



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

August 10, 2021

EA-18-137

Mr. G. T. Powell  
President and Chief Executive Officer  
STP Nuclear Operating Company  
P.O. Box 289  
Wadsworth, TX 77483

SUBJECT: SOUTH TEXAS PROJECT, UNITS 1 AND 2 – END OF ENFORCEMENT  
DISCRETION RELATED TO ALTERNATE DISPOSAL PROCEDURES FOR  
VERY LOW-LEVEL RADIOACTIVE MATERIAL

Dear Mr. Powell:

By letter dated October 31, 2018 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML18260A250), the U.S. Nuclear Regulatory Commission (NRC) notified South Texas Project Nuclear Operating Company (the licensee) that the NRC was exercising enforcement discretion for the South Texas Project, Units 1 and 2 (STP) existing process for the disposal of very low-level radioactive waste (VLLW). In that letter, the NRC staff stated they would continue to exercise enforcement discretion for the licensee's existing process for the alternate disposal procedures of low-level waste (LLW) while the NRC staff evaluates regulatory options to address this issue.

The NRC staff has completed its evaluation of regulatory options regarding VLLW, as documented in SECY-21-0057, "Results of the Very Low-Level Waste Scoping Study," dated June 1, 2021 (ADAMS Package Accession No. ML21132A296). Based upon the conclusion in that evaluation, the NRC staff finds that continuing to exercise enforcement discretion is no longer appropriate. Therefore, STP must come into compliance with NRC requirements and dispose of licensed material in accordance with Title 10 of the *Code of Federal Regulations* (10 CFR) Section 20.2001, "General requirements," including the option of applying for approval of a different method to the NRC, as is permitted under 10 CFR 20.2002, "Method for obtaining approval of proposed disposal procedures." Such a request, if approved, could permit STP to continue to dispose of VLLW similar to the procedures used by STP from 2008 to 2018, but in accordance with 10 CFR 20.2002. Guidance for submittals for approval of proposed procedures under 10 CFR 20.2002 is available in "Guidance for the Reviews of Proposed Disposal Procedures and Transfers of Radioactive Material Under 10 CFR 20.2002 and 10 CFR 40.13(a)," dated April 2020 (ADAMS Accession No. ML18296A068).

The NRC staff considered the assurances provided by STP in the attachments to its August 14, 2018, letter to the NRC (ADAMS Accession No. ML18226A352) and reviewed the details related to past LLW disposals documented in STP's annual effluent release reports. The NRC staff finds that the STP LLW disposals in Texas Class 1 or 2 industrial landfills from 2008 through 2018 are of low risk to public health and safety and the NRC does not intend to take further action with respect to these past disposals.

Based on the foregoing, I have been authorized, after consultation with the Director, Office of Enforcement, to continue to exercise enforcement discretion for these *past* non-compliances associated with this issue. Further discretion, not to exceed 90 days from the date of this letter, is granted to allow STP the time to prepare and submit a 10 CFR 20.2002 application or to comply with 10 CFR 20.2001. If STP submits an application under 10 CFR 20.2002, the exercise of discretion will continue while the NRC staff performs its review. Alternatively, if STP chooses not to make a 10 CFR 20.2002 submittal, enforcement discretion will expire at the end of 90 days from the date of this letter, and STP will be expected to be in compliance with 10 CFR 20.2001. This decision and these timeframes were discussed with Wendy Brost of your staff on June 28, 2021.

Should you have any questions regarding this matter, please contact Dennis Galvin of my staff at (301) 415-6256 or via e-mail at [Dennis.Galvin@nrc.gov](mailto:Dennis.Galvin@nrc.gov).

Sincerely,

Bo M. Pham, Director  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Docket Nos.: 50-498 and 50-499

cc: Listserv

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**ADAMS Accession No. ML21180A195**

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