

June 7, 2012

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
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Division of Waste Management
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Office of Federal and State Materials
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SUBJECT: MAY 7, 2012, PUBLIC MEETING SUMMARY: MEETING TO
DISCUSS THE RESULTS OF THE TECHNICAL EVALUATION
REPORT FOR SALTSTONE WASTE DISPOSAL AT THE
SAVANNAH RIVER SITE IN ACCORDANCE WITH THE NATIONAL
DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2005,
DOCKET NO.: PROJ0734

On May 7, 2012, the U.S. Nuclear Regulatory Commission (NRC) and the U.S. Department of Energy (DOE) engaged in a public meeting to discuss details of the NRC's recently published Technical Evaluation Report (TER) documenting its review of the 2009 Performance Assessment for the Saltstone Disposal Facility at the Savannah River Site (2009 PA). The NRC's review of the 2009 PA was conducted in accordance with its monitoring responsibilities under Section 3116 of the National Defense Authorization Act for Fiscal Year 2005. The meeting was held in an NRC conference room and also by teleconference from 1:00 p.m. to 3:00 p.m. on May 7, 2012.

Enclosure: Meeting Summary

cc: WIR Service List

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Public Meeting Summary: Meeting to Discuss Status of the U.S. Nuclear Regulatory Commission Monitoring Activities at the Saltstone Disposal Facility at the Savannah River Site

Purpose

The primary purpose for the meeting was for the U.S. Nuclear Regulatory Commission (NRC) staff to provide details on its review of the U.S. Department of Energy's (DOE's) 2009 *Performance Assessment for the Saltstone Disposal Facility at the Savannah River Site* (2009 PA). NRC has documented this review in a technical evaluation report (TER) [NRC, 2012a]. This was the first of a series of meetings in which the NRC and DOE are to discuss results from the NRC's TER and potential paths forward for DOE to resolve issues identified in the TER.

Background

In November 2009, DOE submitted an updated Performance Assessment (PA) for the Saltstone Disposal Facility (SDF) [SRR-CWDA-2009-00017] to the NRC for review in the NRC's capacity as a monitor of DOE's disposal actions at the SDF in accordance with Section 3116(b) of the National Defense Authorization Act for Fiscal Year 2005 (NDAA). In accordance with these responsibilities, the NRC staff began its review of the 2009 Saltstone PA in November 2009. The purpose of the review is to assess whether DOE's disposal actions, as described in the PA, meet the performance objectives of 10 CFR 61, Subpart C. The review included two Requests for Additional Information (RAI). The RAI process under the NDAA typically involves the NRC preparing an RAI within 90 days of receiving the PA and DOE responding to that RAI within 90 days. The NRC sent the first RAI (RAI-2009-01) on March 31, 2010 (NRC, 2010a), to which DOE responded on July 22, 2010 (SRR-CWDA-2010-00033). After review of DOE's responses, the NRC staff concluded that some of these responses did not fully address the NRC's questions and concerns with assumptions in DOE's expected case (or base case).

The NRC sent a second RAI (RAI-2009-02) on December 15, 2010 (NRC, 2010b). DOE responded in draft form in April, 2011 (SRR-CWDA-2011-00044 Rev. 0). DOE and NRC discussed the draft at a public meeting on April 26, 2011. DOE then submitted a final version on August 26, 2011, (SRR-CWDA-2011-00044 Rev. 1). To respond to the NRC's concerns with DOE's base case, DOE developed a new case called Case K.

After reviewing SRR-CWDA-2011-00044 Rev. 1 and the computational models associated with Case K, the NRC completed its review on April 30, 2012 (NRC, 2012a). The NRC staff found that it does not have reasonable assurance that the planned disposal activities at the SDF meet the performance objectives of 10 CFR 61, Subpart C. Specifically, the NRC staff does not have reasonable assurance that DOE's proposed disposal activities at the SDF meet the performance objective for protection of the general population from releases of radioactivity (§61.41). Although the NRC staff cannot conclude that the performance objective in §61.41 is met, based on DOE's results and NRC's own independent analyses, the potential dose to an off-site member of the public from DOE's disposal actions is still expected to be relatively low (i.e., approximately 1 mSv/yr [100 mrem/yr], the public dose limit in §20.1301). In accordance with NRC's guidance document on Waste Incidental to Reprocessing (NRC, 2007b), the NRC issued a Type IV letter of concern concurrent with its issuance of the TER (NRC, 2012b).

