



WASTE CONTROL SPECIALISTS

August 30, 2018

VIA EMAIL AND FEDERAL EXPRESS

Mr. Marc Dapas, Director
Office of Nuclear Material Safety and Safeguards
U.S. Nuclear Regulatory Commission
Mail Stop T-4A12
Washington, DC 20555-0001

References:

- 1) Texas Commission on Environmental Quality (TCEQ), Radioactive Material License No. R04100, Amendment 31, CN6006616890, RN101702439
- 2) NRC Issuance of New Order (Superseding a Previously Issued Order of October 20, 2009 (2009 Order)) in Response to a July 18, 2014 Request by Letter from J. Scott Kirk (WCS) to Catherine Haney (NRC), Order dated December 3, 2014. Docket No. 70-7005; NRC-2009-0283; EA-14-104
- 3) NRC Response to WCS Request for Possession Time Extension dated September 23, 2016 (Accession No. ML16097A265)
- 4) Agreed Order between the TCEQ and WCS, TCEQ Docket No. 2015-0514-RAW-E; License R04100; dated December 9, 2015, signed December 10, 2015
- 5) Letter from Rod Baltzer (WCS) to Richard Hyde (TCEQ), re: Agreed Order Docket No. 2015-0514-RAW-E ("WCS Agreed Order") Enclosing the Plan for Disposition of LANL TRU Waste in Storage at WCS (Confidential Information), dated February 19, 2016
- 6) Letter from WCS to NRC regarding: Request for Storage Time Extension in NRC Exemption Order (ML14238A268), Order Condition 8.B.4 for WIPP-Bound LANL Waste in Storage at WCS, dated March 28, 2016

Subject: Request to Extend Storage Timeframe in NRC Exemption Order (ML14238A268), Order Condition 8.B.4 for Transuranic LANL Waste in Storage at WCS

Dear Mr. Dapas:

Waste Control Specialists, LLC (WCS) respectfully requests an extension of the time allowed for WCS to possess Transuranic (TRU) waste containing Special Nuclear Material (SNM) that was generated at Los

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Alamos National Laboratory (LANL) and was destined for disposal at the Waste Isolation Pilot Plant (WIPP). This TRU SNM-bearing waste from LANL was placed into temporary storage at WCS in 2014 and some of it was later determined by the Department of Energy (DOE) to be from the same waste stream as the waste that caused the release of radioactive materials in the WIPP underground, resulting in the closure of the WIPP Facility and temporarily stranding the waste at WCS.

The final disposition plan for this waste will not be completed before December of 2018; therefore, an extension is necessary to allow compliant storage of such waste in its safely stored configuration until a final disposition plan is approved and can be implemented. Considering that the DOE, Texas Commission on Environmental Quality (TCEQ), NRC, EPA, WCS and multiple other participants are still determining the safest methods to allow safe removal/disposition of this waste, WCS requests an additional extension for WCS to continue to store this material until December 23, 2020.

Currently, WCS is allowed to possess the LANL waste for 2 years as specified in Order Condition 8.B.4 of NRC Exemption Order (ML14238A268), dated December 3, 2014 (Reference 2) and for an additional 2 years, until December 23, 2018 as authorized in the NRC extension authorization letter dated September 23, 2016 (Reference 3). As a matter of reference the September 23, 2016 NRC letter provides a detailed summary of rationale NRC used for approval of the previous WCS extension request that should be useful in the review of this current request.

The Texas Commission on Environmental Quality (TCEQ) incorporated the conditions of the 2014 SNM Order into License Condition (LC) 206 of Radioactive Material License (RML) No. R04100. Pursuant to LC 206.b.iv., of RML R04100, WCS is similarly limited to storage of this waste for a maximum of two years until the specified date of December 23, 2018. To harmonize the storage authorization requirements mandated by both the NRC and TCEQ, WCS is seeking this extension to December 23, 2020 of the conditions for this specific material set forth in Condition 8.B.11 of the 2014 SNM Order. Once approved by NRC, WCS will seek an additional amendment to RML No. R04100 from TCEQ, extending the storage date to the same date as authorized by the NRC.

As additional background, WCS accepted this waste in part to aid DOE-LANL in reaching milestones agreed upon by DOE with the State of New Mexico. The waste was received by WCS and placed into temporary storage. Subsequently, based on the DOE investigation of the WIPP incident, DOE informed WCS that some of the LANL TRU being temporarily stored at WCS could, under certain conditions, react and potentially result in a release of transuranic radionuclides to the environment. To safeguard human health and the environment, WCS took actions to secure that waste, including placing it inside Modular Concrete Canisters (MCCs), covering it with pea gravel and placing it in a more secure location.

WCS and TCEQ entered into Agreed Order Docket No. 2015-0514-RAW-E (effective on December 17, 2015) to address the need for continued storage and ultimate final disposition of the LANL TRU. The DOE entered into a similar TCEQ Agreed Order. A key requirement of both the WCS Order and the DOE Order is to submit to the TCEQ Executive Director for approval a written plan and procedures for the disposition of the LANL TRU waste.

In WCS' March 28, 2016 submittal (Reference 6), all exhibits and attachments were submitted in Enclosure A and the following document remain unchanged:

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- Exhibit 1: The TCEQ Issued Agreed Order Docket No. 2015-0514-RAW-E,
- Exhibit 2: The Plan for Disposition of LANL TRU Waste in Storage at WCS,
 - Attachment 1 List of Acronyms
 - Attachment 2 Type 3 Waste Alternative Analysis (1 through 8)
 - Attachment 3 WCS Engineering Drawing of TRU Nitrated Salts
 - Attachment 4 Documentation of Analysis Results
 - Attachment 5 Nitrated Salt Hazard Mitigation Analysis

Since the March, 28 2016 submittal the following documents from Enclosure A have updated

Exhibit 2 - Attachment 6: Nitrated Salt Inventory with SWB Companion Waste Table Feasibility Study

The updated and new documents are included in Enclosure A, the documents contain sensitive/confidential information subject to withholding from public disclosure pursuant to 10 CFR 2.390) and are marked as appropriate:

Attachment 1: Feasibility Study Revision 2, June 30, 2018 (New)

Attachment 2: 2018 Updated Nitrated Salt Inventory with SWB Companion Waste Table (Updated)

In summary, the final disposition plan for the subject LANL waste in storage at WCS has not been finalized and will not be completed before December of 2018; therefore, the requested extension is necessary to allow compliant and safe storage of the remaining Nitrated Salt Inventory until a final disposition plan is approved and can be implemented. The September 23, 2016 NRC letter that authorized the last storage extension provides a framework that may provide for efficient review of this current request.

WCS requests that a copy of all correspondences regarding this matter be directly emailed to my attention (jcartwright@wcstexas.com) as soon as practicable after issuance. If you have any questions or need additional information, please call me at 432-525-8698.

Sincerely,



Jay B. Cartwright
Director of ESH&Q/RSO

Enclosure

cc: Electronic Copy

John Tappert, NRC
Harry Felsher, NRC
Richard Chang, NRC
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