



## WASTE CONTROL SPECIALISTS

~~CONFIDENTIAL – EXCEPTED FROM PUBLIC DISCLOSURE PURSUANT TO TEXAS GOVERNMENT CODE §552.110 (a) – (c)~~

March 18, 2022

VIA EMAIL and FEDEX

Mr. John Lubinski, 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 38, 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) Agreed Order between the TCEQ and WCS, TCEQ Docket No. 2015-0514-RAW-E; License R04100; dated December 9, 2015, signed December 10, 2015
- 4) 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
- 5) 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 (Accession No. ML16097A265)
- 6) NRC Response to WCS Request for Possession Time Extension dated September 23, 2016 (Accession No. ML16097A265)
- 7) Letter from WCS to NRC regarding: Request to Extend Storage Timeframe in NRC Exemption Order (ML14238A268), Order Condition 8.B.4 for Transuranic LANL Waste in Storage at WCS, dated August 30, 2018 (Accession No. ML18250A289)
- 8) NRC Response to WCS Request for Possession Time Extension dated December 19, 2018 (Accession No. ML18269A318)

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- 9) Letter from WCS to NRC regarding: Request to Extend Storage Timeframe in NRC Exemption Order (ML14238A268), Order Condition 8.B.4 for Transuranic LANL Waste in Storage at WCS, dated August 24, 2020 (Accession No. ML20237F462)
- 10) NRC Response to WCS Request for Possession Time Extension dated December 7, 2020 (Accession No. ML20252A182)

**Subject: Docket No. 070-7005 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. Lubinski:

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 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 plan to remove, relocate, and store all 74 SWB's in a Perma-Con structure within the Bulk Storage Area (BSA) 1 is under development and implementation will not be completed before December 23, 2022; therefore, an extension is necessary to allow for continued compliant storage of such waste. WCS requests an extension for WCS to continue to store this material in the FWF or in the BSA-1 at the Treatment Storage and Disposal Facility until December 31, 2024.

WCS was authorized 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) through December 23, 2016. WCS then requested an extension to the original order for an additional 2 years, until December 23, 2018, which was authorized in the NRC extension authorization letter dated September 23, 2016 (Reference 6). As DOE continued to study and analyze this particular waste stream, the NRC authorized another two-year extension until December 23, 2020, in the letter dated December 19, 2019 (Reference 8), and most recently, the NRC authorized another two-year extension until December 23, 2022 in the letter dated September 2, 2020 (Reference 10) as WCS and DOE continue to plan and develop initial plans for removal and relocation within the WCS licensed and permitted areas.

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, 2022. To harmonize the storage authorization requirements mandated by both the NRC and TCEQ, WCS is seeking this extension to December 31, 2024, 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 5), all exhibits and attachments were submitted in Enclosure A and the following document remain unchanged:

- 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

In WCS' August 30, 2018, submittal (Reference 7), all exhibits and attachments were submitted in Enclosure A:

Attachment 1: Feasibility Study Revision 2, June 30, 2018

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

In WCS' August 24, 2020 submittal (Reference 9), Attachment A, 2020 updated TRU Waste Inventory was included as an update to the 2018 Attachment 2. An updated inventory has been included in this submittal in Attachment A.

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 2022; 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 2, 2020, NRC letter that authorized the last storage extension provides a framework that may provide for efficient review of this current request.

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

Sincerely,

A handwritten signature in blue ink that reads "Jay B. Cartwright". The signature is fluid and cursive, with the first name "Jay" being the most prominent.

Jay B. Cartwright  
Director of ESH&Q/RSO

Enclosure:

Cc: Electronic Copy Only

Jane Marshall, NRC  
Harry Felsher, NRC  
David S. Carlson, WCS  
Jay Britten, WCS  
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