



U.S. DEPARTMENT OF
ENERGY

OFFICE OF
**ENVIRONMENTAL
MANAGEMENT**

Process for DOE and NRC Interactions for the National Defense Authorization Act of 2005 (NDAA), Section 3116

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- Secretary of Energy makes determination that residuals remaining after treatment or cleaning (to maximum extent practical) may be managed as low level radioactive waste
- DOE must consult with NRC prior to making determination
 - NRC technical review,
 - DOE responds to all NRC technical comments, and
 - NRC issues Technical Evaluation Report
- Applicability to DOE facilities in South Carolina and Idaho

- DOE is self-regulating for radioactive waste management
- DOE established a technical staff regulatory body to provide low level waste oversight in 1999
- Low Level Waste Disposal Facilities Federal Review Group (LFRG) conducts independent technical reviews and provides recommendation to HQ management on whether to approval new or continued disposal authorization
- LFRG reviews Performance Assessments which form the technical basis of Waste Incidental to Reprocessing (WIR) Evaluation under the Order
- Assistant Secretary makes the determination that waste is incidental

- DOE and NRC hold scoping meeting(s) for drafting Waste Determination Bases and Performance Assessment
- Draft Waste Determination Basis and Performance Assessment issued to NRC and public
- DOE receives NRC RAIs and public comments
- DOE develops comment response document

- NRC issues Technical Evaluation Report
- DOE considers NRC's TER in developing the Waste Determination and finalizing the Basis
- Secretary of Energy signs Waste Determination based on the Final Waste Determination Basis
- DOE disposes or treated waste and closes tanks under State and EPA Region authority, as applicable
- NRC and State long term monitoring authority

- Treated waste and cleaned structure at SRS or Idaho that held HLW and determined to be LLW under NDAA Section 3116

Site/Facility	Section 3116 Determination Issued
SRS Salt Waste	January 2006
Idaho Nuclear Technology and Engineering Center	November 2006
SRS F Tank Farm	March 2013
SRS H Tank Farm	<i>Expected By December 2014</i>

- Conducted under self regulatory authority: DOE Order 435.1 WIR provisions (DOE O 453.1-1.II.B(2)(a))
- Applies in States of Washington and New York
- Both WIR Determinations under NDAA Section 3116 and DOE O 435.1 Evaluation use identical processes
 - Revised Order requires DOE consultation with NRC prior to making a determination
 - Both must demonstrate compliance with performance objectives

- Two WIR Evaluations completed for West Valley for equipment to be disposed off-site
 - vitrification melter
 - process vessels
- Hanford Tank Farms initiated performance assessment (PA) scoping in 2009. 12 meetings held among regulators, NRC, other stakeholders. Recently received funding to continue work on PA.

DOE Monitoring Role

- DOE Required to conduct monitoring under DOE O 435.1. No changes to those requirements
- State also has a monitoring role
- Under NDAA Section 3116(b) NRC, in coordination with the State, monitor facilities where the Secretary has issued a determination
- HQ participates in monitoring visits and informs management if issues arise