

# Meeting of the Northwest Interstate Compact on Low-Level Radioactive Waste Management

June 8, 2017

Radisson Colonial Hotel  
Helena, Montana

## Present

Earl Fordham, NWIC Chair  
Kristen Schwab, NWIC Executive Director  
Marlena Brewer, Alaska  
Jeffrey Eckerd, Hawaii  
Dennis Meier, Idaho  
Todd Boucher, Montana  
Rusty Lundberg, Utah  
Luke Esch, Wyoming  
Kristen Mitchell, Compact Counsel  
Cheri Kennedy, Compact Staff

## Audience and Presenters

Mike Ault, General Manager, US Ecology  
Ron Skinnarland, Washington Department of Ecology  
Dan Shrum, Senior Vice President, *EnergySolutions*  
Gary Robertson, Disused Sources Working Group, Low Level Radioactive Waste Forum  
Todd Lovinger, Executive Director, Low Level Radioactive Waste Forum  
Leonard Slosky, Executive Director, Rocky Mountain Compact

## Opening

Earl Fordham, Compact Chair, convened the meeting at 9:20 am.

The committee amended the meeting minutes from the June 2016 meeting held in SeaTac, Washington to include Dan Shrum, Senior Vice President, *EnergySolutions*, as an attendee of the meeting. The amended meeting notes were unanimously approved.

## Party State Reports

### Washington

Earl Fordham reported that the NRC is working to have a full complement of NRC Commissioners. The Administration put forth two individuals. The Commission must have a quorum to vote on the 10 CFR Part 61 rulemaking. Mr. Fordham reported that the NWIC Transfer legislation passed the Washington State Senate, but not the House, so the legislation

was pulled. The Washington State Department of Health and Department of Ecology will discuss reintroducing the bill during the 2018 legislative session. Due to the failed legislation, the administrative roles and responsibility of the NWIC will be overseen by the Department of Health through an agency MOU with the Department of Ecology. The location of the fund and the fiscal functions will remain with the Department of Ecology. The overall administration and activities of the compact will not be impacted by a transfer.

## **Alaska**

Marty Brewer reported that Clyde Pearce, Radiological Health Section Chief, retired and has not been replaced. Currently Alaska does not have a radiological health specialist. If the position is not filled, these services may be contracted out. Alaska has updated their Unified Response Plans, including Annex J, Radiological Response Procedures. The Fort Greely Nuclear Reactor Complex is scheduled for final decommissioning. Plans are in place to secure funding to start the EIS process. Final decommissioning activities are not expected to happen until fiscal year 2022. The NRC identified one non-DOD radium facility, a former military salvage yard. This company terminated operations in 2013 and is now a U-Haul facility. The NRC is scheduled to go to Alaska to perform a preliminary site investigation in August.

## **Utah**

Rusty Lundberg stated he would provide the Utah update during his presentation.

## **Hawaii**

Jeff Eckerd reported that Hawaii took advantage of the Conference of Radiation Control Program Director's (CRCPD) Source Collection and Threat Reduction (SCATR) program and dispositioned the remaining disused sources in the state.

## **Montana**

Todd Boucher reported that Brian Wats replaced Roy Kemp. Mr. Boucher discussed if a member of Montana's Solid and Hazardous Waste Bureau would be a better fit as the Montana representative to the NWIC due to the Solid and Hazardous Waste Bureau's involvement in TENORM disposal and regulations. Kristen Schwab stated that there are Solid Waste individuals as compact representative, though the NWIC does not oversee the disposal of TENORM. Earl Fordham clarified that this position is not determined by the NWIC, it is a governor appointed position, so Montana can change their desired representative through a change in this appointment.

## **Idaho**

Dennis Meier updated Bob Bullock's 2016 report. In 2016 Bob Bullock reported that in February of 2016 the Utah Associated Municipal Power Systems (UAMPS) entered into an agreement with the Department of Energy's Idaho National Laboratory to construct a small modular nuclear power generating facility. UAMPS teamed up with NuScale and Energy Northwest for the development of the modular reactor. Mr. Meier reported, as of March 15, 2017 the NRC accepted the design for review.

## Wyoming

Mr. Luke Esch reported that Wyoming is still pursuing NRC Agreement State status. The application was submitted to the NRC in August of 2016. The NRC provided comments in October of 2016. The comments have been incorporated into the rule, and it is expected the rule will be finalized in August of 2017. Wyoming anticipates final 11.e.2 Agreement State approval in 3<sup>rd</sup> or 4<sup>th</sup> quarter of 2018.

