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Low-Level Radioactive Waste Disposal

Comment On: NRC-2011-0012-0077
Low-Level Radioactive Waste Disposal

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General Comment

Please see comments of Waste Control Specialists LLC in attached file.

Attachments

7-24-15 Waste Control Specialists Comments on Proposed Changes to 10 CFR 61 Docket NRC-2011-0012



July 24, 2015

VIA EMAIL and FEDERAL EXPRESS

Ms. Annette L. Viette-Cook, Secretary
U.S. Nuclear Regulatory Commission
ATTEN: Rulemaking and Adjudications Staff
Washington, DC 20555-001

- References:
- (1) Docket ID NRC-2011-0012
 - (2) Federal Register, Low-Level Radioactive Waste Disposal, Volume 80, No. 58, published on March 26, 2015
 - (3) Commissioners' Briefing on Proposed Revisions to 10 CFR Part 61 and Low-Level Radioactive Waste Disposal, June 25, 2015

Subject: Proposed Revisions to 10 CFR Part 61

Dear Madam Secretary:

Waste Control Specialists LLC (WCS) hereby submits written comments regarding proposed revisions to Title 10 of the Code of Federal Regulations (CFR) Part 61, *Licensing Requirements for Land Disposal of Radioactive Waste*, as requested in Reference 2. WCS is appreciative of the invitation and opportunity to share our views on the proposed rule with the Commissioners of the U.S. Nuclear Regulatory Commission (NRC) on June 25, 2015 (Reference 3). Our comments contained herein serve to supplement those provided to the Commissioners at the referenced briefing on the proposed revisions to 10 CFR 61.

WCS supports the proposed rule, but encourages the Commission to provide flexibility to the Agreement States to maintain existing regulations, by designating this rule as a Compatibility Category C requirement. We also encourage the Commission, once this rulemaking is finalized, to complete the task of providing a specific waste classification to the category of waste known as large quantities of Depleted Uranium (DU). WCS' comments are provided herein to address both of these areas.

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Support for the Proposed Rule

WSC supports the proposed rule especially as it relates to the “large quantities of DU” waste stream. WCS believes that the requirements governing disposal of unique waste streams like large quantities of DU, as specified in the proposed rulemaking, provide a defensible approach for protecting public health and safety. WCS also supports the three-tiered approach specified in the proposed rulemaking. However, WCS recommends that Agreement States should not be required to promulgate less stringent federal requirements than those already established in those states for the disposal of such waste streams.

On August 28, 2014, the Texas Commission on Environmental Quality (TCEQ) authorized disposal of large quantities of DU in both the WCS Texas Compact Waste Disposal Facility and the WCS Federal Waste Disposal Facility, located at WCS’ Andrews County, Texas site. The TCEQ regulatory requirements governing the disposal of large quantities of DU are more stringent than those contemplated in the proposed changes to Part 61 (Reference 2). The WCS disposal facility was the first new commercial disposal facility since Congress enacted the Low-Level Radioactive Waste Policy Act of 1980, as amended in 1985. Other previous attempts were proven unsuccessful at ten other locations across the U.S., not necessarily because of technical issues, but more often because of the lack of community support. Not long after the failed attempt to license the Sierra Blanca Low-Level Radioactive Waste Disposal Facility near El Paso, the Texas legislature created the framework for a new commercial disposal facility for Class A, B and C Low-Level Radioactive Waste (LLW) requiring a state-of-the-art facility with siting and engineering criteria more rigorous than any of those in existence at the time.

In line with that directive, TCEQ promulgated disposal regulations that were more stringent than those required by the NRC either under the existing or proposed changes to Part 61. These more stringent standards were applied to the WCS site in the authorization process. We believe the support our facility received from the State of Texas and local communities in west Texas and southeastern New Mexico was in part due to the more stringent Texas requirements. Community support in hosting a waste disposal facility for Class A, B, and C LLW cannot be overstated. For these reasons, while WCS supports the proposed rule, WCS strongly recommends that the NRC provide flexibility to the Agreement States to maintain existing regulations in those states that may be more stringent than those specified in the proposed rulemaking. Accordingly, WCS respectfully encourages the NRC to assign such requirements as a Compatibility Category “C”, as specified in the proposed changes to 10 CFR Parts 61.13(e), 61.41(a), 61.41(b), 61.42(a), 61.42(b), and 61.58.

Waste Classification for Depleted Uranium

Upon finalizing the proposed rule, WCS encourages the NRC to proceed forward and determine a specific waste classification for disposal of large quantities of DU. It was our understanding that initially this Part 61 rulemaking was to include a waste classification for large quantities of DU, a waste category that was not contemplated, and thus not specifically classified in the original Part 61 rule. However, the current proposed rule does not contain a resolution of that classification issue.

During a public meeting on this proposed rulemaking, NRC staff noted that the proper classification of large quantities of DU, if based on science, would be “hotter” than Class A LLW. However, at present Part 61, including the classification tables, does not provide a specific classification for this waste stream. Thus, large quantities of DU are considered Class A LLW by default. However, consistent with the comments of NRC staff at the public meeting, large quantities of DU are more hazardous than Class A LLW. During the licensing of the WCS facility conducted by the TCEQ, it was well understood that disposal of DU, especially large quantities of DU, required more stringent requirements than those which apply to Class A LLW. TCEQ’s licensing review specifically considered the impacts from climate change, potential erosion or degradation of the cover system, proximity to a water table, and the recognition that DU should be disposed of as deep as possible within the disposal unit. The licensing review also evaluated time periods well beyond the 10,000 years given that DU becomes more radioactive over time. Based on the review, TCEQ included license requirements that large quantities of DU must be containerized and disposed of at the greatest depth possible within the disposal unit, requirements that are more stringent than those which apply to other Class A LLW. We ask that this same consideration be given to this waste stream by NRC.

Accordingly, WCS strongly urges the NRC to complete the proposed rulemaking and then proceed to determine the proper waste classification for disposal of large quantities of DU as contemplated in the revised staff requirements in SECY-13-0001, issued on March 26, 2013.

WCS appreciates the opportunity provided by the Commission to share our views on this important rulemaking. WCS requests that all correspondences regarding this matter be emailed directly to my attention (skirk@valhi.net) as soon as possible after issuance. If you have any questions or need additional information, please contact me at 972-450-4284.

Sincerely,



J. Scott Kirk, CHP
Vice President of Licensing and Regulatory Affairs, Corporate Radiation Safety Officer

cc: Larry Camper, NRC
Charles Maguire, TCEQ
Rodney Baltzer, WCS
Betsy Madru, WCS
Elicia Sanchez, WCS
WCS Regulatory Compliance
WCS Records Management