



Panel: Policy Makers' Perspectives on the Framework for § 3116 Waste Determination and WIR

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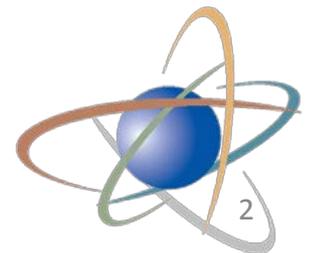
Director, Division of Waste Management
and Environmental Protection

Office of Federal and State Materials and Environmental
Management Programs

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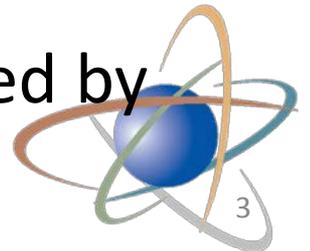
Key Participants

- U.S. DOE (Headquarters and Sites)
- U.S. NRC
- State Regulators
- State Government Organizations
- DOE Site Citizens Advisory Boards



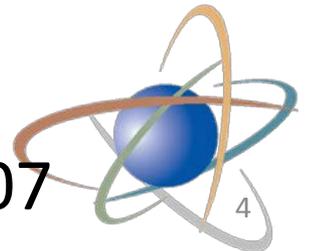
NRC Non-NDAA Consultations

- NRC originally established incidental waste criteria in 1993 with regards to Hanford, and again in 2002 related to the West Valley Policy Statement
- Before NDAA, NRC had performed consultative incidental waste reviews at Hanford, SRS, and INEEL and continues to do non-NDAA consultations at Hanford and West Valley
- NRC's conclusions generally found that DOE's approaches were reasonable and NRC provided recommendations for further improvement
- Criteria under NDAA are similar to criteria used by NRC under non-NDAA consultations



Overview of NRC and NDAA

- National Defense Authorization Act (NDAA) applies only to South Carolina and Idaho
- § 3116(a) – **DOE consults** with NRC regarding waste determinations
- § 3116(b) – **NRC monitors** DOE disposal actions taken pursuant to Section 3116 of NDAA to **assess compliance** with the performance objectives of 10 CFR 61, Subpart C, Performance Objectives: protection of public, inadvertent intruder, and worker as well as provides for site stability
- SECY-05-0073, NRC WIR Implementation
- NRC Staff Guidance (NUREG-1854) issued 2007



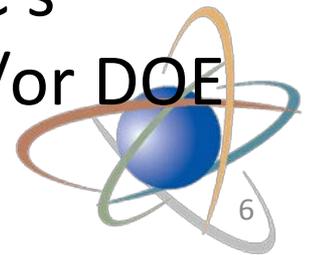
Consultation

- NRC will review in detail DOE's methodology, assumptions, and conclusions
- NRC's review steps include: reviewing DOE's documentation, developing/sending out requests for additional information (RAI) questions, reviewing DOE's RAI responses, and developing/issuing a final NRC Technical Evaluation Report (TER)
- NRC may decide to develop its own confirmatory performance assessment model to inform its review
- NRC process will not include a formal public participation; but, RAIs, responses to RAIs, and Final TER will be publicly available



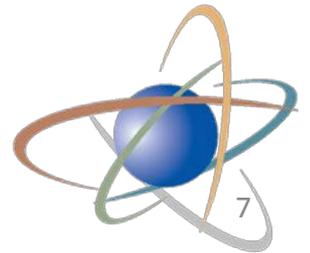
Monitoring

- When Secretary of Energy signs Waste Determination, then NRC monitoring begins
- NRC coordinates with State to monitor on-site DOE waste disposal to determine whether it is compliant with 10 CFR 61, Subpart C
- NRC monitoring is performed in a performance-based, risk-informed manner using a disposal-specific Monitoring Plan based the NRC Final TER
- If NRC determines that DOE is non-compliant, then NRC will provide a letter that documents NRC's finding appropriately to Congress, State, and/or DOE



Examples of Technical Areas

- Estimated Radionuclide Inventory
- Possible Technology Alternatives
- DOE's Performance Assessment Methodology
- Engineered System Performance
- Infiltration, Release, and Transport Parameters
- Receptor Scenarios and Assumptions
- Uncertainty and Sensitivity Analyses
- Intermediate Model Results



Observations/Conclusions

- Congress-mandated complex arrangement
- Excellent technical work performed by DOE
- Worthwhile quality assurance role by NRC
- Adequate to protect public health and safety
- Interesting Federal/State relationship
- Overall – Working Well

