

3/13/2015
80 FR 13451

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Mendiola, Doris

Subject: FW: WCS Comments for NRC's Low-Level Radioactive Waste Regulatory Program.
Attachments: WCS Comments NRC 2015 Strategic Assessment.pdf

From: Renee Murdock [mailto:smurdock@wcstexas.com]
Sent: Monday, April 13, 2015 12:19 PM
To: Bladey, Cindy
Cc: Camper, Larry; Wong, Melanie; 'charles.maguire@tceq.texas.gov'; 'Bobby Janecka'; Rod Baltzer; Elicia Sanchez; REGCOMPLIANCE
Subject: WCS Comments for NRC's Low-Level Radioactive Waste Regulatory Program.

Dear Ms. Bladey:

On behalf of Scott Kirk, CHP, Waste Control Specialists LLC (WCS), Vice President of Licensing and Corporate RSO; attached is a letter in regards to WCS' comments for NRC's Low-Level Radioactive Waste Regulatory Program. The attached letter was also submitted through the *Federal Rulemaking Web site* and a hardcopy was sent via Fed Ex.

If you have any questions or need additional information, please call Scott Kirk at 972-450-4284. Scott's email is SKirk@Valhi.net.

Thank you,

Reneé Murdock, MBA
Regulatory Compliance Analyst
Waste Control Specialists LLC
(432) 525-8683

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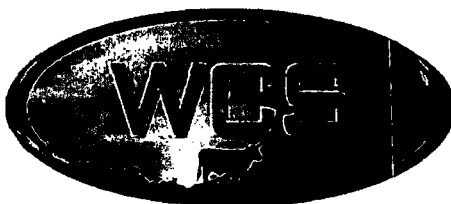
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Add= S. Dembek (SXB)

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M. Wong (mcw4)



THE TEXAS SOLUTION

April 13, 2015

VIA EMAIL and FEDERAL EXPRESS

Cindy Bladey
Office of Administration
Mail Stop: OWFN-12-H08
U.S. Nuclear Regulatory Commission
Washington, DC 20555-001

- References:
- (1) NRC Docket No. 2014-0080
 - (2) Federal Register, Low-Level Radioactive Waste Regulatory Program, Volume 80, No. 49, published on March 13, 2015
 - (3) Letter from J. Scott Kirk (WCS) to Cindy Bladey (NRC), WCS Comments Regarding the NRC Strategic Assessment of Low-Level Radioactive Waste Regulatory Program, dated September 15, 2014

Subject: Final Comments Regarding the NRC's Low-Level Radioactive Waste Regulatory Program

Dear Ms. Bladey:

Waste Control Specialists LLC (WCS) hereby submits comments to the U.S. Nuclear Regulatory Commission's (NRC) request for comments pertaining to the Commission's Low-Level Radioactive Waste Regulatory Program (Reference 1).

On September 15, 2014, WCS submitted to the NRC regarding their requests for comments on the Commission's Low-Level Radioactive Waste Regulatory Program (Reference 3). In our comments we stated that the regulatory landscape had improved tremendously since the NRC issued their 2007 Strategic Assessment. Such improvements included the opening of the WCS Low-Level Radioactive Waste Disposal Facility located in Andrews County, Texas, that currently serves generators across the country, including those that previously lacked a disposal pathway for Class B/C Low-Level Radioactive Waste (LLW).

We also encouraged the NRC to engage with the Agreement States to consider requiring licensees to limit the time period to hold or store waste or disused sealed sources similar to the requirements pertaining to timely decommissioning of materials facilities. We shared with the NRC that the Texas Department of State Health Services was currently considering such a rulemaking to better improve the timely disposition of radioactive

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Ms. Cindy Bladey

April 13, 2015

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waste and enhance the security of disused sealed sources that potentially pose a risk to public health and our national security.

WCS commends the NRC for including as high priority tasks, the need to clarify the regulatory authority of Greater Than Class C (GTCC) waste disposal and develop licensing criteria for a GTCC disposal facility. As you are aware, the Commissioners of the Texas Commission on Environmental Quality (TCEQ) unanimously approved a Petition for Rulemaking that would establish a regulatory framework for the disposal of GTCC generated by the commercial sector and owned or generated by the federal government in Andrews County, Texas. WCS agrees with the NRC that regulatory clarification and criteria are needed that would ultimately allow for the disposal of commercially and federally owned or generated GTCC LLW. WCS believes that such actions by the NRC are needed given that many of the disused sealed sources considered to pose a potential threat to national security exceed the Class C limits specified in Title 10 of the Code of Federal Regulations (CFR), Part 61.55.

While WCS agrees that it is time to solve the regulatory and technical challenges associated with disposal of GTCC LLW, we strongly encourage the Commission to include as a high priority task the need to resolve the apparent incongruence between the definition of "waste" (10 CFR 61.2) and the classification of certain alpha-emitting transuranic radionuclides exceeding 100 nCi/g, as specified in 10 CFR 61.55.

The current definition of "waste" is inconsistent with the definition of "Low-Level Radioactive Waste" as defined in the Low-Level Radioactive Waste Policy Act Amendments of 1985, particularly as it relates to whether or not "transuranic waste" is LLW or a separate class of waste that currently lacks regulatory clarity or a disposal pathway. While waste containing transuranic radionuclides in excess of 100 nCi/g would be classified as GTCC LLW pursuant to 10 CFR 61.55, LLW is not "transuranic waste" pursuant to the regulatory definition of "waste" (10 CFR 61.2). The unintended consequences of such inconsistencies may have effectively orphaned certain waste streams containing transuranic radionuclides with a concentration exceeding 100 nCi/g.

Given that many of the disused sealed sources with transuranic elements exceeding 100 nCi/g currently are considered a potential threat to national security, WCS strongly encourages the NRC to engage in a rulemaking that provides a clear disposal path forward.

WCS requests that all correspondences regarding this matter be emailed directly to my attention (skirk@valhi.net) as soon as possible after issuance. If you have any questions or need additional information, please contact me at 972-450-4284.

Sincerely,



J. Scott Kirk, CHP

Vice President of Licensing and Regulatory Affairs, Corporate Radiation Safety Officer

cc:

Larry Camper, NRC
Melanie Wong, NRC
Charles Maguire, TCEQ
Bobby Janecka, TCEQ

Rodney Baltzer, WCS
Elicia Sanchez, WCS
WCS Regulatory Compliance
WCS Records Management