Meeting Summary

After introductions, the NRC Director of the Division of Waste Management and Environmental Protection, Larry Camper, provided a brief description of the purpose of the meeting and provided some detail about NRC's process under NDAA monitoring. Mr. Camper read the applicable text from NRC's *Staff Guidance for Activities Related to U.S. Department of Energy Waste Determinations*, NUREG-1854 (NRC, 2007b, pg 10-5). Mr. Camper explained that the monitoring process under NDAA at Saltstone has entered into a new phase between the two agencies (NRC and DOE) as we continue to examine the saltstone approach as it is being used at SRS. Following remarks by DOE (shown below), Mr. Camper had one additional comment which was to explain the two possible outcomes of the current deliberations between the two agencies:

- (1) resolution is reached, and DOE satisfactorily addresses NRC's concerns, which would be followed by a Letter of Resolution to DOE and SC DHEC (Type V Letter, NRC, 2007b) or,
- (2) resolution is not reached and the NRC continues not to have reasonable assurance that the performance objectives in §61.41 are met, in which case the NRC must issue a Letter of Non-compliance (Type II Letter, NRC, 2007b). A Type II Letter is sent to DOE, SC DHEC and to certain Subcommittees of the U.S. Congress indicated in the NDAA.

Following Mr. Camper's opening remarks; Shelly Wilson of South Carolina Department of Health and Environmental Control (SC DHEC) affirmed that the State was presently reviewing the TER to get a better understanding of the NRC's concerns. Ms. Wilson continued by saying that SC DHEC looks forward to working with the NRC and DOE to resolve the issues raised in the TER.

Following Ms. Wilson's remarks, William Levitan of DOE provided a description of DOE's process under DOE Order 435.1-1 (DOE's Radioactive Waste Management Requirements). Mr. Levitan explained that the DOE performance assessment (PA) reviewed in the TER was developed in accordance with DOE's PA maintenance plan under DOE Order 435.1-1. Mr. Levitan continued by explaining that following PA development, DOE issues a Disposal Authorization Statement which authorizes disposal of wastes as presented in a set of technical documents required by DOE Order 435.1-1. The PA is one of these required technical documents.

Mr. Levitan then explained the role and purpose of the DOE's internal review group, the Low-Level Waste Disposal Facility Federal Review Group (LFRG). He explained that DOE was not required to account for a 10,000-year period of compliance. Instead, DOE Manual 435.1-1 specifies a 1,000-year period of compliance. This requirement is a primary difference between the NRC and DOE requirements. Mr. Levitan continued by explaining that since the PA is a living document, updates are regularly provided and are performed in accordance with DOE Order 435.1-1. Mr. Levitan explained that SRS continues to conduct research into behavior of radionuclide release and cementitious materials and provides and discusses this information with NRC when it becomes available. Results from several applicable studies have been published since NRC's last onsite observation in April 2011. Mr. Levitan reiterated that he looks forward to working on the issues identified in the TER.

Once opening remarks were complete, NRC's lead technical reviewer, Christianne Ridge, began the NRC's presentation on the results of the NRC review of the 2009 PA. The reader is encouraged to view the presentation for further details of what was said during the meeting (NRC, 2012c).

Questions and Comments

DOE had only minor comments and questions during the meeting, as captured in Table 1. Table 2 summarizes questions the NRC staff received from members of the public during the meeting and answers provided to those questions, in addition to questions that were posed to DOE that DOE answered.

