

WM2013 Conference Panel Report

PANEL SESSION 17: Hot Topics and Emerging Issues in US Commercial LLRW Management and Disposal

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

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

Panelists:

1. **Brad Broussard**, *Texas Commission on Environmental Quality*
2. **Aby Mohseni**, *US Nuclear Regulatory Commission, DWMEP/OFSMEMP*
3. **Rusty Lundberg**, *Utah Department of Environmental Quality, DRC*
4. **Tom Peake**, *US Environmental Protection Agency, ORD/NHSRC/DCMD*
5. **Brooke Smith**, *US Nuclear Regulatory Commission, Office of International Programs*

About 50 people attended this panel session which focused on new developments in the field of commercial low-level radioactive waste management and disposal in the United States. The session opened with five panelists presenting up to date information on various topics including information about the new Waste Control Specialists' facility in Texas; the Part 61 rulemaking initiative; developments at the Clive facility in Utah; waste estimation tools and techniques in the event of a dirty bomb; and regulations controlling the import of disused sources from foreign countries. This was followed by a question and answer session which included questions on volume and curie estimates for the WCS facility; stakeholder input on the Part 61 rulemaking initiative; and, implications of federal regulatory policies on compact and state authority.

Summary of Presentations

Brad Broussard discussed licensing and regulation of the Waste Control Specialists' (WCS) facility in Andrews County, Texas. During the presentation, Broussard touched on a variety of issues including volumes and curies of waste disposed of during the first year of operation and projections for the second year; contested case hearing status; rate setting; pending legislation; and the status of disposal operations at the recently completed federal waste disposal facility for proposed use by the U.S. Department of Energy.

Aby Mohseni summarized the U.S. Nuclear Regulatory Commission's (NRC's) work on the Part 61 rulemaking initiative including existing regulations; related agency rulemakings and initiatives; Commission direction and public outreach. Mohseni also reviewed the recently released regulatory analysis and preliminary rule language, discussing its scope and purpose, content, and opportunities for stakeholder review and input. Mohseni concluded by discussing the next steps and path forward including public outreach, opportunities for additional stakeholder input, and the schedule and timeline for the rulemaking initiative.

Rusty Lundberg provided some background on the EnergySolutions' commercial disposal facility in Clive, Utah. Lundberg then gave an overview of regulatory and licensing issues including the approval of the sealed source variance; issuance of the Class A West amendment; review of the depleted uranium performance assessment; and, any other relevant and timely local issues. Lundberg also discussed the recent acquisition of EnergySolutions.

WM2013 Conference Panel Report

Tom Peake stepped in for Paul Lemieux, who was unable to attend the symposia at the last minute due to an illness. Peake presented information regarding EPA's waste estimate support tool that the agency has been developing to generate estimates of waste volumes from radiological incidents providing analysis of the types of waste that would be generated and issues that would need to be addressed. Peake's presentation included maps and analysis for a hypothetical dispersion event.

Brooke Smith gave an overview of the NRC's proposed Branch Technical Position on the Import of Non-U.S. Origin Radioactive Sources. Smith's presentation included background on the scope of the problem, prior and existing regulations, and impetus for review. She then discussed the content and gave an analysis of the proposed BTP and provided a summary of the comments received to date from interested stakeholders and the agency's response thereto.

Questions and Answers

In response to a question regarding future disposal volumes at the WCS facility, **Brad Broussard** confirmed that legislation is pending before the Texas legislature that would increase the disposal volume limit for years two and beyond by keeping at them at current levels instead of reducing them as provided for under the existing law.

Aby Mohnseni was asked about the opportunity for additional stakeholder input on the Part 61 rulemaking initiative and responded that it is expected to go out for public comment in late summer or early fall of 2013.

Brooke Smith acknowledged concerns expressed by states and compacts regarding discrepancies between the proposed BTP and existing policies and discussed opportunities for stakeholder input and communication.

Tom Peake was asked about the status of various other EPA initiatives including the draft revisions of the Protective Action Guides (PAGs) manual; radiogenic cancer risk estimates study and analysis of the associated data; and, low-activity waste rulemaking. He responded that the PAGs manual is before the Office of Management and Budget, the cancer study remains ongoing, and there has not been much recent action on the low-activity waste rulemaking.