

Bryan W. Shaw, Ph.D., P.E., *Chairman*
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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

August 15, 2016

Office of Nuclear Material Safety and Safeguards
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Re: Docket ID NRC-2011-0022

Dear Sir or Madam:

The Texas Commission on Environmental Quality (TCEQ) appreciates the opportunity to comment on the United States Nuclear Regulatory Commission's (NRC) Concentration Averaging and Encapsulation Branch Technical Position (CA BTP) request for comment provided in Docket ID NRC-2011-0022.

The NRC requests comments from the sited state regulatory programs on the clarification between "contaminated materials" and "contaminated trash." While the sited state regulatory programs review manifests, waste classification and characterization is determined by the generator at the point of generation. Reviews of manifests by the state programs can only verify that the forms are complete and within regulatory limits. The state programs do not inspect nuclear utilities; the inspections are under NRC jurisdiction. The classification process is conducted by the generator with input from the disposal site operator and oversight from the states.

The TCEQ suggests the NRC provide clarification between "contaminated materials" and "contaminated trash." If the intent of the term "contaminated trash" is meant to refer to compactible and non-compactible trash, the NRC may want to consider revising the term through a Regulatory Issue Summary or revising the CA BTP to be consistent with its intent and Form 541 descriptor codes. The manifests that have been reviewed by Texas' regulatory program over the last four years, in almost all cases, have never indicated the descriptor code (33) for contaminated equipment.

The current numerical constraints in the revised CA BTP encompass almost all scenarios for classification based on waste types. There is no need to develop additional numerical constraints for distinguishing between materials and trash.

If you have any questions concerning the comments above, please contact Mr. Brad Broussard of the Radioactive Materials Division, at (512) 239-6380 or at brad.broussard@tceq.texas.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard A. Hyde".

Richard A. Hyde, P.E.
Executive Director