

## WM2015 Conference Panel Report

**PANEL SESSION 017: Hot Topics and Emerging Issues in US Commercial LLRW Management and Disposal**

**Session Co-Chairs:** **Todd D. Lovinger, Esq.**, *LLW Forum, Inc.*  
**Rusty Lundberg**, *Utah DEQ*

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### Panelists:

- **Andy Lombardo**, *Senior Vice-President at Perma Fix Environmental Services and Consultant to the Pennsylvania Department of Environmental Protection's Bureau of Radiation Protection*
- **Dale Patrick**, *Manager of the Radioactive Materials Program in the Division of Air Quality at the North Dakota Department of Health*
- **Brandon Hurley**, *Chair of the Texas Low-Level Radioactive Waste Disposal Compact Commission*
- **Leo Drozdoff**, *Director of the Nevada Department of Conservation and Natural Resources*
- **Larry Camper**, *Director of the Division of Decommissioning, Uranium Recovery and Waste Programs in the Office of Nuclear Material Safety and Safeguards at the U.S. Nuclear Regulatory Commission*

About 85 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:

- Highlights from the Commonwealth of Pennsylvania's Technologically Enhanced Naturally Occurring Radioactive Materials (TENORM) study;
- Findings and conclusions of a study by the Argonne National Laboratory on Radiological Dose and Risk Assessment of Landfill Disposal of TENORM in North Dakota;
- Public comments on proposed changes of the Radioactive Waste Disposal Limits in North Dakota from the current level of 5 picocuries/gram to 50 picocuries/gram;
- Proposed revisions related to 31 Texas Administrative Code (TAC) §675.21, §675.22 and §675.23 related to exportation and importation of waste;
- The issues, findings and recommendations contained in the March 2014 report from the Disused Sources Working Group (DSWG) related to the management and disposition of disused sources;
- Proposed amendments to Part 61 of Title 10 of the *Code of Federal Regulations* (10 CFR Part 61) titled, "Licensing Requirements for Land Disposal of Radioactive Waste," to require new and revised site-specific technical analyses, to permit the development of site-specific criteria for low-level radioactive waste acceptance based on the results of these analyses, and to facilitate implementation and better alignment of those requirements with current health and safety standards;

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- Finalization of the Branch Technical Position on Concentration Averaging and Encapsulation (CA BTP); and,
- Proposed revisions to NUREG/BR-0204 re LLW Manifesting with particular focus on the phantom-four radionuclides.

This was followed by a question and answer session which included questions on whether there will be a public comment period following adoption of the import/export rules by the Texas Compact Commission. Another question posed was should there be a national standard for TENORM disposal limits and who should enforce it. Also questioned was the extent of NRC discussions with Agreement States on adoption of the CA BTP.

### Summary of Presentations:

**Andy Lombardo** discussed the results of a recently-published study which analyzed the naturally occurring levels of radioactivity associated with oil and natural gas development in Pennsylvania. Although the report outlines recommendations for further study, it concluded that there is little potential for harm to workers or the public from radiation exposure due to oil and gas development.

**Dale Patrick** summarized the results of a radiological dose and risk assessment of the disposal of TENORM wastes in permitted industrial waste and special waste landfills in North Dakota, as well as possible changes to the state's radiologic health and solid waste management rules regarding TENORM that are being considered by the North Dakota Department of Health (NDDH). The state requested that Argonne conduct the assessment to ensure that any possible rule changes regarding the handling and disposal of TENORM are protective of human health and the environment.

**Brandon Hurley** discussed changes that are under consideration to the Texas Low-Level Radioactive Waste Disposal Compact Commission's (TLLRWDCC's) import and export rules and the White Paper on establishing the generator of low-level radioactive waste, as well as requirements and restrictions regarding waste type, origin, and volume.

**Leo Drozdoff** outlined issues, findings and recommendations from the Low-Level Radioactive Waste Forum's (LLW Forum's) DSWG to the National Nuclear Security Administration/Global Threat Reduction Initiative (NNSA/GTRI) on the management and disposition of disused sources that pose a threat to national security, as well as efforts to work with a variety of stakeholders on implementation of the working group recommendations.

**Larry Camper** gave an overview of NRC activities and initiatives related to low-level radioactive waste management and disposition including proposed amendments to 10 CFR Part 61 regulations governing land disposal of radioactive waste to require new and revised site-specific technical analyses, to permit the development of site-specific criteria for low-level radioactive waste acceptance based on the results of these analyses, and to facilitate implementation and better alignment of those requirements with current health and safety standards; finalization of the CA BTP; and, proposed revisions regarding low-level radioactive waste manifesting with particular focus on the phantom-four radionuclides.

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### Questions and Answers

In response to a question, **Brandon Hurley** confirmed that there will be a public comment period following adoption of the import/export rules by the Texas Compact Commission.

**Larry Camper** responded to an inquiry as to whether there should be a national standard for TENORM disposal limits and who should set it by confirming that NRC does not regulate this waste and would require a grant of authority to do so.

**Larry Camper** was asked about implementation of the CA BTP and responded that there was a lot of discussion with stakeholders during development of the revised guidance and that NRC plans to consult with Agreement States on implementation.

**Rusty Lundberg** commented that he believes that there are several significant improvements contained in the revised CA BTP.