Meeting Report

DATE: November 15, 2007

TIME: 9:00 A.M. – 12:00 P.M.

PLACE: Nuclear Energy Institute, Room 3 Main
1776 I Street NW, Suite 400
Washington DC 20006-3708

PURPOSE: To provide NEI with overview comments related to NEI/EPRI Draft Guidelines for Operating an On-Site Low-Level Radioactive Waste Storage Facility

CATEGORY: Category 2. Public may attend and participate at designated times.

BACKGROUND:

The Nuclear Energy Institute (NEI) and the Electric Power Research Institute (EPRI) are in the process of developing or updating guidance for nuclear power plant licensees for interim storage of low-level radioactive waste at plant sites. At a public meeting on October 4, 2007, NEI provided a draft of the subject document for a "high level" overview review of the draft as a precursor of formal submittal in several months.

DISCUSSION:

This meeting was a follow up to the October 4, 2007 meeting. As a result of its review NRC staff prepared, disseminated and discussed five key observations (Enclosure 3). Staff also provided several written comments (Enclosure 4) on some of the details in the draft.

Referring to the draft guidance, Mr. Andersen stated that, it was NEI's goal to submit the draft guidance for formal NRC review in January 2008.

Regarding reference to SECY 94-198, "Review of Existing Guidance Concerning Extended Storage of Low Level Radioactive Waste," in the draft guidance, NRC staff suggested that, rather than infer regulatory status of SECY 94-198, the guidance should provide industry interpretation of recommendations for NRC concurrence during the formal regulatory review process.

NRC staff noted the that guidance recognized the possibility that Class B and C waste could be concentrated to GTCC and managed as such. Staff asked for clarification of the apparent contradiction with current policy toward minimization of higher waste classes with uncertain disposal pathways.

According to Mr. Andersen, industry near term strategy calls for minimum production of waste with no disposal pathway. Currently, this means operations practices leading to Class A waste. However, NEI and industry have also explored alternative strategies allowing for different possibilities in the long-term future, including possibility of some or

all waste never leaving site (entombment) or longer-time horizons for decay in storage (Safestor). Accordingly, waste management strategies can be tailored to likely a future scenario.

NRC staff also posited that any formal endorsement of the NEI/EPRI storage guidance would necessarily be done in the context of its utility within the context of other NRC guidance related to LLRW storage at nuclear power plants (NPP), e.g. GL 81-38 "Storage of LLRW at Power Reactor Sites", or any successor. That would allow consideration of design, construction and licensing aspects which are beyond the scope of the NEI/EPRI guidance to be reviewed. On a related note, there was recollection of a Temporary Instruction (TI) regarding inspection of LLRW storage at NPPs apparently developed by Region III for Michigan. NRC staff will try to access this TI.

Regarding a comment on performance vs. prescriptive solutions, NEI stated that it understood the concern but is looking for clarification on the trigger level for 10 CFR 50.59 reviews associated with LLRW storage issues. There is a desire for some quantification of terms like "a small percentage of…" so that there is uniform understanding/interpretation of the threshold for unreviewed safety questions.

During the general discussion, Steve Garry, NRR, suggested the need for evaluation of the status of legacy waste-inventory and disposal. An industry representative suggested a clarification of terminology, that is, undeclared radioactive material (RAM) vs. legacy waste. He stated that material considered legacy waste is currently treated as waste.

NRC staff asked NEI opinion on making any of the recommendations in draft guidance mandatory. NEI prefers the flexibility afforded by guidance that allows individual licensees to proceduralize to fit individual needs and circumstances. This allows for alternative solutions and promotes performance based solutions.

As a point of information, Mr. Andersen noted that NEI will be publishing a principles document (very short, high level) in the April 2008 time frame.

Mr. Andersen suggested the need for periodic (monthly) meetings on topics relevant to transition planning regarding long-term LLRW storage. Topics would include security requirements for waste stored outside the protected area, NRC expectations regarding the threshold for un-reviewed safety questions related to long-term LLRW storage, and other transition issues of general interest to all types of licensees. Mr. Andersen also suggested a meeting on long-term views related to low-level waste management in the June 2008, time frame that would include the needs of RAM users and fuel cycle licenses as well as those of NPP licensees.

ACTIONS:

1. NRC staff to identify information related to security requirements for LLRW stored outside "protected area."

2. NRC staff to consider scheduling of regular (monthly) meetings on topics related to LLRW storage in preparation for transition into a period of necessitated

storage of some LLRW. The next meeting will be scheduled for late January. A topic for discussion will be the means by which a uniform understanding/interpretation of a threshold for unreviewed safety questions may be established.

3. NRC staff to research temporary instruction related to inspection of LLRW storage facilities.