

Public Briefing On Greater-Than-Class C Low Level Radioactive Waste Disposal

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Charles Maguire, Director, Radioactive Materials Division

Texas Commission on Environmental Quality



WHAT WE ARE ASKING

- At the request of our TCEQ Commissioners TCEQ staff initiated discussions with NRC headquarters staff related to potential amendments to Texas rules related to disposal of GTCC, GTCC-like, and TRU waste streams (separate and commingled).
- Specifically we asked:
 - Does Texas' role as an Agreement State per federal statutes and NRC rules in 10 Code of Federal Regulations §61.55 and section 274b of the 1954 Atomic Energy Act authorize promulgation of state rules that could license GTCC waste streams for disposal?
 - Could the State of Texas authorize the disposal of the waste the DOE currently holds or is required to take possession of that is GTCC and GTCC-like material considering that some of that material exhibits TRU characteristics and may currently be commingled?

WHY WE ARE ASKING

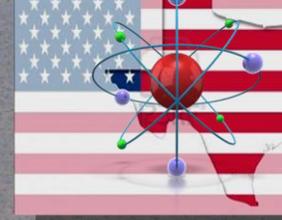
- On September 10, 2014 the TCEQ Commissioners considered a petition by WCS requesting a change to TCEQ rules to remove prohibitions against disposal of GTCC, GTCC-like waste streams including those comingled with TRU at the Texas licensed facility in Andrews County.
- Current Texas law and in part Federal Law do not establish a clear regulatory pathway with technical requirements for disposal of all GTCC, GTCC-like and TRU waste streams.
- The TCEQ Commissioners requested staff to initiate discussions with NRC and DOE regarding potential amendments to Texas rules, including definitions that would be consistent with federal and state law, and the regulatory role of agreement states in the disposal of these types of waste streams.
- To engage in a well-informed rulemaking process it is critical to have accurate information from our federal colleagues regarding Agreement State matters and compatibility.

WHERE DO WE GO FROM HERE

- If there is a pathway established that would allow Texas to license the disposal of the GTCC, GTCC-like, and TRU waste streams subject to conditions set forth by NRC then the next step for Texas is to conduct its rulemaking process.
- Ultimately the TCEQ Commissioners decide if there is to be a change in the Texas rules.
- If Texas issues a final rule to remove the prohibition, then it is likely that WCS will apply for a license amendment that would, if approved, allow for the disposal of these waste streams.
- That amendment request would have to be evaluated and complete our public participation process prior to possible approval and issuance before any GTCC, GTCC-like, or TRU waste could be disposed of at the WCS facility.

PERFORMANCE ASSESSMENT AND DEFENSE IN DEPTH

- The most critical aspects of the application evaluation will be TCEQ's review of WCS's Performance Assessment prepared by the applicant as well as other information required in Part 61.
- Because the PA and other requirements in Part 61 considered in our evaluation are so vitally important to establishing and ensuring a consent based disposal facility in Texas our plan is to work closely with NRC staff to establish the best possible scientific evaluation of information provided by WCS.
- We are already working with NRC headquarters staff and feel fortunate to have their skills available as part of our process.
- We expect there to be an interactive process with the PA, DID, and other considerations as we determine what particular license conditions will be necessary for the disposal of GTCC, GTCC-like and TRU if and when approved.



**Thank you for the opportunity to
present this information**

I look forward to your questions.

