



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

October 22, 2021

MEMORANDUM TO: Jacob I. Zimmerman, Chief  
Fuel Facilities Licensing Branch  
Division of Fuel Management  
Office of Nuclear Material Safety  
and Safeguards

FROM: Jenny Tobin, Project manager  
Fuel Facilities Licensing Branch  
Division of Fuel Management  
Office of Nuclear Material Safety  
and Safeguards

A handwritten signature in cursive script that reads "Jennifer C. Tobin".

SUBJECT: SUMMARY OF OCTOBER 7, 2021, PUBLIC MEETING WITH  
PERMAFIX NORTHWEST TO DISCUSS MATERIAL CONTROL  
AND ACCOUNTABILITY (MC&A) AND THE POTENTIAL FOR AN  
EXEMPTION AS A PART OF PRE-SUBMITTAL LICENSING  
DISCUSSIONS

On October 7, 2021, the U.S. Nuclear Regulatory Commission staff held an Observation type public meeting with PermaFix Northwest (PFNW) to engage in pre-submittal discussions regarding an application for a limited-scope Part 70 license. This was the second in a series of pre-submittal public meetings.

The purpose of the meeting was to discuss PFWN's planned approach for addressing material control and accounting (MC&A) in their application and potential request for an exemption to some of these requirements. PFWN and their contractor Enercon presented their proposed approach to MC&A via slide presentation (Agencywide Documents Access and Management System (ADAMS) Accession Number ML21267A453). NRC staff asked questions throughout the presentation, PFWN and Enercon provided verbal responses and will use the pre-submittal discussion to inform the application for a limited scope Part 70 license that they intend to submit later this year.

Enclosures:

1. Meeting Summary
2. Participant List

CONTACT: Jenny Tobin, NMSS/DFM/FFLB  
301-415-2328

Docket: 70-7032  
License: n/a

## **SUMMARY OF PUBLIC MEETING WITH PERMAFIX NORTHWEST TO DISCUSS MATERIAL CONTROL AND ACCOUNTABILITY (MC&A) AND THE POTENTIAL FOR AN EXEMPTION AS A PART OF PRE-SUBMITTAL LICENSING DISCUSSIONS**

DATE AND TIME: October 7, 2021, 2:00-3:30

LOCATION: Teleconference

### **PURPOSE:**

The purpose of this meeting was to discuss PFNW's planned approach for addressing MC&A in their application and potential request for an exemption to some of these requirements. PFNW and their contractor Enercon presented their proposed approach to MC&A via slide presentation (Agencywide Documents Access and Management System (ADAMS) Accession Number ML21267A453). NRC staff asked questions throughout the presentation, PFNW and Enercon provided verbal responses and will use the pre-submittal discussion to inform the application for a limited scope Part 70 license that they intend to submit later this year.

### **BACKGROUND:**

This was the second in a series of proposed public meetings to engage in pre-submittal discussions on a variety of topics. The first one was held September 19, 2021, with a topic of Criticality Safety and potential for exemption.

### **DISCUSSION:**

On Thursday, October 7, 2021, the U.S Nuclear Regulatory Commission (NRC) staff held a meeting with representatives from PermaFix Northwest (PFNW) and their contractor Enercon; the State of Washington, Department of Health was also in attendance. Representatives of NIRS and Hanford Challenge were also in attendance. The PFNW and Enercon staff presented slides outlining their proposed approach for material control and accountability (MC&A). The presentation began with an overview of the PFNW facility which has been operating as a waste processor for the last 20 years under a radioactive materials license from the State of Washington (Agreement State license). The facility mainly processes mixed waste for Department of Energy and commercial waste generators. After batch processing, the waste is returned to the customer for storage and/or disposal. The Washington State license currently limits the quantity of special nuclear material that PFNW can possess; only the NRC has the authority to license higher quantities (via a Part 70 license). Due to the nature of the waste processing work, PFNW plans to pursue only a limited-scope Part 70 license. PFNW plans to submit an application later this year and requested pre-submittal discussions (via public meeting) to engage NRC staff on their proposed approach on a variety of topics that will be included in the Part 70 application.

