



SOUTHWESTERN LOW-LEVEL RADIOACTIVE WASTE COMMISSION

1731 Howe Avenue #611, Sacramento, California 95825

Voice: (916) 448-2390

Fax: (916) 720-0144

E-mail: swllrwcc@swllrwcc.org

Website: www.swllrwcc.org

DATE: May 11, 2018

Ms. May Ma
Office of Administration
Mail Stop" LWFN-2-A13
U.S. Nuclear Regulatory Commission
Washington D. 20555-0001

RE: Docket ID NRC-2018-0026

Dear Ms. Ma,

Thank you for the opportunity to submit comments regarding issues on Very Low-Level Waste (VLLW).

The Southwestern Low-Level Radioactive Waste Commission (CA,AZ, ND & SD) agrees with the Nuclear Regulatory Commission (NRC) on conducting a VLLW Scoping Study; however, feels strongly that it is important that VLLW be shaped to fit within the structure found in 10 CFR 61.55 and as an additional category for the waste classification system.

If the NRC chooses to establish a formal regulatory definition of VLLW, the NRC should consider relevant information from other regulatory bodies such as the International Atomic Energy Agency and the Environmental Protection Agency when defining VLLW. The new definition should comport and comply with existing terms as defined by the Atomic Energy Act, the Low-Level Radioactive Waste Policy Amendments Act (LLRWPA), and existing NRC regulations and should provide consistency in the criteria for disposing of LLRW.

The Commission is opposed to any new definition of VLLW that is inconsistent with Compact Federal Law and diminishes the Commission's authority to regulate VLLW as intended by its statute. We would also like to note, that through Compact Law, a critical infrastructure for the entire Country has been developed to be able to dispose of Class A, B and C waste. The NRC should be mindful not to take steps that compromise the viability of any of the existing Compact Waste Facilities (CWFs). It is critically important that these facilities remain viable and operational to ensure that low-level

radioactive waste, and in particular Class B and Class C waste, does not become stranded in storage due to the closure of any or all of these facilities.

Recently, utilities within the Southwest Compact began to ship LLW leaving the Southwest Compact's boundaries and shipping to Waste Control Specialist (WCS), located in the State of Texas. Upon arrival to the WCS Compact Facility, personnel with WCS, reclassified certain shipments to exempt low-level waste and diverted this to their RCRA facility. Our Compact expressed concerns regarding how this was being handled in the State of Texas. Our Compact statute does not exclude us from regulating any low-level waste regardless of concentration. We were pleased to see the TLLRWDC has already identified the need to track similar wastes imported into the State of Texas. The Texas Compact has promulgated a rule to accomplish the proper tracking in "31 Texas Administrative Code 675.24". Implementation of this rule ensures appropriate tracking of wastes from cradle to grave and provides reporting to regulators, industry and the public. It is the hope of the Texas Compact that additional responsibilities or resource requirements would likely be minimal.

Again, thank you for allowing our Compact to provide input on the VLLW scoping study. We look forward to the NRC process and encourage continued communication with our Southwestern Low-Level Radioactive Commission Compact. Please feel free to contact our Executive Director by telephone (916) 448-2390 or by electronic mail at kathydavis@swllrwcc.org if you or agency staff have questions or require additional information.

Thank you,

Chair George Campbell
Southwestern Low-Level Radioactive Waste Commission Compact

cc: Southwest Compact Commissioners