, and announced that the Department anticipates that a final EIS will be issued in late 2012 or early 2013. Gelles concluded her remarks with a brief overview of the Waste Isolation Pilot Plant (WIPP) in New Mexico.

Larry Camper discussed current activities and initiatives at the U.S. Nuclear Regulatory Commission including the unique waste streams rulemaking, site-specific analysis rulemaking, efforts to risk-inform the waste classification scheme, the draft branch technical position on concentration averaging and encapsulation (CA BTP), the low-

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level radioactive waste volume reduction policy statement, 20.2002 authorizations, and comprehensive revisions to 10 Code of Federal Regulations Part 61. Camper noted that the revised draft CA BTP is expected to be released in May 2012 for stakeholder review and comment. The consideration of revisions to 10 CFR Part 61 was subsequently discussed at the NRC-sponsored meeting that was held on Friday, March 2, at the Renaissance Phoenix Downtown.

Tom Magette of EnergySolutions gave a brief update on the Clive facility in Tooele County, Utah. Magette explained that the State of Utah passed a rule requiring the facility to prepare a performance assessment before any depleted uranium may be disposed at the site, which has been completed but not yet reviewed by the state. Magette also discussed EnergySolutions' request for a variance to dispose of Class A sealed sources for a one-year period. The public comment period on this issue closes on March 13, 2012. A few days later, on March 16, 2012, the public comment period closes on R-313-25-8, Utah's proposed rule on the disposal of large quantities of blended waste.

Janet Schleuter of the Nuclear Energy Institute (NEI) concluded the session by providing industry perspectives on the NRC initiatives and activities reported on earlier by Larry Camper. In addition, Schleuter provided industry perspectives on NRC work associated with decommissioning planning and prompt remediation. Schleuter stated that the industry has significant concerns regarding the integration of Part 20 decommissioning options, detailed guidance for non-reactor licensees, and the definition of important terms such as "significant residual radioactivity." With regard to decommissioning planning, Schleuter noted that the industry is requesting a workshop prior to the issuance of final guidance and a delay of implantation of the rule for 18 months post-issuance. Schleuter concluded her remarks with a brief description of the industry's response to events at Fukushima since March 2011.

Questions and Answers The session concluded with questions and answers regarding such topics as the implications of the Electric Power Research Institute's (EPRI's) on-site storage paper; components of the NRC's prompt clean-up actions rule; and, the process for setting aside space if another state were to join the Texas Compact.

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