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From: adill1@twc.com [mailto:adill1@twc.com]

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To: Lowman, Donald

Subject: [External_Sender] DOCKET ID NRC-2011-0022 Federal Register Vol 81 # 12/ Wed. Jan. 20, 2016 Pg. 3166

To: Donald.Lowman@nrc.gov

From: Andrew H. Dill, adill1@twc.com

Date: March 13, 2016, Sunday

Topic: Federal Register Vol 81 # 12/ Wed. Jan. 20, 2016 Pg. 3166 DOCKET ID NRC-2011-0022

Your language of operation and how EPA works are inconsistent. Use of hazardous waste sites as LLRW dumps has potential to add liability for non-NRC generated waste into the pocket of NRC at tax payer expense.

Regardless of how it's labeled, it's improper to bury or re-bury any radiologic waste that's been concentrated or exposed because of human activity in any site that did not apply for a hazardous waste permit in a timely fashion. Inappropriate is a site that closed without such a permit but was later found to contain significant quantity/volume, &/or variety, &/or concentrations of hazardous waste(s). Significant means an amount [quantity], &/or different kinds, &/or strengths of material(s)/ substance(s)/compound(s) that takes more than one 30 year life cycle for containment to protect the environment and/or human health.

A local site, Tremont City, has two DOE sourced wastes:

1. Mound. DOE swears there is no LLRW at Tremont. The Operable Unit 9, Site Scoping Report:

Volume 7 – Waste Management Mound Plant paints a different picture. There is no confirmation by DOE that Form 541 data matches the facility receipt record (the sole data source accepted by US EPA Region 5). Given EPA reliability at Mound [cleaned up TWICE], DOE needs to be mindful of accepting EPA position on a closed site that never had a hazardous waste license.

2. Cresap, WV. This was a DOE multi-system test bed for Coal Liquefaction as done by Fluor. Record

shows use of radiologic tracers to find clogs in the pipes. It is unclear if what is described as “Coal

Extract” was residue from the plant fire, from step 200 “Extract” series, or just fly ash. There are

over 350 55-Gallon barrels in unlined pit(s?). There's a bunch more spread to the ground before the

4' original cap and then a 10'-17' additional cap was added.

Tremont City has 51,500 barrels buried – more than Valley of The Drums in KY which started CERCLA. It's not all the same stuff. There is stuff there – not yours – that will likely take at least 90+ years to get below the safe drinking water standard. Some is that concentrated. Even with foot dragging, it will take multiple relinings. Mr. Rockefeller of Canberra Industries confirmed my suspicions that Mound waste [see attached] could not have been found in barrels by a surface walk about scan. That's what passed as your inspection as done by EPA.

Because these waste come from a US government source it means - every time there is a joint and severally liable mixed stew site - it becomes that much more the tax payers burden when someone private declares bankruptcy. NRC is used to measuring in thousands of years, these sites you're considering get measured, maybe, in the hundreds if it's something like Raritan's lead pile. Most of these sites are getting a 30 year measure. If it's a utility with fly ash ponds they get relined before 30 years so that liability insurance can remain in force. If it isn't a utility but a private enterprise meeting 1/4ly results, there are local pressures to stop testing, declare no evidence that its harmful to environment &/or human health, and disappear or go bankrupt. Tremont City went bankrupt. Principally Responsible Parties [PRP's] – the deep pockets to clean up their mess – G.M. & Delphi – both went bankrupt. Dana Corp, Chem-Dyne also bankrupt. You don't really want to be left holding the bag at a bunch of hazardous waste sites, do you?

It is also inappropriate to add filler that itself contains hazardous waste, including the possibility of LLRW, in an attempt to reduce the concentration, strength of hazardous material(s). It increases the quantity of waste and so adds more waste at a closed facility – a facility with no license to operate would get new waste volume.

TENORM is inappropriate for disposal in any facility that never obtained a hazardous waste permit during it's operational life. Prior disposal of TENORM product to a non-hazardous license site will need to require all TENORM product to be resited to an actively licensed hazardous waste facility when there is any original lining or relining of that non-hazardous site.

Tremont City is not unique. There are many closed sites that never were hazardous waste licensed, where enterprising disposal entities may have left some of your product. The entities are gone, but your product still sticks to the boots. There's about 30%-40% of these closed sites that get flipped to closed with hazardous waste that the site was never permitted for. Prudence says be careful of what, how, & when makes a hazardous waste site.