

January 7, 2016

Mr. Mark Gilbertson
Deputy Assistant Secretary for Site Restoration
Office of Environmental Management
U.S. Department of Energy
1000 Independence Avenue, S.W.
Washington, DC 20585

SUBJECT: DISTRIBUTION OF NUREG-1911, REVISION 5, "NRC PERIODIC COMPLIANCE MONITORING REPORT FOR U.S. DEPARTMENT OF ENERGY NON-HIGH-LEVEL WASTE DISPOSAL ACTIONS; PERIODIC REPORT FOR CALENDAR YEAR 2012 AND 2013"

Dear Mr. Gilbertson:

Enclosed is the U.S. Nuclear Regulatory Commission (NRC) staff's report of its monitoring of U.S. Department of Energy (DOE) non-high-level waste disposal actions in Calendar Year (CY) 2012 and 2013, pursuant to Section 3116(b) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (NDAA). The NRC staff prepared this report in accordance with NUREG-1854, "NRC Staff Guidance for Activities Related to DOE Waste Determinations," issued August 2007. This report is the fifth report developed by NRC staff pursuant to the NDAA.

As described in the Executive Summary of NUREG-1911, Revision 5, the NRC's staff monitoring in CY 2012 and 2013 was based on three monitoring plans that it completed in accordance with the guidance in NUREG-1854. The monitoring plans covered DOE disposal actions at the Saltstone Disposal Facility (SDF) at the Savannah River Site (SRS) in South Carolina, the F-Tank Farm (FTF) at SRS, and the Tank Farm Facility (TFF) at the Idaho Nuclear Technology and Engineering Center (INTEC) at the Idaho National Laboratory (INL) in Idaho.

New monitoring plans were developed during this monitoring period for both the FTF and the SDF. Monitoring for the INL INTEC TFF continues to be conducted pursuant to the 2007 monitoring plan. The NRC plans no revisions to the INL INTEC TFF monitoring plan at this time; however, Key Monitoring Area (KMA) 3 was closed in May 2014, and only 4 KMAs and 28 monitoring activities remain for the INL INTEC TFF.

In CY 2012 and 2013, the NRC staff's monitoring activities resulted in no findings of noncompliance and no identification of new open issues for any of the three sites: the SDF, FTF, and INL INTEC TFF. For the SDF, the three open issues that the NRC staff previously identified during CY 2007 and 2009 were administratively closed and folded into newly defined monitoring factors (MFs) in the 2013 SDF Monitoring Plan.

This periodic compliance monitoring report presents information about the NRC staff's observations, including several follow-up action items that were identified for the facilities during the onsite observation visits (OOVs) and technical reviews. All follow-up action items that were identified for the SDF and FTF during the OOVs this reporting period have been completed.

INL INTEC TFF: Based on its observations and technical review activities for CY 2012 and 2013, the NRC staff concluded that it has reasonable assurance that the applicable criteria of the NDAA can be met for INL INTEC TFF, if key assumptions made in the waste determination prove to be correct.

SDF: During the CY 2012 and 2013 reporting period, the NRC staff was encouraged by progress in research on technetium solubility in saltstone and saltstone core testing methodologies for the SDF. However, based on the results of the OOVs conducted during this reporting period, there was no change to the conclusions in the NRC's 2012 SDF Technical Evaluation Report (TER). The NRC concluded that it did not have reasonable assurance that salt waste disposal at the SDF meets the performance objectives in 10 CFR Part 61, specifically 10 CFR 61.41. The NRC staff was encouraged by the progress made since issuance of the 2012 SDF TER. The DOE and NRC continue to work via the monitoring process to resolve all outstanding issues that led to issuance of the Type IV Letter of Concern.

FTF: During the CY 2012 and 2013 reporting period, the NRC staff was encouraged by DOE's progress on addressing technical issues raised in the NRC staff's 2011 FTF TER and 2013 FTF monitoring plan. The NRC staff concluded that additional information was needed to have reasonable assurance that disposal actions at the FTF meet performance objectives in 10 CFR Part 61. The DOE and NRC continue to work via the monitoring process to resolve higher priority MFs identified in the monitoring plan, as well as more risk-significant follow-up action items identified in the NRC staff's Technical Review Reports (TRRs).

