



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

September 16, 2019

Mr. David Carlson
President & Chief Operating Officer
Waste Control Specialists LLC
17101 Preston Road, Suite #115
Dallas, TX 75248

SUBJECT: WASTE CONTROL SPECIALISTS' CONCERNS WITH REGULATORY ISSUE
SUMMARY (RIS) 2016-11, "REQUESTS TO DISPOSE OF VERY LOW-LEVEL
RADIOACTIVE WASTE PURSUANT TO 10 CFR 20.2002"

Dear Mr. Carlson:

I am responding to your July 17, 2019, letter, "Waste Control Specialists' Concerns with Regulatory Issue Summary (RIS) 2016-11, 'Requests to Dispose of Very Low-Level Radioactive Waste Pursuant to 10 CFR 20.2002'" (Agencywide Documents Access and Management System [ADAMS] Accession No. ML19206A452). In your letter, you stated that RIS 2016-11 and a subsequent 2018 U.S. Nuclear Regulatory Commission (NRC) enforcement action (EA-18-137) at the South Texas Project Nuclear Operating Company's (STPNOC) South Texas Project Units 1 and 2 have generated confusion among your utility customers. You indicated that this confusion has led to reluctance, among some utilities, to use certain Waste Control Specialists (WCS) facilities for very low-level waste disposal.

Your facility's Resource Conservation and Recovery Act cell is covered under your Texas Commission on Environmental Quality license. It is regulated pursuant to the Atomic Energy Act of 1954, as amended, Texas' Agreement with the NRC, and Texas' Title 10 of the *Code of Federal Regulations* (10 CFR) Part 61 equivalent low-level waste disposal regulations. Therefore, the transfer of low-level waste from a utility to WCS for disposal is permissible pursuant to 10 CFR 20.2001(a) as long as it meets the waste acceptance criteria and any other applicable requirements. The current issue to which your letter refers, regarding RIS 2016-11 and EA-18-137, concerns NRC licensees that propose to dispose of low-level radioactive waste in an unlicensed facility not subject to an Agreement State's low-level waste disposal regulations. The September 6, 2019, meeting attended by you and other stakeholders regarding concerns raised with the guidance in RIS 2016-11, clarified that a two-step process is required for correct implementation of alternate disposal request reviews conducted in accordance with 10 CFR 20.2002. Unlike these 10 CFR 20.2002 processes, the process for disposal at your facility uses the regulations in 10 CFR 20.2001. Therefore, the NRC does not need to review and approve disposals at your facility that are done in accordance with the 10 CFR 20.2001 process.

Please feel free to share this letter with any of your utility customers with questions about the permissible transfer of licensed material for disposal. If you have any questions, please contact Stephen Dembek at stephen.dembek@nrc.gov or 301-415-2342.

In accordance with 10 CFR 2.390 of the NRC's "Agency Rules of Practice and Procedure," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records component of NRC's ADAMS. The ADAMS is accessible from the NRC Web site at <https://www.nrc.gov/reading-rm/adams.html>.

Sincerely,

//RA//

John W. Lubinski, Director
Office of Nuclear Material Safety
and Safeguards

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***via email**

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