



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

November 22, 2024

Ryan Williams, Vice President
Integrated Services
Waste Control Specialists LLC
The Summit at Preston Trails
17103 Preston Road, Suite #200
Dallas, TX 75248

SUBJECT: RESPONSE TO THE MAY 24, 2024, WASTE CONTROL SPECIALISTS LLC
REQUEST TO EXTEND THE POSSESSION TIME OF LOS ALAMOS
NATIONAL LABORATORY WASTE IN THE EXEMPTION ORDER
CONDITION 9.B.4 UNTIL DECEMBER 31, 2026 (CAC NO. 001542/DOCKET
NO. 070-7005/EPID NO. L-2024-LLO-0002)

Dear Ryan Williams:

On May 24, 2024, Waste Control Specialists LLC (WCS) sent a letter to the U.S. Nuclear Regulatory Commission (NRC) requesting modification of Condition 9.B.4 of the currently effective NRC Exemption Order to WCS. In the letter, WCS requested permission to possess the U.S. Department of Energy (DOE) Los Alamos National Laboratory (LANL) Waste at the WCS Low-Level Waste Disposal Site (WCS Site) near Andrews, Texas, until December 31, 2026. The publicly available WCS request is available in the NRC's Agencywide Documents Access and Management System (ADAMS) at Accession No. [ML24149A063](#).

Since 2001, the NRC has issued several Orders and associated exemptions to WCS in lieu of Title 10 of the *Code of Federal Regulations 10 CFR) Part 70*, "[Domestic Licensing of Special Nuclear Material](#)," requirements to possess special nuclear material (SNM). Each Order has allowed WCS to possess greater than a critical mass of SNM without obtaining a Part 70 license from the NRC. The current effective NRC Order to WCS is dated May 22, 2023 (ADAMS Accession No. [ML22221A079](#); *Federal Register* citation 88 FR 34900; 2023 Order). The 2023 Order contains conditions that allow WCS to possess the LANL Waste at the WCS Site without obtaining an NRC Part 70 license until December 31, 2024. The LANL Waste is transuranic waste that contains SNM that originated from the DOE LANL and is destined for disposal at the DOE Waste Isolation Pilot Plant Facility in New Mexico.

Under the previous 2014 NRC Exemption Order for SNM to WCS, the possession timeframe for LANL Waste was two years, which was consistent with the Texas Commission on Environmental Quality (TCEQ) permitted timeframe for possession of waste at the WCS Site. Subsequently, in 2016, 2018, 2020, and 2022, WCS requested to extend the LANL Waste possession timeframe and the NRC approved the extension each time. Thus, the May 24, 2024, WCS request is not a new type of review and is the fifth such extension requested by WCS because the final disposition plan for the LANL Waste has not been finalized and will not be completed before the current deadline.

Order Condition 9.B.4 of the 2023 Order to WCS states that, “WCS is allowed to possess the LANL Waste until December 31, 2024.” Order Condition 12 of the 2023 Order to WCS states that, “The Director of the Office of Nuclear Material Safety and Safeguards (or designee), may, in writing, relax or rescind any of the above conditions upon demonstration by WCS of good cause.”

In its May 24, 2024, letter, WCS requested that it be allowed to continue to possess the LANL Waste at the WCS Site until December 31, 2026, because the final disposition plan for the LANL Waste has not been finalized and will not be completed (i.e., all the LANL Waste shipped by the DOE from the WCS Site) before December 31, 2024.

The DOE-led Integrated Project Team (which includes the DOE, the TCEQ, the NRC, the U.S. Environmental Protection Agency, and WCS) is still determining a recommended path forward for the safe disposition of the LANL Waste. As part of its participation on the Integrated Project Team, the NRC is aware of the options under consideration.

In May 2024, the NRC visited the WCS Site and observed WCS managing the LANL Waste in accordance with applicable order requirements.

Consistent with previous orders to WCS, the NRC has determined that an additional two-year extension of the timeframe for the possession of the LANL Waste at the WCS Site is appropriate because: (1) it is consistent with the timeframe for possession of waste at the WCS Site previously approved by the NRC and associated analyses; and (2) it maintains a definitive possession time specified in the Order.

The NRC previously determined that the 2023 Order contains conditions that enable the LANL Waste to be safely and securely possessed at the WCS Site. WCS is responsible for the safe and secure possession of radioactive material at the WCS Site, which includes the LANL Waste. In the 2023 Order, WCS is required to: (1) notify the NRC if any of the Order conditions are violated, and (2) obtain the NRC approval prior to changing any activities associated with the Order conditions. This extension would not change or otherwise amend those terms.

The NRC finds that the LANL Waste continues to be both safely and securely possessed at the WCS Site, which is consistent with the 2023 Order and confirmed via both the NRC participation on the Integrated Project Team and the NRC visit to the WCS Site in May 2024.

Based on the above, the NRC determined that WCS demonstrated good cause in satisfying the Condition 12 requirements of the 2023 Order. Consequently, the possession time limit specified in Condition 9.B.4 of the 2023 Order is modified to allow WCS to possess the LANL Waste until December 31, 2026.

The NRC staff prepared an environmental assessment (EA) in support of its review of the WCS request to modify the possession time limit specified in Condition 9.B.4 and determined that the proposed action will not have a significant effect on the quality of the human environment. The EA (ADAMS Accession No. ML24260A249) can also be found at (89 FR 85991).

In accordance with 10 CFR Section 2.390, “Public Inspections, Exemptions, Requests for Withholding,” 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 ADAMS. ADAMS is accessible from the NRC Website at <https://www.nrc.gov/readingrm/adams.html>.

If you have any questions or need additional information, then please contact Harry Felsher of my staff at Harry.Felsher@nrc.gov or at 301-415-6559.

Sincerely,



Signed by Lubinski, John
on 11/22/24

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

Docket No. 0700-7005

cc: A. Forbes
Texas Commission
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NRC Letter for Review of 2024 Waste Control Specialists Request DATE November 22, 2024

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ADAMS Accession No.: ML24263A062 ; Ltr ML24263A062

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