In accordance with the requirements of the NDAA and consistent with the NRC monitoring plans, the NRC staff will continue to monitor DOE disposal actions at SDF, FTF, and INL INTEC TFF. The NRC staff expects the monitoring activities to be an iterative process, and that OOVs, TRRs, studies, and/or other documents may be necessary to obtain the information needed to ensure that the DOE can meet the applicable criteria of the NDAA.

In accordance with 10 CFR 2.390 of the NRC's "Agency Rules of Practice and Procedure," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records component of NRC's Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. The enclosed NUREG-1911, Revision 5 report is also available in ADAMS under ML15363A354.

M. Gilbertson

-3-

If you have any questions, please contact me at (301) 415-7437, or Cynthia Barr, Technical Project Manager in the Division of Decommissioning, Uranium Recovery, and Waste Programs at (301) 415-4015.

Sincerely,

/RA/

Andrew Persinko, Deputy Director
Division of Decommissioning, Uranium Recovery,
and Waste Programs
Office of Nuclear Material Safety
and Safeguards

Enclosure:

NUREG-1911, Rev. 5, "NRC Periodic
Compliance Monitoring Report for
U.S. Department of Energy
Non-High-Level Waste Disposal Actions,
Calendar Years 2012 and 2013"

cc w/enclosure:

WIR Service List

WIR E-mail Contacts List

M. Gilbertson

-3-

If you have any questions, please contact me at (301) 415-7437, or Cynthia Barr, Technical Project Manager in the Division of Decommissioning, Uranium Recovery, and Waste Programs at (301) 415-4015.

Sincerely,

/RA/

Andrew Persinko, Deputy Director
Division of Decommissioning, Uranium Recovery,
and Waste Programs
Office of Nuclear Material Safety
and Safeguards

Enclosure:
NUREG-1911, Rev. 5, "NRC Periodic
Compliance Monitoring Report for
U.S. Department of Energy
Non-High-Level Waste Disposal Actions,
Calendar Years 2012 and 2013"

cc w/enclosure:
WIR Service List
WIR E-mail Contacts List

DISTRIBUTION:
HFelsher/DUWP
CBarr/DUWP

ML15203A210 (Pkg.); ML15203A225 (Ltr.); ML15363A354 (NUREG) *via email

OFC	DWMEP:PM	DWMEP:LA	DWMEP:BC	DWMEP:BC	OGC	DWMEP:DD
NAME	PYadav	TMoon	MHeath	CMcKenney	JBiggins*	APersinko
DATE	7/22/15	7/28/2015	8/21/15	9/15/15	9/16/15	1/07/16

OFFICIAL RECORD COPY

WIR Service List

Glenn Carroll, Coordinator Nuclear Watch South P.O. Box 8574 Atlanta, GA 31106	Thomas Saporito, Executive Director P.O. Box 8413 Jupiter, FL 33468
Tom Clements, Member Friends of the Earth 1112 Florence Street Columbia, SC 29201	Justin Koone Saltstone Project Manager Mining and Solid Waste Permitting Section Bureau of Land and Waste Management South Carolina Department of Health and Environmental Control 2600 Bull Street Columbia, SC 29201-1208
Jim Hardeman, Manager Environmental Radiation Program Environmental Protection Division Georgia Department of Natural Resources 4220 International Parkway, Suite 100 Atlanta, GA 30354	Ruth Thomas 354 Woodland Drive Columbus, SC 28722
Karen Patterson, Environmental Appointment Governors' Nuclear Advisory Council and Tetra Tech NUS 900 Trail Road Aiken, SC 29803-5297	Dianne Valentin, President Board of Directors Georgia Women's Action for New Directions 250 Georgia Avenue, SE Suite 205 Atlanta, GA 30312
Robert H. Pope Senior Remedial Project Manager U.S. Environmental Protection Agency Region 4, Superfund Division Federal Facilities Branch, Waste Division 61 Forsyth Street Atlanta, GA 30303	Shelly Wilson Federal Facilities Liaison Environmental Quality Control Administration South Carolina Department of Health and Environmental Control 2600 Bull Street Columbia, SC 29201-1708
Jon Richards, Remedial Project Manager U.S. Environmental Protection Agency Region 4, Superfund Division Federal Facilities Branch, Waste Division 61 Forsyth Street Atlanta, GA 30303	