

June 12, 2014

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

FROM: Harry Felsher, Sr. Project Manager */RA/*
Low-Level Waste Branch
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SUBJECT: MAY 13, 2014, PUBLIC MEETING SUMMARY: MEETING
REGARDING *ENERGYSOLUTIONS*, LLC REQUEST FOR
INTERPRETATION OF THE DEFINITION OF SPECIAL
NUCLEAR MATERIAL FOR PURPOSES OF PARTS 70 AND 150

On May 13, 2014, the U.S. Nuclear Regulatory Commission (NRC) and *EnergySolutions*, LLC engaged in a public meeting about the March 10, 2014, *EnergySolutions* request to the NRC Office of General Counsel for interpretation of the definition of special nuclear material, for purposes of Parts 70 and 150. This meeting was held only via teleconference.

Docket No. 40-8989

Enclosure:
Meeting Summary

CONTACT: Harry Felsher, FSME/DWMEP
(301) 415-6559

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OFC	DWMEP:PM	DWMEP:LA	DWMEP:BC	DWMEP
NAME	HFelsher	TMoon	MHeath for GSuber	HFelsher
DATE	06/06/14	06/09/14	06/11/14	6/12/14

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Public Meeting Summary: EnergySolutions, LLC Request For Interpretation of the Definition of Special Nuclear Material for Purposes of Parts 70 and 150

Purpose:

The primary purpose for the public meeting (teleconference only) was for the U.S. Nuclear Regulatory Commission (NRC) to discuss the general direction of how NRC intended to respond to the March 10, 2014, EnergySolutions, LLC request to the NRC Office of General Counsel. The request is available via the NRC's Agencywide Documents Access and Management System (ADAMS) at Accession No. ML14071A178.

Background:

The State of Utah is an NRC Agreement State that has regulatory authority for Low-Level Waste (LLW) in the state. EnergySolutions has a State of Utah licensed LLW disposal site in Clive, Utah issued by Utah Department of Radiation Control (DRC) under radioactive materials license UT 2300249.

The NRC maintains jurisdiction over special nuclear material (SNM) in quantities that exceed the limits in §150.11. Under that regulatory authority, the NRC issued an Order on January 30, 2003, that exempted EnergySolutions from the requirement to obtain an NRC Part 70 license to possess SNM in quantities greater than the limits in §150.11. The NRC Order allows EnergySolutions, under certain conditions and concentration limitations, to possess more than the §150.11 quantities of SNM without an NRC license. Disposal of SNM at the Clive, Utah facility remains subject to the regulatory oversight of the State of Utah as long as the conditions and concentration limits of that NRC Order are met.

Meeting Summary:

After introductions and welcomes, the NRC provided the understanding of the EnergySolutions request. The NRC then provided the general direction of how the NRC planned to respond to the EnergySolutions request.

EnergySolutions requested clarification regarding the NRC determining that uranium equal or less than 0.711 weight percentage of uranium-235 was SNM. So far, the NRC has so determined that uranium equal or less than 0.711 weight percentage of uranium-235 was SNM. However, the definition of SNM in §70.4 allows the NRC to make that determination in the future. In addition, as an Agreement State, Utah has adopted a compatible regulatory provision for the definition of SNM and is responsible for interpretation and the implementation of their regulations as it applies to their radiation protection program.

Public Comments:

There were two members of the public that provided comments during the public participation part of the meeting.

Enclosure

Ms. Ruth Thomas provided comments regarding:

- The NRC needing to ensure that members of the public have a voice in NRC-regulated activities.
- Requesting hardcopies of the *EnergySolutions* and NRC documents related to this meeting.
- Public health and safety concerns about activities regulated by the U.S. Department of Energy (DOE).

Mr. Marvin Lewis provided comments regarding:

- Getting electronic copies of the *EnergySolutions* and NRC documents related to this meeting.
- The NRC needing to update the definition of critical mass from the Atomic Energy Act.
- First responders to nuclear accidents, who are volunteers, needing information, money, training, equipment; and he specifically, mentioned activities regulated by the DOE and the U.S. Department of Transportation.

The NRC described how the NRC ensures that members of the public have a voice in NRC-regulated activities. The NRC agreed to provide them with the documents as requested, when available. The NRC identified how their concerns that are outside the scope of NRC-regulated activities will be provided to the NRC Office of Public Affairs to assist them in getting their concerns to the appropriate Federal Agencies.

Closing Remarks:

There were no closing remarks.

Meeting Attendees:

Name	Organization
Joan Olmstead	U.S. Nuclear Regulatory Commission
Sarah Price	U.S. Nuclear Regulatory Commission
Harry Felsher	U.S. Nuclear Regulatory Commission
Dennis Sollenberger	U.S. Nuclear Regulatory Commission
Stephen Poy	U.S. Nuclear Regulatory Commission
Dan Shrum	<i>EnergySolutions</i>
Sean McCandless	<i>EnergySolutions</i>
Tom Brown	<i>EnergySolutions</i>
Mark Ledoux	<i>EnergySolutions</i>
John Hultquist	Utah Division of Radiation Control (DRC)
Phillip Goble	Utah Division of Radiation Control (DRC)
Ruth Thomas	Member of the General Public
Marvin Lewis	Member of the General Public