

July 1, 2003

MEMORANDUM TO: Texas File

FROM: Terry A. Brock */RA/*  
Office of State and Tribal Programs

SUBJECT: MEETING MINUTES FOR THE NRC AND WASTE CONTROL  
SPECIALISTS, LLC PUBLIC MEETING ON JUNE 4, 2003,  
ROOM O-3-D22, 10:00 -11:00 A.M.

Attendees in person:

Terry Brock - NRC/STP  
Bill Dornsife - Waste Control Specialists, LLC  
Patricia Eng - NRC/NMSS  
John Greeves - NRC/NMSS  
Jim Lieberman - NRC/OGC  
Paul Lohaus - NRC/STP  
Martin G. Malsch - Egan and Associates, PLLC  
Josephine Piccone - NRC/STP  
Stacey Rosenberg - NRC/NMSS  
Dennis Sollenberger - NRC/STP  
Gregory Twachtman - McGraw Hill

Attendees by teleconference:

Vivian Campbell - NRC/Region IV  
Jim Gruhlke - U.S. EPA  
William Maier - NRC/Region IV  
Ruth McBurney - Texas Department of Health  
Daniel Schultheisz - U.S. EPA

Mr. Lohaus started the meeting with brief introductions.

Mr. Malsch stated the key issues of his April 21, 2003 letter to NRC. He discussed NRC's November 8, 2002 response to the Texas Department of Health (TDH) on the issue of Waste Control Specialists (WCS) petition for proposed rulemaking in the State of Texas to allow certain low-activity radioactive materials at RCRA subtitle C disposal facilities within Texas. The issues focused on compatibility and the flexibility for Texas to address such requests through rulemaking.

Ms. McBurney of TDH discussed her concerns about potential Agreement State compatibility issues with the NRC if the proposed rulemaking proceeded.

Mr. Lohaus restated NRC's position as presented in the November 8, 2002 letter to Texas. (i.e., It may be prudent for Texas to postpone action at this time, because of the current national effort to address these similar issues in a U.S. Environmental Protection Agency (EPA) advanced notice of proposed rulemaking (ANPRM) to be published this summer.) However, he noted this is a State decision and stated that Texas has the authority to address the Waste Control

Specialists petition similar to how NRC addresses such requests on a case-by-case basis. He indicated Texas has flexibility and is not precluded from addressing this issue through rulemaking. Mr. Lohaus offered to work with Texas to help anticipate any future Agreement State compatibility issues.

Mr. Schultheisz of the U.S. EPA addressed the ANPRM on disposal of RAM in RCRA subtitle C disposal sites. He stated that it addresses the range of issues that should be addressed in such considerations and does not include any draft rule language.

Ms. McBurney suggested that WCS in Texas meet with the TDH to better understand their proposal and to ensure they have complete information from WCS. Following that meeting, TDH would request additional NRC review on potential compatibility issues before proceeding with proposed rulemaking.

Mr. Lohaus agreed that this was a reasonable approach.

WCS indicated they would schedule a meeting with TDH.

The issues identified in the April 21, 2003 letter from WCS were addressed during the meeting and no further response to the letter is required.

Distribution:

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E-Mail to Attendees (NRC Participants and Texas)

Hard Copy to Other Attendees

Ref: April 21, 2003 Ltr. from

M. G. Malsch, Counsel for

WCS: ML031420653

**DOCUMENT NAME: C:\ORPCheckout\FileNET\ML031950032.wpd**

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