



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

September 2, 1997

MEMORANDUM FOR: John W.N. Hickey, Chief
Low-Level Waste and Decommissioning
Projects Branch
Division of Waste Management
Office of Nuclear Material Safety
and Safeguards

FROM: Robert A. Nelson, Chief 
Low-Level Waste and Regulatory
Issues Section
Low-Level Waste and Decommissioning
Projects Branch
Division of Waste Management
Office of Nuclear Material Safety
and Safeguards

SUBJECT: REPORT OF MEETING WITH WASTE CONTROL SPECIALISTS, LLC.

On August 14, 1997, U.S. Nuclear Regulatory Commission staff met with representatives of Waste Control Specialists, LLC. (WCS), to discuss regulatory oversight of a proposed disposal facility to be owned and operated by WCS for the purpose of disposing of low-level radioactive waste and mixed waste generated by the U.S. Department of Energy. A report of this meeting is attached.

Attachment: As stated

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B/2

MEETING REPORT

Date: August 14, 1997

Time: 3:00 - 4:30 PM

Location: U.S. Nuclear Regulatory Commission
Two White Flint North, Room T-7F5
11545 Rockville Pike
Rockville, MD 20852

Purpose: To discuss regulatory oversight of a proposed disposal facility to be owned and operated by Waste Control Specialists, LLC, (WCS) for the purpose of disposing of low-level radioactive waste (LLW) and mixed waste (MW) generated by the U.S. Department of Energy (DOE).

Attendees: See attachment

Discussion

1. Following brief introductions, WCS representatives presented a 10 minute video tape which summarized the WCS proposal for disposal of DOE LLW and MW at the WCS facility in Andrews County, Texas. WCS currently operates Resource Conservation and Recovery Act and Toxic Substances Control Act disposal facilities at this location. In the near future, WCS expects to receive permits from the State of Texas for the disposal of very low-level waste containing naturally-occurring radioactive material and a permit for the treatment, processing, and storage of LLW & MW.
2. According to WCS, the proposed new facility would accept LLW (all classes) and MW (all hazardous waste codes) exclusively from DOE under a DOE contract. The facility has a capacity of 10 million cubic yards. From the information presented by WCS, the proposed facility has strong support from the local community and the Texas Congressional delegation.
3. Mr. Egan stated that, because the facility would only accept DOE waste under contract to DOE, the facility would not fall under NRC's regulatory jurisdiction. Mr. Egan provided a copy of a letter dated November 21, 1996, to Mr. Egan from Martin G. Malsch, who was then NRC's Deputy General Counsel, to support this position. Mr. Egan stressed that WCS is not seeking approval to disposal of commercially-generated LLW and MW.
4. Under the WCS proposal, DOE regulatory oversight would be provided by a third party under a separate contract to DOE. WCS recommended to DOE that the Texas Natural Resource Conservation Commission (TNRCC) provide this oversight. However, according to WCS, TNRCC withdrew from negotiations in October of last year and DOE invited WCS to propose an alternate oversight group. WCS proposed such a group but, according to WCS, DOE was not responsive to this proposal.

Attachment

5. Because WCS has not been successful in arranging third-party oversight, WCS presented a proposal for NRC to serve as the third party. Under this proposal, NRC would review the license application as it would review a 10 CFR Part 61 application, but it would do so under an agreement with DOE. Follow-on regulatory oversight could also be part of such an agreement, according to the WCS proposal. NRC staff made no commitments other than to discuss the proposal with senior NRC management.
6. Supplementary information provided by WCS but not discussed in detail at the meeting is attached to this report.

Attachments:

- A. Meeting Attendees
- B. Supplementary Information
 Provided by Waste Control
 Specialists

SUPPLEMENTARY INFORMATION PROVIDED
BY WASTE CONTROL SPECIALISTS

1. U.S. Nuclear Regulatory Commission letter from Martin G. Malsch, Deputy General Counsel, to Joe Egan, Esq, dated November 21, 1996.
2. Texas Natural Resource Conservation Commission letter from Dan Pearson, Executive Director, to Kenneth Bingham, President and Chief Executive Officer, WCS, dated December 13, 1996.
3. U.S. Senate letter from Senator Pete Domenici, to Alvin L. Alm, Assistant Secretary for Environmental Management, U.S. Department of Energy, dated March 19, 1997.
4. Congress of the U.S. letter from Congressman Kenneth Bentsen, et al, to Federico Pena, Secretary of Energy, dated April 14, 1997.
5. Waste Control Specialists, LLC, vs. Envirocare of Texas, et al, District Court of Andrews County, Texas, No. 14,580, dated May 2, 1997.
6. U.S. Senate letter from Senator Pete Domenici to Federico Pena, Secretary of Energy, dated June 18, 1997.
7. U.S. Department of Energy letter from Alvin L. Alm, Assistant Secretary for Environmental Management, to Congressman Joe Skeen, dated June 24, 1997.
8. U.S. House of Representatives Report 105-190 to Accompany H.R. 2209, Energy and Water Appropriations Bill, dated July 21, 1997 (excerpt).
9. Waste Control Specialists, LLC, vs. U.S. Department of Energy, et al, U.S. District Court, Northern District of Texas, Civil Action No. 7-97CV-202-X, August 12, 1997.