## US Ecology Activities Overview

Mike Ault, General Manager of US Ecology Richland, provided a presentation on the US Ecology Washington Low-Level Radioactive Waste Site. The facility accepts A/B/C Class LLRW from within the NWIC and Rocky Mountain Compact, NARM and Radium sources nationwide, and exempt waste nationwide. US Ecology has a lease from the State of Washington to operate a Low Level Radioactive Waste site. Operations will cease in 2056 to allow for closure activities to occur before termination of the lease in 2063. Currently the site has two active trenches, Trench 18 and Trench 19. The facility accepted 21,218 ft<sup>3</sup> in 2016 and 784.8 ft<sup>3</sup> through April 2017. The site has ample capacity to last through the operational life of the lease (2056). Mr. Ault provide a brief overview of the Model Toxics Control Act (MTCA) investigation. Currently all the MTCA reimbursement agreement have expired. Mr. Ault provided a figure showing the various Department of Energy contaminant plumes in the Hanford Central Plateau highlighting the difficulties in determining US Ecology's contribution to these contaminant plumes.

## Utah Activities Overview

Rusty Lundberg reported on the NRC IMPEP follow-up and legislative changes, the Clive facility, and public outreach. Rusty reported that the NRC performed a follow-up IMPEP review on November 3, 2016 to review the status of the LLRW financial assurance incompatibility finding from the 2015 IMPEP review. At the time of the review, the Division was not able to resolve the incompatibility; revised legislation, Senate Bill 79, was introduced and passed during the 2017 legislative session. Senate Bill 79 addressed the financial assurance incompatibility.

The perpetual care requirements for the Clive Facility were modified by House Bill 296 during the 2017 legislative session. This modification eliminated the facility's annual \$400,000 payment to the perpetual care fund, and removed the 5 year fund adequacy reevaluation requirement unless a 25% increase in size occurs. The bill also allows the State Treasure to invest the perpetual care balance in a more robust fund investment option as well as require the State Treasure to report the account status to Legislature every 5 years.

EnergySolutions recently withdrew its performance assessment for disposal of the Erwin ResinSolution Facility waste at the Clive Facility. The Division is actively reviewing the Depleted Uranium Performance Assessment and provided comments to EnergySolutions, including comments on the updated model. The Division has a website to keep interested parties up-to-date on the Depleted Uranium Performance Assessment activities.

The Divisions is reviewing the Clive Facility LLRW license application and intends to go out for comment by the end of the year. The Groundwater Permit was renewed, and the Division is reviewing amendments to the permit. The 11e.(2) byproduct material disposal license is in the process of being renewed and should be completed by the end of the year. The Mixed Waste permit is ready for renewal. The EPA is evaluating a macro encapsulation treatment process within the mixed waste disposal cell. The Division is also performing oversight duties including incoming waste shipment reviews, waste classification verification, and facility operations and site monitoring.

The Division went through a rebranding and has launched the “Ask DEQ, not Phil” website to better inform the public as to what the roles of the Division are.

### **US Ecology Model Toxics Control Act Update**

Ron Skinnarland of the Washington State Department of Ecology reported on the status of the US Ecology Model Toxics Control Act (MTCA) investigation. Mr. Skinnarland provided an overview of the roles of the Department of Health, as the overseers of the operations and closure of the facility, and the Department of Ecology, as the landlord and lease manager for the state and overseer of the MTCA investigation. Mr. Skinnarland provided a history of the site’s disposal operations, as well as a history of the MTCA investigation at the site. The last MTCA sampling occurred in the 2012 time frame. Since that time assessment of the data indicate trichloroethylene (TCE) in the soil vapor and groundwater

Mr. Skinnarland provided the conclusions of the third party consultant review of the US Ecology Site dose assessment and MTCA investigation work. The consultant determined the Department of Health’s dose estimate of the US Ecology Site was overly conservative, and that data gaps exist in the MTCA investigation data. In 2016, the state agreed to delay construction of the final cover pending completion of the MTCA investigation. Currently Department of Ecology is working on a draft scope of work to hire a consultant to fill the MTCA investigation data gaps. The consultant will also prepare a scope of work and cost estimate for performing this additional MTCA work.

### **National and Region Issues**

Kristen Schwab reported the NWIC received two amendment requests for administrative changes to Perma-Fix Northwest’s import/export permits.

