

WM2013 Conference Panel Report

PANEL SESSION 15: Recent Successes with the Waste Incidental to Reprocessing (WIR) / §3116 Processes

Co-Chair: Terrel Spears, *US DOE-Savannah River*

Panel Reporter: Steve Thomas, *Savannah River Remediation, LLC*

Panelists:

1. **Bill Levitan**, *Director, Office of Environmental Compliance, US DOE-EM*
2. **Dave Moody**, *Savannah River Field Office Manager, US DOE-EM*
3. **Shelly Wilson**, *Federal Facilities Liaison, SCDHEC*
4. **Karen Patterson**, *Chair, South Carolina Governor's Nuclear Advisory Council*
5. **Chris McKenney**, *Manager of Performance Assessments, US NRC*
6. **Ginger Dickert**, *Senior Technical Advisor, Savannah River Remediation LLC*

About 80 people attended this panel session which focused on the recent results achieved through the use of §3116 Waste Determinations and the US DOE Manual 435.1-1 WIR Evaluation processes and the associated successes of these processes. The speakers focused on the successes at the Savannah River Site (SRS), the Idaho site, and the West Valley site. This was followed by a question and answer session. It was noted that Sessions 101 and 117 would be dedicated to capturing lessons learned and opportunities to further streamline the process.

Summary of Presentations

Bill Levitan spoke on behalf of Alice Williams who was unable to make the session due to emergent business in Washington, DC. He cited the recent closure of Tanks 18 and 19 at the Savannah River Site and the tank closures at the Idaho site as being possible due the *Ronald W. Reagan National Defense Authorization Act of Fiscal Year 2005*, Section 3116 legislation (§3116). Bill noted that these successes were a demonstration of what a positive impact the legislation has already had. He described the process as being "hard" but the outcomes being very positive. Although the §3116 legislation specifically applies only to the States of South Carolina and Idaho, the many lessons learned are being considered for future tank closures at the Hanford site in the State of Washington and the West Valley site in the State of New York. One such lesson learned is the transparency of the process and the involvement of the public such as the eleven public scoping meetings that have been held at Hanford to date. Bill went on to also talk about the two WIR Evaluations that have been issued at the West Valley site.

Dave Moody stated that successes attributed to §3116 and WIR have enabled the Department to move forward with its risk reduction efforts associated with the disposition of legacy high-level waste and to achieve significant cost savings and life cycle reduction through those efforts. The most recent example of this is the closure of the two SRS tanks, Tanks 18 and 19. Dr. Moody went on to state that the WIR processes are not just a set of paperwork that is prepared at the end of the process but, rather, it is a cradle-to-grave process that begins with an understanding of the waste that is to be removed and processed, its desired final end state and the impact of the closed treatment and storage facilities when all is complete. He stated that SRS is uniquely positioned for success due to the Enterprise SRS partnership between SRR and the Savannah River National

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Laboratory. He went on to describe the collaborative working relationship with both SCDHEC and the US EPA.

Shelly Wilson described the excitement of attending the Tanks 18 and 19 closure celebration last year. It represented the culmination of years of collaborative work with DOE focused on eliminating the “single largest environmental threat” in the State of South Carolina. She believes that removing and treating the waste and closing the tanks is the best way to deal with this threat. In 1997 DOE worked with State to close the first two tanks, Tanks 17 and 20, and they never thought it would take so long to see the next tanks closed. The watershed point in this journey was when Senator Lindsey Graham, then junior Senator from South Carolina, led the effort to enact the §3116 legislation. It marked the first time that sufficient legal cover was available for these activities. Ms. Wilson also stated that the development of “Common Goals and Values” between SCDHEC, DOE, EPA, the Governor’s Nuclear Advisory Council (GNAC) and the Defense Nuclear Facility Safety Board was the foundation for the SRS Liquid Waste Disposition Strategy and risk-informed decision making. The agencies worked together to develop the regulatory roadmaps that would guide decision making and met to discuss the assumptions that would be used in the respective facility performance assessments to minimize “second-guessing” of actions/decisions later. This has greatly improved the process. One of the Common Goals and Values was to ensure opportunities of public involvement in the process. This has served us well. She is hopeful that DOE can “pick up the pace.” Ms. Wilson described the efforts that SCDHEC has taken to streamline the review process to ensure, first that adequate technical reviews are conducted, but second to ensure that the regulatory documentation remains off the critical path for tank closures. To date, both SCDHEC and EPA have met or improved upon all the goals associated with the scheduled reviews and approval while still conducting thorough, quality reviews. She ended by stating that, while happy with the successes to date, she knows that we must keep our focus to meet the milestones in the Federal Facility Agreement for the closure of the old-style tanks and the commitment to complete waste removal activities by 2028 as required by the Site Treatment Plan.

