



SRS Citizens Advisory Board

Nuclear Materials Committee

Meeting Summary

September 25, 2000
USC Aiken
Aiken, SC

The Savannah River Site Citizens Advisory Board (SRS CAB) Nuclear Materials (NM) Committee held a meeting on Monday, September 25 to hear a presentation on the pilot project for the external regulation by the Nuclear Regulatory Commission (NRC)

CAB Members

Tom Costikyan*
Bill Willoughby*
Jean Sulc*
Ken Goad*
Lane Parker*
Brendolyn Jenkins**
Charlene Townsend**

DOE/Contractors

John Anderson, DOE
Karey McAlhany, DOE
George Mishra, DOE
Tom Treger, DOE
Donna Martin, WSRC

*Committee members present

**Committee members not present

Overview of the DOE External Regulation Pilot for the Receiving Basin for Offsite Fuels (RBOF)

After introductions of attendees, Tom Costikyan, SRS CAB NM chair, welcomed Karey McAlhany, Office of Defense Nuclear Nonproliferation at SRS, to give an update on an external regulation pilot project for RBOF. McAlhany said DOE began considering external regulation of its facilities when Secretary Hazel O'Leary created the Advisory Committee on External Regulation of DOE Nuclear Safety in January 1995. The committee issued a report in December 1995 recommending that either NRC or the Defense Nuclear Facilities Safety Board (DNFSB) serve as external safety regulators and the Occupational Safety and Health Administration (OSHA) serve as a regulator for worker safety.

In January 1997, Secretary O'Leary stated the administration would introduce legislation to phase in NRC oversight of DOE facilities over a 10-year period. In June 1997, the new Secretary, Fredericko Pena, and NRC chairman Jackson agreed to establish a pilot program of NRC regulation of specific DOE facilities. Shortly after, a Memorandum of Understanding between DOE and NRC kicked off a pilot program of six pilots, RBOF being one of those pilots.

The pilot program came to an end in June 1999 when yet another DOE Secretary, Bill Richardson, chose to discontinue the pilot program with only three projects completed. The three projects completed included the following:

- Radiation safety program licensed under 10 Code of Federal Regulations (CFR) Part 33 at Lawrence Berkley National Laboratory
- Radiochemical Engineering Development Center licensed under 10 CFR 70 at Oak Ridge National Laboratory
- Receiving Basin for Offsite Fuels at SRS licensed under 10 CFR 70

McAlhany said RBOF was selected because it had a simple, clearly defined mission; it could be completed within a year; and it was similar to current NRC-licensed facilities for storage of reactor fuel, much of which originated in NRC-licensed facilities. Although RBOF had to be carved out as a separate entity from SRS, there was evidence early of the many site activities that supported RBOF. Examples of SRS-supported activities include fire protection, site utilities (steam, water, electricity), waste management, analytical laboratories and transportation. NRC also discovered that RBOF cease operations on Thursday and does not reopen again until Monday morning.

A few conclusions did emerge from the pilot. NRC considered RBOF a low risk facility that was inherently safe, noting that the safety documentation for RBOF was more than what is done for the commercial arena for an equal-sized facility. With the exception of difference in Material Control and Accountability (receiving foreign research reactor fuel), NRC also determined RBOF could be licensed under 10 CFR 70 as it existed. However, NRC did note that licensing RBOF separately from the remainder of H Area and other parts of SRS would be difficult and costly due to shared-site issues.

Bill Willoughby, CAB, asked if NRC licensing of the new mixed oxide (MOX) facility would be a problem. McAlhany said it should not be extremely difficult since NRC has been involved from the beginning of the projects. He also said SRS has had some experience in outside regulation when the coal-fired power plants were converted to commercial ownership and OSHA and state labor were brought onboard to regulate activities.

Questions about DOE oversight of its own facilities came to a peak after the Chernobyl accident, McAlhany said. Ken Goad, CAB, said it does appear to be a conflict of interest for DOE not to have an external regulatory agency to monitor activities. John Anderson, DOE Material and Facility Stabilization (MSF) Deputy Manager, emphasized that the DNFSB does provide excellent independent oversight of daily activities and they also watch closely for off-normal events.

Concerning the final reports on the pilots, McAlhany said DOE produced one set of reports and NRC published its own reports. NRC acknowledged that external regulation must be addressed on a sitewide basis, not by facility. He also stated that NRC regulates operating facilities; it probably is not interested in dealing with legacy wastes.

In summary, McAlhany said the pilot project actually confirmed DOE's commitment to safety. NRC intensely reviewed all safety documentation and conducted extensive audits of the safety record keeping system. OSHA participation in the pilot, though brief, also confirmed safety activities at RBOF.

Reports on the pilots can be found at DOE's web site www.energy.gov and at the following NRC site www.nrc.gov/materials.html.

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| DOE/EH-0594 | Lawrence Berkley National Laboratory Report |
| DOE/EH-0595 | RBOF Report |
| DOE/EH-0596 | Oak Ridge Report |
| NUREG-1708 | NRC Report |

Recommendation Status

The CAB NM committee reviewed the status of several NM-sponsored recommendations at the close of the meeting. All agreed the following recommendations should be closed:

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| Recommendation 62 | Pilot Program for Simulated Oversight of DOE activities by the Nuclear Regulatory Commission |
| Recommendation 74 | Draft SRS SNF Environmental Impact Statement |
| Recommendation 91 | FY2001 Budget for NMM |
| Recommendation 92 | DNFSB Report on Melt and Dilute for SNF |
| Recommendation 116 | DNFSB Recommendation 2000-1 |

The following recommendations were changed from pending to open:

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|--------------------|---|
| Recommendation 127 | DOE Rev. 3 Implementation Plan for DNFSB Recommendation 94-1/2000-1 |
| Recommendation 128 | DNFSB Response to IP-3 |

Meeting handouts may be obtained by calling 1-800-249-8155.