



November 18, 2019

VIA EMAIL

Annette Vietti-Cook, Secretary  
U.S. Nuclear Regulatory Commission  
Attn: Rulemakings and Adjudications Staff  
Washington, D.C. 20555-0001

**Subject: WCS's comments regarding Greater-Than-Class-C and Transuranic Waste**  
**Reference: Docket ID NRC-2017-0081**

Waste Control Specialists LLC (WCS) provides the following input and comments to the Nuclear Regulatory Commission (NRC) on its "Draft Regulatory Basis for the Disposal of Greater-than-Class C (GTCC) and Transuranic Waste." WCS commends the NRC staff for producing a Draft Regulatory Basis document that is both thorough and understandable.

With regard to the alternatives for implementation that are described in the Draft Regulatory Basis, WCS supports Alternative 1, "No Regulatory Change" and also supports in part, Alternative 3, "Conduct Rulemaking."

Since the Draft Regulatory Basis was developed with the NRC staff assumption "that only one of the four currently licensed LLRW disposal facilities would seek to accept and dispose of GTCC waste" and the Draft Regulatory Basis and the accompanying Technical Analysis delineate the principal protections and site specific attributes that an applicant must address, WCS believes that the development of new guidance or rulemaking to support an application would be redundant and inefficient. Alternative 1 "No Regulatory Change" would reduce the burden on NRC staff while still providing for a site-specific application for the near-surface disposal of GTCC waste for approval by the NRC.

The Draft Regulatory Basis also envisions that the Commission can relinquish regulatory authority to an Agreement State (AS) if requested by the AS. This provides assurance that disposal of GTCC or GTCC-like waste will take place only with the participation, decision-making, and oversight of the AS.

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WCS does not support Alternative 3 “Conduct Rulemaking”, with one exception regarding TRU waste. We agree with the NRC staff and strongly support adding the definition of TRU waste to 10 CFR 61.2. In the August 20, 2019 public webinar on this Regulatory Basis, the NRC staff indicated that this was a matter that the Commission had directed the staff to accomplish. WCS suggests, given the Commission direction on this matter in SRM-15-0094, that staff proceed to a direct final rule to make the definition of “waste” in 10 CFR 61.2 consistent with Federal Law as established in the Low-Level Radioactive Waste Policy Amendments Act of 1985.

WCS also provides the following responses to the specific request for comments that the NRC posed in the Federal Register notice (84 FR 35037):

- (1) Are there any characteristics of GTCC waste not identified in the draft regulatory basis that should be considered when evaluating the near surface disposal of GTCC?

*WCS Response: No, the draft provides a thorough and complete identification of GTCC characteristics.*

- (2) In addition to the potential regulatory changes identified in this notice, should the NRC consider other potential changes or additions to the existing technical requirements for low-level radioactive waste disposal in evaluating GTCC waste disposal?

*WCS Response: No, the draft and the accompanying technical analysis encompass the technical bases for GTCC waste disposal.*

- (3) Are there any additional issues that should be addressed to enhance public or occupational safety regarding the disposal of GTCC waste, either by rulemaking or through the development of guidance documents that were not addressed in the draft regulatory basis?

*WCS Response: No, the existing guidance documents, the discussions in the Draft Regulatory Basis and the accompanying Technical Analysis detail the requirements and actions an applicant must meet to assure public and worker safety.*

- (4) Are there any issues that should be addressed to establish a relatively uniform set of requirements for GTCC waste disposal in Agreement States and in non-Agreement States that were not addressed in the draft regulatory basis?

*WCS Response: No*

- (5) Are there any other changes to the NRC’s regulations that are not addressed in the draft regulatory basis that should be considered to facilitate the disposal of GTCC waste and better align the requirements with current health and safety standards?

*WCS Response: No*

- (6) Are there other alternatives that are more cost effective, while adhering to the requirements of 10 CFR part 61, that the NRC should consider for implementing requirements for GTCC waste disposal in the near surface that were not addressed in Section 7 of the draft regulatory basis?

*WCS Response: No*

- (7) Are there any additional advantages or disadvantages or applicable cost information that the NRC should have considered as part of its evaluation of alternatives in Section 7 of the draft regulatory basis that are pertinent to the NRC or any stakeholders including the public, industry, Agreement States, Indian Tribes, the U.S. Department of Energy, or other government agencies?

*WCS Response: No*

- (8) Are there any other issues, not identified in the above questions that the NRC should have considered in the draft regulatory basis?

*WCS Response: The draft could have been more specific in its intent to implement the Commission's direction in SRM-15-0094. WCS believes that the staff and Commission should proceed with a direct final rulemaking since the definitions are a matter of law.*

We appreciate the opportunity to provide input to the NRC and your consideration of our comments. If you have any questions, please do not hesitate to call me at (865) 201-3191.

Sincerely,



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