

Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Zak Covar, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

July 16, 2014

Cindy Bladey
Office of Administration
Mail Stop: 3WFN-06-44M
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Re: Docket ID NRC-2014-0080

Dear Ms. Bladey:

The Texas Commission on Environmental Quality appreciates the opportunity to respond to the United States Nuclear Regulatory Commission's request for comments on the strategic assessment update of its Low-Level Radioactive Waste regulatory program dated May 15, 2014.

Enclosed please find the TCEQ's detailed comments relating to the NRC's request for comments referenced above. If you have any questions concerning the enclosed comments, please contact Mr. Charles Maguire, Radioactive Materials Division, Office of Waste, (512) 239-5308 or at charles.maguire@tceq.texas.gov.

Sincerely,

A handwritten signature in black ink that reads "Richard A. Hyde". The signature is written in a cursive, flowing style.

Richard A. Hyde, P.E.
Executive Director

Enclosure

Response to Request for Comments on Strategic Assessment Update

June 18, 2014

Request for Comments on the LLRW Strategic Assessment Update, Docket ID NRC-2014-0080, dated May 15, 2015

1. What changes are anticipated to the national landscape in the LLRW area in the context of safety, security, and the protection of the environment in the next 5-7 years?

Response:

- An ever-evolving landscape for disposal of LLRW such as regulatory changes and further refinement of techniques and strategies used to evaluate:
 - disposal site suitability,
 - long-term performance,
 - effectiveness of engineered designs,
 - waste classification system,
 - unique waste streams,
 - GTCC, and
 - security of sealed sources

These refinements will provide regulators with better tools for more accurate risk-informed regulatory decision-making and added defensibility for those decisions.

States and federal agencies should work more closely together to solve complex LLW management issues.

2. As a result of the new national landscape, what activities from the 2007 Strategic Assessment should remain on the list and are they appropriately prioritized in order to strengthen the NRC's ability to ensure safe and secure LLRW disposal, improve the effectiveness of its regulations, and assure regulatory stability and predictability while allowing flexibility in disposal options?

Response:

- See task and priority list below.

Task and Priority List

Task number	Task Description	Priority
1	Review and update guidance on extended storage of LLRW for materials and fuel cycle licenses and review industry guidance for reactors. Current status will determine priority.	High
2	Develop guidance on 10 CFR 20.2002 Alternate Disposal Requests.	High
3	Determine if disposal of large quantities of depleted uranium for uranium enrichment warranted changing the waste classification tables. Complete	High
4	Update Branch Technical Position on Concentration Averaging and Encapsulation. Complete	High
5	Develop internal procedures and guidance document for reviewing waste import and export applications submitted under 10 CFR Part 110.	High Low
6	Develop guidance on alternate waste classification (10 CFR 61.58).	High Medium
7	Perform scoping study of the need to revise/expand byproduct material financial assurance to account for life-cycle.	High
8	Develop licensing criteria for greater than Class C disposal facility. Distinction should be made between defense related and non-defense related GTCC	Medium High
9	Consolidate LLRW guidance.	Medium
10	Coordinate with other agencies on consistency in regulating low activity waste disposal.	Medium
11	Develop guidance that summarizes disposition options for low-end materials and waste.	Medium High
12	Identify new waste streams.	Medium Low
13	Develop information notice on waste minimization.	Medium Low
14	Evaluate potential changes to LLRW regulatory program as a result of severe curtailment of disposal capacity.	Low
15	Promulgate rule for disposal of low-activity waste.	Low Medium
16	Identify and evaluate potential legislative changes.	Low
17	Implement major revisions to 10 CFR Part 61.	Low
18	Develop waste acceptance criteria for LLRW disposal in uranium mill tailings impoundments.	Low
19	Examine need for guidance on defining when radioactive material becomes LLRW.	Low Medium
20	Develop and implement national waste tracking system.	Low
21	Revisit and examine the effectiveness of the National Source Tracking System High for tracking sources and for identifying sources in storage. (This may require rulemaking to track Cat. 3 sources and to require general licensees to utilize the NSTS.)	High