March 1, 2010

MEMORANDUM TO: Patrice Bubar, Deputy Director
Environmental Protection
and Performance Assessment Directorate
Division of Waste Management
and Environmental Protection
Office of Federal and State Materials
and Environmental Management Programs

FROM: Gregory Suber, Branch Chief /**RA/**
Environmental Protection
and Performance Assessment Directorate
Division of Waste Management
and Environmental Protection
Office of Federal and State Materials
and Environmental Management Programs

SUBJECT: SUMMARY OF PHONE CALL WITH AGREEMENT STATES SOUTH CAROLINA AND WASHINGTON FOR COMMENT ON SECY - BLENDING OF LOW-LEVEL RADIOACTIVE WASTE

On February 24, 2010, the U.S. Nuclear Regulatory Commission (NRC) had a phone call with the state regulators from South Carolina and Washington. The call provided opportunity for NRC to discuss the SECY on Blending of Low-Level Radioactive Waste with representatives from Agreement States.

Enclosure: Meeting Summary

CONTACT: Maurice Heath, FSME/DWMEP
(301) 415-3137

March 1, 2010

MEMORANDUM TO: Patrice Bubar, Deputy Director
Environmental Protection
and Performance Assessment Directorate
Division of Waste Management
and Environmental Protection
Office of Federal and State Materials
and Environmental Management Programs

FROM: Gregory Suber, Branch Chief /**RA**/
Environmental Protection
and Performance Assessment Directorate
Division of Waste Management
and Environmental Protection
Office of Federal and State Materials
and Environmental Management Programs

SUBJECT: SUMMARY OF PHONE CALL WITH AGREEMENT STATES SOUTH CAROLINA AND WASHINGTON FOR COMMENT ON SECY - BLENDING OF LOW-LEVEL RADIOACTIVE WASTE

On February 24, 2010, the U.S. Nuclear Regulatory Commission (NRC) had a phone call with the state regulators from South Carolina and Washington. The call provided opportunity for NRC to discuss the SECY on Blending of Low-Level Radioactive Waste with representatives from Agreement States.

Enclosure: Meeting Summary

CONTACT: Maurice Heath, FSME/DWMEP
(301) 415-3137

Distribution:
DWhite DSollenberger

ML100570053

OFFICE	DWMEP	DWMEP	DWMEP
NAME	MHeath	AWalkerSmith	GSuber
DATE	2/26/10	2/26/10	3/1/10

OFFICIAL RECORD COPY

Summary of Comments on Telephone Conference with Agreement States on the Blending of Low-Level Radioactive Waste

DATE: February 24, 2010

ATTENDEES:

Mike Elsen, WA
Sean Murphy, WA
Susan Jenkins, SC
Mark Yeager, SC
Gary Robertson, WA

Patrice Bubar, NRC
Dennis Sollenberger, NRC
Maurice Heath, NRC

BACKGROUND:

Since the closure of the Low-Level Radioactive Waster (LLRW) disposal facility at Barnwell, South Carolina on June 30, 2008, to out-of-compact generators, the issue of blending of LLRW has received increased attention from stakeholders, industry, and Agreement States, especially blending that results in a change in the classification of the waste, as defined by the radionuclide concentrations in 10 CFR Part 61.55. The practice of blending is not prohibited nor is it explicitly addressed by the U.S. Nuclear Regulatory Commission (NRC) regulations. NRC specifically acknowledges in its guidance that blending of homogeneous wastes may be appropriate under certain conditions. On October 8, 2009, NRC Chairman Gregory B. Jaczko directed the staff to prepare a vote paper for the Commission to consider issues related to blending of LLRW, including the following: Issues related to intentional changes in waste classification due to blending, including safety, security, and policy considerations; Protection of the public, the intruder, and the environment; Mathematical concentration averaging and homogeneous physical mixing; Practical considerations in operating a waste treatment facility, disposal facility, or other facilities, including the appropriate point at which waste should be classified; Recommendations for revisions, if necessary, to existing regulations, requirements, guidance, or oversight related to blending of LLW. The staff is talking with Agreement States to give a status update on the SECY paper and also gather any additional comments from the Agreement States.

SUMMARY OF COMMENTS:

Patrice Bubar started the telephone conference with a presentation on the status on the SECY paper on the Blending of Low-Level Radioactive Waste. The talk focused on the three major issues addressed in the paper: (1) policy, (2) technical {safety} and (3) regulatory. The paper will also give options for the Commission consideration. After the presentation the Agreement States had opportunity to ask questions and/or provide comments.

Enclosure

During the phone call the states had these comments and questions:

- What is the NRC Position on the safety of blended waste? Did we consider possibility of things such as leaching of material into ground water?

- The states mentioned there seems to be a contradiction with the Volume Reduction Policy Statement and the Blending of LLRW, what are safety concerns of blending?

- A question was raised about the factor of 10 rule and will it be eliminated? U.S. Ecology has disposed of Trojan reactor components but if the factor of 10 rule is eliminated how can similar future waste be disposed? NRC clarified that the Concentration Averaging portion of the Branch Technical Position (BTP) will provide opportunity for disposal.

- The states wanted to know, what type of guidance would be provided to waste processors?

- States wanted to know, what constitutes homogeneity? How does NRC handle transportation of blending waste in HIC's and possible settling of higher activity material to the bottom of the shipping containers?

- Has NRC considered settling of a package? (Example: If uranium settles to the bottom of the disposal package during transport)

- Everything seems too centered around the process of blending waste but is there more discussion on the possible worker dose?

- There was a suggestion that the update to the BTP be clear as possible because (in their opinion) that document is what most of the industry uses in practice.

- In the transportation assumptions for the Generic Environmental Impact Statement, is the NRC looking at the radionuclide concentrations for Part 61?