

**Pennsylvania DEP's Bureau of Radiation Protection's Comments on NRC
Environmental Assessment (EA) for Whittaker's Request to Amend its License to
Allow Blending of Waste to Meet Disposal WAC at WCS**

License No. SMA-1018

Docket No. 04-07455

General Comments:

Pennsylvania Department of Environmental Protection/Bureau of Radiation Protection (the Department) has no technical concerns with the request made by Whittaker and the EA prepared by NRC. The process of taking waste that exceeds source material quantity (> .05% by weight also called Type I waste by Whittaker) with waste that is less than source material in order to meet the WAC at a less costly licensed disposal facility is reasonable. This is provided that the less than source material by weight (called Type II by Whittaker) does not include material that is considered "free-releasable" based on their DCGL's. Dilution of materials to meet DCGL's and leave them onsite should not be considered an acceptable practice, and it is the Department's opinion that "free-releasable" material should not be used to dilute material to meet less restrictive WAC's. However, the proposal by Whittaker is to take Type I material and blend it with Type II material. Both of these materials would have required shipment to an approved disposal facility without blending. The blending action only acts as a way for the licensee to derive some cost savings for disposal of materials that would require proper approved disposal either way.

The documentation provided shows adequate assurance that the blending process will not expose members of the public, workers performing the tasks, or the general environment to unacceptable airborne or other forms of radioactive contamination. Radiation controls will include keeping the materials wet during blending and air sampling to confirm no airborne radioactive material is leaving the site.

Concerns/Questions:

1. In the first paragraph second sentence of the draft EA, the statement is made that the waste will go to WCS, a non-NRC-licensed facility. However, WCS is licensed by the State of Texas. The Department suggests that this point be added so that it does not sound like this blended material can go anywhere for disposal. It is still being required to go to a facility licensed to accept radioactive materials.
2. The first paragraph on page 3 states that the blending has been approved on a case-by-case basis based on a policy issued in SECY-04-0035. The department recommends that an example(s) be added to this section referencing a previous approval(s). This would provide other supporting documentation for this approval.
3. Page 3, Environmental Impacts of the Alternatives to the Proposed Action: This section is to describe what would be the result if this license amendment were not granted. NRC lists that the only possible result of not approving the amendment would be no action by the licensee. The Department feels this is

not accurate. The licensee would still be required to dispose of the radioactive material above their approved DCGL's, but they would not be allowed to blend the material to have all the waste shipped meet WCS's WAC. Instead a portion of the material, Type I, would have to be shipped to a separate licensed disposal facility such as Envirocare in Clive, Utah. It is the Department's belief that to leave it as written would only act to set an undesirable precedent for future decommissioning by saying the only alternative to giving them an exemption of this type would result in no action by the licensee. When in fact, under their license, they are required to complete the decommissioning according to NRC regulations.