Table 1: DOE Comments or Questions

Inquirer	Question/Comment	Response/Rebuttal
Linda Suttora	Regarding the table on slide 12 of the NRC's presentation (NRC, 2012c), was the likelihood of through-going cracks accounted for in your assessment of saltstone fracturing?	No, the likelihood of through-going cracks was not evaluated. The NRC's assessment of the effects of fracture spacing only included the effect of fracture spacing on oxidation and Tc release. The NRC did not look at the effect of fracture spacing on flow. Flow rate information was obtained from DOE's Case K.
	To clarify when NRC uses the term "off-site," NRC is referring to the 100-meter boundary around SDF, not the site boundary. At SRS, the 100-meter boundary is approximately 6 or 7 miles from the actual SRS site boundary.	NRC clarified that the SRS boundary is a great distance from the 100-meter boundary at the current time, but that the owner of the land beyond the 100-meter boundary at 1,000 years or 10,000 years in the future is unknown.
Patricia Suggs	Regarding the review conclusions on slide 13, bullet 1 in the NRC presentation (NRC, 2012c), is the term "off-site" referring to the 100-meter boundary?	Yes, the term off-site refers to the 100-meter boundary around the SDF.
	On the same slide, the phrase "likely to exceed" is confusing when looking at the table on slide 12. If only one test result exceeds the limit before 10,000 years, why is the situation likely to exceed?	All of the NRC's tests on slide 12 incorporate the delay from use of the average- K_d model, meaning that when the effect from the average- K_d model is removed, more of these results will show an exceedance within 10,000 years. <i>[Post-meeting clarification: The timing of the peak dose is also very sensitive to the assumed fracture timing and flow rates through saltstone, both of which are uncertain.]</i>

Table 2: Public Comments or Questions

Question or Comment	Response
Thomas Clements - <i>Alliance for Nuclear Accountability</i>	
Regarding DOE testing of saltstone grout performance, there was mention of research into radiation release from grout. How much has NRC used DOE's new research on grout performance?	<p>DOE's recent research has been very important to the NRC's review. For example, in the NRC sensitivity analyses, NRC tested lower sorption coefficients than DOE used for reducing saltstone (i.e., 139 mL/g) because of the results of recent DOE research. DOE de-emphasized this result because of potential oxygen contamination (i.e., 30 to 60 ppm). Higher Tc sorption coefficients have been measured under a chemically reducing atmosphere maintained with 0.1% H_{2(g)} and a palladium catalyst. However, DOE has not shown that the unsaturated subsurface environment will have oxygen concentrations much lower than 30 to 60 ppm. Recent DOE research on saltstone hydraulic conductivity also played an important part in NRC's review. Core samples from Vault 4 had significantly higher hydraulic conductivity than DOE assumed in the updated PA. DOE de-emphasized these results, indicating that the hydraulic conductivity was artificially increased by the coring method used. However, a recent study by SRNL showed that core samples from a large block prepared in the laboratory but cored with the same coring technique used to retrieve the Vault 4 samples had hydraulic conductivities similar to laboratory-made samples that were not cored. This result caused the NRC staff to question whether the high hydraulic conductivity of the Vault 4 samples was actually attributable to the coring technique or whether it could be caused by differences between the laboratory prepared and field-emplaced samples (e.g., curing conditions).</p> <p>DOE Comment: DOE has developed new technology to obtain better saltstone core samples.</p>
Was curing temperature variation accounted for?	Yes.

