

MEETING REPORT

Date: October 6, 1997

Time: 2:30 PM

Place: U.S. NRC, Two White Flint North, Rockville, MD, Room T-8-C-1

Purpose: To discuss NRC's Branch Technical Position on Baghouse Dust Contaminated with Cs¹³⁷.

Attendees: See Attachment 1

Background:

Representatives of WCS requested a meeting with the NRC staff to discuss the staff's Branch Technical Position on Cesium Contaminated Baghouse Dust. This Technical Position permits, under certain conditions, disposal of such dust in RCRA permitted disposal facilities. WCS currently has a RCRA permit for disposal of hazardous wastes.

Discussion:

1. A WCS representative reviewed the company's progress in obtaining regulatory approvals for hazardous and radioactive waste treatment, storage, and disposal. WCS currently has a permit for disposal of Resource Conservation and Recovery Act and Toxic Substances Control Act waste, issued by the Texas Department of Health; a permit for the disposal of certain concentrations of naturally occurring radioactive waste, issued by the Texas Natural Resources Conservation Commission; and a permit pending for the treatment, processing, and storage of low-level radioactive and mixed waste.
2. Mr. Egan, representing WCS, reviewed the recent decision by the U.S. District Court for the Northern District of Texas to issue a preliminary injunction that orders the Department of Energy to not deny any WCS bid or contract for DOE low-level or mixed radioactive wastes on certain grounds specified in the injunction. Mr. Egan provided a copy of the Court's Preliminary Injunction to the staff (See Attachment 2).
3. WCS is exploring disposal of cesium contaminated baghouse dust at its facility, in accordance with the provisions in the staff branch technical position. One of the issues concerns the State of Texas law that requires that all LLW be disposed of in the disposal facility being developed by the Texas Low-Level Radioactive Waste Disposal Authority. Mr. Egan noted that the Authority has stated that it does not plan to dispose of mixed waste at its facility, so WCS interest in this material does not intrude into Texas plans under the Low-Level Radioactive Waste Policy Amendments Act. Two approaches for addressing this issue with the Texas law are possible--the first is for the Texas Department of Health to exempt this material from the Texas requirement that it be disposed of in the Authority facility. The second is that Texas promulgate a rule that such material need not be disposed of in the Authority disposal facility. WCS noted that one consideration in the first approach is NRC's views on whether such material (called "incident related material" in the

BTP) can be exempted from the definition of LLW. As noted below, WCS will consider sending a letter to NRC asking for NRC's views on whether Texas can exempt these materials from the definition of LLW.

4. Nick Orlando of NRC staff reviewed some of the key provisions of the BTP on baghouse dust.
5. WCS also discussed its consideration of disposal of PCB contaminated paint from nuclear power plants that are undergoing decommissioning. This paint is considered to be a mixed waste. WCS believes that such waste may be analogous to baghouse dust in that it may be suitable for disposal in a RCRA permitted facility, and asked NRC staff if a staff position on such disposal could be developed. NRC staff indicated that a formal request would have to be submitted and NRC would consider such a request based on the merits.

Actions:

As noted in item 3, WCS will consider sending a letter to NRC asking for NRC views on whether the State of Texas can exempt "incident related material" covered by the Baghouse Dust Branch Technical Position from its definition of low-level radioactive waste. "Incident related material" is defined in the BTP.

Attachments:

1. Meeting Attendees
2. Preliminary Injunction dated October 3, 1997,
issued by the U.S. District Court, Northern District
of Texas (provided by Waste Control Specialists)