This public meeting focused attention on the intention to request an exemption from Part 74 Subpart D of Title 10 of the *Code of Federal Regulations*, "Special Nuclear Material of Moderate Strategic Significance." PFNW and Enercon stated that they rely upon DOE's conservative waste characterization and must review and accept manifest documentation prior to shipment to PFNW. The physical and radiological characteristics of the waste materials significantly impact the ability to perform accurate measurements of the SNM content therefore PFNW will propose an exemption from certain requirements of Subpart D of Part 74. As an alternative, the focus of PFNW's MC&A program would be management and control of the waste, from receipt to return to the DOE generator. PFNW also plans to use a number of compensatory measures including the use of video surveillance, tamper-indicating devices, and waste mass balances to demonstrate return of all waste to the generator. Staff from PFNW, Enercon and NRC discussed the proposed approach that may be included in the application, including the use of NUREG-1520, revision 2, "Standard Review Plan for Fuel Cycle Facilities License Applications." No regulatory decisions were made at this meeting.

One staff member from the State of Washington, Department of Health (issuer of PFNW State license) was in attendance and clarified that the Washington State materials license would be maintained. Ms. D'Arrigo (NIRS) requested the ADAMS Accession No. for the draft MC&A NUREG that NRC staff stated is out for public comment (NUREG-2159, rev. 1, ML21263A119). NRC staff suggested that the applicant review the draft NUREG for applicability and guidance to this project. Mr. Carpenter (Hanford Challenge) requested that the application be open for public comment once submitted and expressed concern about potential effects to local communities with more waste traveling to/from the site. He also raised awareness of a State EPA analysis that is currently underway for the site and the fact that there were two fires onsite in 2019. During the Q&A portion, NRC staff clarified that the applicant needs to address 10 CFR 74 subpart B, "General Reporting and Recordkeeping Requirements," in addition to subpart D and that a Part 70 NRC license is site specific and would have no bearing on the PermaFix facilities in Tennessee or Florida.

#### RESULTS:

PFNW and Enercon will use the discussions to inform the contents of their application.

#### ATTACHMENTS:

PermaFix PreSubmittal Public Meeting Slides October 7, 2021 - MC&A ML21267A453

## PARTICIPANTS LIST

Name	Organization
Richard Grondin	PermaFix Northwest
Curt Canon	PermaFix Northwest
Dakin Utley	PermaFix Northwest
Tom Magette	Enercon (contractor to PFNW)
Phil Gianutsos	Enercon (contractor to PFNW)
Tom Fay	Enercon (contractor to PFNW)
Dwayne Blaylock	Enercon (contractor to PFNW)
Martha Williams	Enercon (contractor to PFNW)
Dick Rosano	Enercon (contractor to PFNW)
Cheryl Rogers	State of Washington, Department of Health
Diane D'Arrigo	Nuclear Information and Resource Service (NIRS)
Tom Carpenter	Hanford Challenge
James Rubenstone	NRC, NMSS
Glenn Tuttle	NRC, NMSS
Tom Pham	NRC, NMSS
Suzanne Ani	NRC, NMSS
Jacob Zimmerman	NRC, NMSS
Jenny Tobin	NRC, NMSS
Patty Jehle	NRC, OGC
Allyce Bolger	NRC, RIV

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DATE: October 22, 2021

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DFM r/f TPham, NMSS JRubenstone, NMSS PJehle, OGC ABolger, RIV  
SAni, NMSS GTuttle, NMSS

**ADAMS Accession No.: ML21292A117**

**\*via email**

OFFICE	NMSS/DFM/ FFLB/PM*	NMSS/DFM/ FFLB/LA*	NMSS/DFM/ FFLB/BC*
NAME	JTobin	ELee (WWheatley for)	JZimmerman
DATE	10/19/2021	10/20/2021	10/21/2021

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