Question or Comment	Response
<p><i>Thomas Clements (cont.):</i> I have previously noticed negative attitudes at NRC's observational role regarding tank closure and the saltstone issue and Section 3116, recently there has been a change in that attitude. DOE should be very cautious with scoffing at NRC's oversight role and trying to speed the process up without proper observation by the NRC. The lawsuit that Mr. Fettus [listed later in table] was talking about has actually enabled DOE to take more time to get more tank residuals out. Although the status of the tanks is of immediate concern, the effect of the lawsuit and slowing down the process has actually helped DOE come up with a better plan. I hope that DOE is taking the time to review NRC's analysis. Time is of the essence, and there is pressure to get the materials out of the tanks, but we all want it done in the best and safest way possible.</p>	<p>The NRC thanked Mr. Clements for his comments.</p>
<p>Kenny Fletcher - <i>ExchangeMonitor</i></p>	
<p>If no resolution is made, and the NRC still does not have reasonable assurance that this issue can be resolved, will the NRC make specific recommendations on disposal activities at Saltstone?</p>	<p>No, the NRC's current role at Saltstone, as it is defined in Section 3116(b) of the NDAA, is to serve in the role of a monitor, and not to provide any sort of consultative review where we offer suggestions.</p>
<p>Is there a set time for resolving the issues discussed in this meeting?</p>	<p>No.</p>
<p>Currently there are some larger disposal units for Saltstone being proposed by DOE, were those cells evaluated by NRC?</p>	<p>No, the cells being referred to have not yet been reviewed by NRC. <i>[Post-meeting clarification: The referenced "larger disposal units" have not yet been constructed by DOE. Once a contractor has been chosen to construct the cells, DOE will include details of the new design in its next revision to the PA.]</i></p>
<p>Question for DOE: In what way could this review (NRC's TER) and these discussions with NRC affect Saltstone activities at the SRS? Could plans change?</p>	<p>DOE Response: We are attending this meeting to listen and absorb what the NRC is saying. We will continue to review the NRC's review and conclusions as we continue to meet on these topics. We will see where the meetings and discussions take us.</p>
<p>Question for DOE: So there is a possibility that DOE will change its plans based on these discussions?</p>	<p>DOE Response: We will see as we move along. As was stated by Mr. Camper, we will continue these discussions and see where the results take us.</p>

Question or Comment	Response
John Greeves - Member of the Public	
Did the NRC base its conclusions on a purely deterministic analysis?	The NRC based its conclusions on DOE's Case K, as it was submitted in DOE's response to NRC's second set of RAIs. Case K is a deterministic analysis, which the NRC evaluated in its review. The NRC reviewed and evaluated the analysis provided by DOE.
I believe the NRC is misinterpreting the original intention of Section 3116 of the NDAA. The concept behind 3116 is risk-reduction for tanks containing legacy waste and issues associated with them leaking in the ground and across the complex.	DOE Comment: <i>Regarding Mr. Greeves' comment that refers to the leaking tanks at SRS, to DOE's knowledge, there are no leaking tanks at the site currently.</i>
It should be noted that no period of performance or point of compliance is used in Part 61 (10,000-year and 100-meter constraint). The Commission has gone forward with a risk-informed, performance-based approach. Recognizing that that is the way to go, there is currently an effort to risk-inform Part 61.	Section 3116 tasks the NRC with assessing DOE's compliance with the Part 61 performance objectives. The NRC's analysis was performed in accordance with this task.
I recommend that risk be better accounted for in this process and that NRC take a probabilistic approach and not just a purely deterministic approach, before anyone considers a letter to Congress (Type II letter). A Type II letter is a serious step.	Aside from mentioning a Type II letter at the start of the meeting, to explain the process, the NRC is not considering a Type II letter at this time. Many more discussions are to take place before the next step is decided in this process.

