

September 30, 2013

MEMORANDUM TO: Gregory Suber, Chief
Low-Level Waste Branch
Environmental Protection
and Performance Assessment Directorate
Division of Waste Management
and Environmental Protection
Office of Federal and State Materials
and Environmental Management Programs

FROM: Nishka Devaser, Project Manager */RA/*
Low-Level Waste Branch
Environmental Protection
and Performance Assessment Directorate
Division of Waste Management
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Office of Federal and State Materials
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SUBJECT: JULY 18, 2013, JOINT PUBLIC MEETING SUMMARY: MEETING
REGARDING WASTE INCIDENTAL TO REPROCESSING
ACTIVITIES AT THE SAVANNAH RIVER SITE

On July 18, 2013, the U.S. Nuclear Regulatory Commission (NRC) and the U.S. Department of Energy (DOE) provided a group of presentations to interested members of the public in Aiken, SC. This was a Category 2 public meeting in which members of the public were invited to provide comments and questions regarding Waste Incidental to Reprocessing activities.

The purpose of the meeting was for the NRC and DOE to provide the public with an update on activities performed under Section 3116 of the National Defense Authorization Act for Fiscal Year 2005 (NDAA), to provide interested stakeholders a chance to make comments and ask questions, and to inform the public of future activities. Each agency presented a brief introduction to its respective process under the NDAA, which was followed by a presentation of lessons learned in the project from a DOE contractor point of view. Following the contractor's perspective, each agency provided an assessment of the challenges and accomplishments since the NDAA's inception in 2005.

A summary of the discussion, a list of attendees, and the presentations made at the meeting can be found in the enclosure and attachments, respectively. As this was a joint public meeting between two agencies, this summary was provided in draft form to DOE for comment prior to publication.

Enclosure: Meeting Summary with attachments

CONTACT: Nishka Devaser, FSME/DWMEP
(301) 415-5196

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OFC	DWMEP:PM	DWMEP:LA	DWMEP:BC	DWMEP:BC	DWMEP:PM
NAME	NDevaser	TMoon	CMcKenney	GSuber	NDevaser
DATE	09/18/13	09/19/13	9/24/13	9/30/13	9/30/13

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Joint Meeting Summary
U.S. Nuclear Regulatory Commission and U.S. Department of Energy Joint Public
Meeting Regarding Waste-Incidental-to-Reprocessing Activities
July 18, 2013

As this meeting was transcribed, this enclosure provides only a brief summary and the meeting purpose. For details of the meetings discussion, questions asked during the meeting, or answers provided in response, please consult the meeting transcript (Attachment 2).

Background

The National Defense Authorization Act for Fiscal Year 2005 (NDAA) was signed by the President on October 28, 2004. Section 3116 of the NDAA allows the U.S. Department of Energy (DOE) to determine that certain incidental waste, stemming from reprocessing of spent nuclear fuel, is not high-level waste (HLW). Should these incidental wastes, or Waste Incidental to Reprocessing (WIR), meet the criteria defined by the NDAA, they can be disposed via near-surface disposal. The NDAA is applicable only in the states of South Carolina and Idaho and does not apply to waste transported out of these States. The NDAA requires that: 1) DOE consult with the U.S. Nuclear Regulatory Commission (NRC) on its waste determinations in South Carolina and Idaho, and 2) NRC, in coordination with the covered State, monitor disposal actions taken by DOE for the purpose of assessing compliance with NRC regulations in 10 CFR Part 61, Subpart C. If the NRC considers any disposal actions taken by the DOE pursuant to subparagraphs (A) or (B) of Section 3116(a)(3) of the NDAA to be not in compliance with those performance objectives, the NRC shall, as soon as practicable after discovery of the noncompliant conditions, inform the DOE, the covered State, and Congress.

Purpose

The purpose of the meeting was for the NRC and DOE to update the public on activities performed under the NDAA, to provide interested stakeholders a chance to make comments and ask questions, and to inform the public of future activities. Each agency's presentation was intended to provide a brief introduction to its respective process under the NDAA, followed by a presentation of lessons learned in the project from each agency and from a DOE contractor point of view, and ending with an assessment of the challenges and accomplishments since the NDAA's inception in 2005.

On November 16, 2006 and July 20, 2007, the NRC and DOE held public meetings to discuss implementation plans for the NDAA and the efficiency and effectiveness of the consultation process. Transcripts from these meetings are accessible via NRC's document repository, the Agencywide Documents Access and Management System (ADAMS), at ADAMS accession numbers ML070160334 (November 16, 2006) and ML073331070 (July 20, 2007). On November 15, 2010, NRC held a lesson's learned meeting, the first in a series to which this is the second. A summary of the 2010 meeting is also in ADAMS at accession number ML103340192.

Attachments

- Attachment 1. List of Meeting Attendees
- Attachment 2. Meeting Transcript
- Attachment 3. "*Process for DOE and NRC Interactions for the NDAA of 2005, Section 3116*" Presentation by Linda Suttora, DOE
- Attachment 4. "*NRC WIR Guidance – Plans for the Future*" Presentation by Christopher McKenney, NRC

Enclosure

- Attachment 5. *“NDAA Section 3116 Accomplishments, Challenges and Lessons Learned – EFCOG Perspective”* Presentation by Virginia Dickert, Savannah River Remediation
- Attachment 6. *“DOE Accomplishments and Challenges”* Presentation by Mark Gilbertson, DOE
- Attachment 7. *“NDAA Section 3116 Accomplishments, Challenges, and Lessons Learned”* Presentation by Larry Camper, NRC

July 18, 2013 Meeting Details

The meeting was held in Aiken, SC from 5:00 p.m. until 7:30 p.m. and was composed of five presentations: (1) NDAA process for NRC/DOE interactions (DOE), (2) NRC plans to revise NRC guidance on NDAA evaluations, (3) lessons learned under NDAA from the contractor perspective, (4) challenges and accomplishments under the NDAA from DOE's perspective, and (5) challenges and accomplishments under the NDAA from NRC's perspective. The meeting opened on time and the meeting organizer restated the purpose of the meeting and introduced each speaker prior to presenting. Public comments and questions were accepted between each presentation and again at the close of the meeting.

Meeting Attendees

Mark Gilbertson	U.S. Department of Energy - Headquarters
Linda Suttora	U.S. Department of Energy - Headquarters
Sherri Ross	U.S. Department of Energy - Savannah River
Larry Camper	U.S. Nuclear Regulatory Commission
Nishka Devaser	U.S. Nuclear Regulatory Commission
Christopher McKenney	U.S. Nuclear Regulatory Commission
Zahira Cruz	U.S. Nuclear Regulatory Commission
Kathryn Beatty	SC Department of Health and Environmental Control
Scott Simons	SC Department of Health and Environmental Control
Nancye Bethurem	Savannah River Remediation
Virginia Dickert	Savannah River Remediation
Larry Romanowski	Savannah River Remediation
Kent Rosenberger	Savannah River Remediation
Steve Thomas	Savannah River Remediation
John Tseng	Savannah River Remediation
Clint Wolfe	Citizens for Nuclear Technology Awareness
Thomas Clements	Friends of the Earth
Karen Patterson	SC Governors' Nuclear Advisory Council
Roger Seitz	Savannah River Nuclear Solutions, LLC