Karen Patterson provided her remarks “from the perspective of the public.” She believes that that success of the §3116 process helps build confidence for the public that we can deal with the nuclear fuel issues in this country. She described that the role of the GNAC was to advise the Governor of South Carolina on key policy issues related to nuclear energy in the State. South Carolina is home to SRS, the Barnwell Disposal Site as well as seven operating reactors with two under construction. When looking towards a “consensus-based process” as described by the Blue Ribbon Commission for siting of a Federal Repository, the parties can look to the SRS tank closures as a clear example of “how to do it right.” Without a defined, disciplined process, the future of nuclear energy in this country remains at risk. Ms. Patterson also pointed to the development of consensus regulatory roadmaps as a key element of our success. Also, clearly identifying specific opportunities for public involvement and input into the process help build trust. She stated that, in this type of work, trust is paramount; people trust who they know. She stated that earning trust takes a long time and a great deal of investment but that keeping the lines of communication open was a key element to our successes. All the parties involved in this process know it is right thing to do.

Chris McKenny began by describing the origins of the two agencies, NRC and DOE, and how they originally were one agency and were “broken apart” in 1975. He believes the holding of

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discussions on “General Topics” early in the implementation of the §3116 process allowed NRC and DOE to find common ground. It also highlighted areas where the two agencies held different views or requirements so that future discussions would recognize these areas and could be the focal point of more specific discussions. Mr. McKinney described how the implementation of §3116 for the SRS F-Tank Farm and Tanks 18 and 19 specifically evolved over time from a series of individual tank-specific waste determinations to a single F-Tank Farm determination. He stated that he believed this was the right approach. He contrasted SRS with the Hanford site and the unique set of challenges for the Hanford tank closures. One key difference is the number of interested parties involved in the State of Washington and their often conflicting points of views on the closure process and the underlying assumptions that would support that process. He believes the open scoping process that DOE has started at Hanford that included the NRC as an independent participant will eventually help garner trust and move the different groups towards consensus. He stated the communication between DOE and NRC has been “bumpy” at times as the two regulatory agencies work through their different bureaucratic processes. He further stated that providing NRC will all of the information (e.g., providing the computer modeling files) has been very helpful in ensuring a thorough review but with fewer requests for additional information.

Ginger Dickert was a last minute substitute for Dave Olson who took ill while at the conference and was unable to participate. Ms. Dickert expressed appreciation for the opportunity to speak of the recent success in the operational closure of SRS Tanks 18 and 19. She stated that SRR always begins its briefings with a reflection/discussion on safety. She reiterated SRR’s continuing commitment to “fostering, maintaining and continuously improving our Nuclear Safety Culture.” She stated that with all the individuals involved in this complicated closure activity, there were no injuries recorded, not even a first-aid case. Ms. Dickert referenced Ms. Wilson’s earlier statement on the SRS tank waste representing the single greatest environmental risk to the citizens of South Carolina, and stated that the closing of Tanks 18 and 19 meant that over two million gallons of legacy high-level radioactive waste had been dispositioned, representing a “huge reduction in risk.” The closing of Tanks 18 and 19 were the first such closures since 1997 when Tanks 17 and 20 were similarly closed. She stated that since that time, “we’ve significantly advanced the technologies for waste removal as well as the technical bases and understanding of the long-term performance of the closed tanks, and we’ve implemented a much more robust regulatory framework for assessing all of these factors.” Ms. Dickert concluded her discussion by showing a video that described the closure of the Tanks 18 and 19 and included quotes from key stakeholders on the importance of this accomplishment.

Questions and Answers

In response to a question on how the regulatory review process could be sped up, **Bill Levitan** stated that we needed to ensure that we cannot afford to have “paralysis by analysis.” **Dave Moody** stated that we certainly do not want to or need to lessen the public involvement in the process. He said, in fact, we should continue to increase it where possible. He further stated that additional face-to-face discussions by senior decision makers would be beneficial. **Shelly Wilson** stated that we should not be striving to analyze all possible scenarios to 100 percent certainty. She stated the risks today associated with the 36+ million gallons of legacy waste is “real” and must be addressed in timely manner. She further said that, with Tanks 18 and 19, the State was reviewing many first-of-a-kind documents; she expects the time periods to be less in

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the future. **Karen Patterson** urged the involved parties to never lose sight of the bottom line. **Chris McKinney** stated that he will be getting back to DOE with more realistic review schedules once the budget situation is better understood. He will be using the same teams for the F-Tank Farm and H-Tank Farm reviews and that should add efficiency to the process.