Question or Comment	Response
Robert Pope - U.S. Environmental Protection Agency, Region IV	
<p>Regarding Test 5 at the bottom of the chart on slide 12 of the NRC's presentation (NRC, 2012c), are you still assuming that all (or at least a majority) of the technetium-99 (Tc-99) in this run is released at the same time?</p>	<p>DOE's PORFLOW™ model was used to develop this table, which means that the average-K_d model was used. The average-K_d model tends to cause a more sudden release than a model that tracks releases from the oxidized and reduced fractions of saltstone separately. However, since the fracture spacing is one meter, less Tc will be released than in cases with a lower assumed fracture spacing. In addition to the change in fracture spacing for this test, the credit for the vault floor was lessened (i.e., staff assumed Tc was released through oxidized fractures in the floor). If the fracture spacing is one meter, the majority of the Tc is not released within 10,000 years of closure.</p> <p>Although the quadratic approach taken in the fracture modeling is not as sudden; most of the fracturing still occurs at 8,000 to 9,000 years, and the single-K_d model further delays the Tc release. Of the Tc-99 that is mobilized, all is released in a very short time by the single-K_d model into the environment.</p>
<p>If a multiple K_d model is used, with fractures occurring more-regularly (roughly every 1,000 years), the Tc will then be released over a much longer period of time?</p>	<p>Conceptually, yes, that is how the model would function.</p>
<p>Couldn't one effect of making such a change be a dose reduction at those release points?</p>	<p>Yes, that is correct.</p>
Geoffrey Fettus - Natural Resources Defense Council (NRDC)	
<p>Regarding the comment made by Mr. Greeves, from NRDC's perspective, Section 3116 was not a compromised position that was arrived at after a lot of work, through an open process. It was a law that was passed that was agreed upon by certain people, not NRDC, passed to overturn litigation that had previously been succeeded on in federal district court, that had an impact on the way tank waste was potentially going to be reclassified and the way that DOE Order 435.1 was going to be used.</p> <p>NRDC appreciates the informed dialogue between DOE and NRC and appreciates being included in this meeting.</p>	<p>The NRC thanked Mr. Fettus for his comment.</p>

Closing Remarks

Closing remarks were provided by NRC Deputy Director of the Division of Waste Management and Environmental Protection, Andrew Persinko. Mr. Persinko expressed appreciation to members of DOE-Savannah River and Savannah River Remediation that made the trip to Maryland for the meeting and to other attendees for making the trip to NRC headquarters. Mr. Persinko reiterated that this is the first of several meetings and explained that the purpose of this meeting was to provide a more detailed explanation of the results in the TER since it had only been made available a short time before the meeting. He continued by saying that we were open to questions and we look forward to more questions at later meetings.

Meeting Attendees

George Alexander	U.S. Nuclear Regulatory Commission
Cynthia Barr	U.S. Nuclear Regulatory Commission
James Biggins	U.S. Nuclear Regulatory Commission
Larry Camper	U.S. Nuclear Regulatory Commission
Nishka Devaser	U.S. Nuclear Regulatory Commission
Maurice Heath	U.S. Nuclear Regulatory Commission
Janelle Jessie	U.S. Nuclear Regulatory Commission
Lisa London	U.S. Nuclear Regulatory Commission
Christopher McKenney	U.S. Nuclear Regulatory Commission
Andrew Persinko	U.S. Nuclear Regulatory Commission
Karen Pinkston	U.S. Nuclear Regulatory Commission
Christianne Ridge	U.S. Nuclear Regulatory Commission
Jason Shirley	South Carolina Department of Environmental Health and Control
Scott Simon	South Carolina Department of Environmental Health and Control
Shelly Wilson	South Carolina Department of Environmental Health and Control
Sherri Ross	U.S. Department of Energy - Savannah River
Terry Spears	U.S. Department of Energy - Savannah River
Patricia Suggs	U.S. Department of Energy - Savannah River
Mark Gilbertson	U.S. Department of Energy
Doug Gray	U.S. Department of Energy
William Levitan	U.S. Department of Energy
Kathy Martin	U.S. Department of Energy
Richard Moorer	U.S. Department of Energy
Gary R Peterson	U.S. Department of Energy
Linda Suttora	U.S. Department of Energy
Frank England	Savannah River Remediation
Kim Hauer	Savannah River Remediation
Larry Romanowski	Savannah River Remediation
Kent Rosenberger	Savannah River Remediation
Steven Thomas	Savannah River Remediation

John Tseng	Savannah River Remediation
Roger Seitz	Savannah River National Laboratory
Martha Berry	U.S. Environmental Protection Agency
Robert Pope	U.S. Environmental Protection Agency
Tom Clements	Alliance for Nuclear Accountability
Geoffrey Fettus	Natural Resources Defense Council
Kenny Fletcher	ExchangeMonitor
John T. Greeves	Member of the Public

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