Todd Lovinger provided an update on the other compacts throughout the country. There are not many pressing issues facing the compacts at this time. The functions of the Central Interstate Compact have been switched to the state of Oklahoma. The Central Midwest Compact is challenged with NORM and TENORM issues. The Midwest Compact Executive Director will be retiring soon. The Southwestern Compact is focusing on the inventory of sealed sources from Qal-Tek. The Southwestern Compact also hosts an annual sealed source workshop to educate licensees on sealed source issues. The Texas Compact is active with the financial concerns

regarding the low volumes at the WCS site and the long term viability of the facility. There was a proposal to have the states and compacts meet for a half day meeting to discuss the future direction of the compact system and Forum, as well as disposal access, at the fall Low Level Radioactive Waste Forum meeting. The National Academies of Science released their proceedings from a workshop where they looked at disposal of challenging waste streams including depleted uranium and sealed sources.

Leonard Slosky provided an update on the Rocky Mountain Compact. The Compact has been issuing import/export permits and addressing NORM/TENORM issues. The Rocky Mountain Compact regulates NORM/TENORM, and believes there is waste moving in and out of the compact without authorization. There was an effort to try and educate the oil and gas industry of the permit requirements, though it did not appear to be successful in increasing the number of import/export permit applications. The compact is exploring the use of enforcement actions.

## **EnergySolutions Activities Overview**

Dan Shrum, Senior Vice President, EnergySolutions, provided a status update of the Clive Facility. Mr. Shrum provided an overview of the EnergySolutions company operations, including the company's focus on industrial and radiation safety, license and permit statuses, sealed source and large component disposal, facility capacity, disposal volumes and depleted uranium.

In 2015 EnergySolutions intended to purchase WCS, subsequently the Department of Justice filed an injunction to prohibit the sale. The hearing on the Department of Justice's injunction concluded May 5, 2017. A decision on EnergySolutions' intent to purchase WCS is expected by July 1, 2017.

EnergySolutions handles both decommissionings and waste disposal. The Clive facility is the largest commercial radioactive waste disposal facility for Class A LLRW in the United States. EnergySolutions also operates the Barnwell facility that accepts A, B, and C LLRW from the Atlantic Compact.

EnergySolutions received the NCS Award for Safety from 2010 through 2016. The company also maintains the facility below regulatory radiation limits with an average radiation worker dose of 30.9 mrem/yr and doses to the public of less than 1 mrem/yr.

The Clive facility LLRW license is in timely renewal and projected to be renewed by July 2017. As part of the renewal, EnergySolutions requested permanent authorization for the disposal of class A sealed sources. The 11e.(2) byproduct material license is also under timely renewal and projected to be renewed by December 2017. The RCRA Part B permit is under timely renewal and expected to be renewed by May 2017. The facility submitted a performance assessment to allow receipt and disposal of depleted uranium. The performance assessment is being reviewed by the Utah DEQ and a decision is expected in 2<sup>nd</sup> quarter 2017.

The Clive facility has 4,171,959 yd<sup>3</sup> remaining in the LLRW disposal area, 3,431,595 yd<sup>3</sup> remaining in the 11e.(2) byproduct material disposal area, and 358,006 yd<sup>3</sup> remaining in the mixed waste disposal area. The facility received approximately 120,000 yd<sup>3</sup> of waste in 2016.

## **Low-Level Waste Forum's Disused Sources Working Group**

Gary Robertson provided a presentation on the status of the Low Level Radioactive Waste Forum's Disused Sources Working Group (DSWG). The DSWG had 13 meetings over a 24 month period and included numerous regulatory and industry stakeholders. Mr. Robertson presented the findings and recommendations of the DSWG, for the categories of Acquisition and Accumulation, Enhanced Regulatory Control, and Timely Reuse, Recycle or Disposal. The next steps for the DSWG include continued communication with operators, brokers and processors to improve the management of disused sources, working with the HPS and CRCPD to implement the DSWG's recommendations, and continued work with CRCPD on suggested state regulations for financial assurance and development of educational materials.

## **Update on Legal Issues**

There were no current legal issues. Kristen Mitchell reported she accepted a new position and would no longer be able to serve as the attorney for the NWIC. Lilia Lopez, of the Department of Health, would be replacing her as the NWIC's counsel.

## **Committee Business**

Discussion of next meeting location in the member state of Alaska.

## **Public Comment**

There were no public comments.

## **Closing**

Earl Fordham thanked the attendees and adjourned the meeting.