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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

September 19, 2011

Sent by Electronic Mail

Ms. Janice Owens, Branch Chief
Export Controls and International Organizations
Office of International Programs
U. S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Dear Ms. Owens:

Re: Application for NRC Import License (IW030)

Thank you for your recent correspondence regarding the import license application (IW030). The Texas Commission on Environmental Quality (TCEQ) appreciates the opportunity to comment on your inquiry regarding shipping radioactive sealed sources for disposal in Texas as low-level radioactive waste (LLRW).

We have reviewed the import license application and are concerned that you may not be aware of recent Texas legislation regarding LLRW of international origin. Texas state law now prohibits disposal of waste of international origin into the Texas Compact Disposal Facility, owned by the State of Texas and operated by Waste Control Specialists LLC. Specifically, Senate Bill 1504 (82nd Texas Legislature, 2011) is effective as of September 1, 2011, and amends Texas laws regarding LLRW importation for disposal of commercial LLRW into Texas. Revisions to Texas Health and Safety Code Chapter 401 create a definition for international LLRW and a prohibition of its disposal at the Texas Compact Disposal Facility as follows:

"[W]aste of international origin" means low-level radioactive waste that originates outside of the United States or a territory of the United States or a territory of the United States, including waste subsequently stored or processed in the United States. See Tex. Health & Safety Code §401.2005(9)

The compact waste disposal facility license holder may not accept waste of international origin for disposal at the facility. See Tex. Health & Safety Code §401.207(c).

I hope this information is helpful to you. Please feel free to contact me at (512) 239-6731 or by electronic mail at susan.jablonski@tceq.texas.gov if you have any questions or if you need additional information.

Sincerely,

A handwritten signature in blue ink that reads "Susan M. Jablonski".

Susan M. Jablonski, P.E.
Division Director
Radioactive Materials Division

SJ/nlc

Red Jr
9/28/2011