

## **CORAR COMMENTS TO THE TLLRWCC ON THE PROPOSED RULE TO IMPORT LLRW FROM GENERATORS IN OUT-OF-COMPACT STATES**

### **General Comments:**

We believe that the importing off LLRW for disposal at the Andrews County Site could be a synergistic arrangement.

Out-of-compact generators will benefit by having access when no other viable options appear feasible for 10 to 20 years. They will be able to dispose of LLRW that is currently in interim storage at the generators' sites and will be able to expedite the disposal of future generated waste.

The benefit to the Andrews County LLRW Disposal Site is that if sufficient quantities of LLRW are received, in forms that the Site is designed to accommodate, the Site will achieve economic viability. This in turn will ensure that the generators in Party States (currently Texas and Vermont) will be able to cost-effectively dispose of their LLRW for the long term.

To ensure that the Disposal Site is economically viable it is essential that the disposal facility operators be allowed the flexibility to establish a workable fee assessment schedule that brings in the necessary revenues and is affordable to waste generators, including the research community.

### **Specific Comments:**

**675.23 (d) “...no person shall import any low level radioactive waste for management or disposal that was generated in a non-party state unless the commission has entered into an agreement for the importation of the waste pursuant to this rule.”**

It is unclear whether the intent is to require separate approval of each radwaste container, radwaste shipment, generator's radwaste or radwaste anticipated for a number of years. If approval is required of individual containers or shipments this could be a burdensome task for the TLLRWDC. This also applies if approval is required of radwaste from each small quantity generator offered by a radwaste broker. CORAR recommends that single approvals should be given for anticipated shipments over a multi-year time period and that consolidated shipments imported by brokers or the total radwaste from a State or Compact should be similarly treated.

**675.23 (f) (1) “Import Agreement Application Fee- An non-refundable, application fee of \$500 shall accompany the proposed agreement.”**

Similar to comments on 675.23 (d) above, these fees will be excessive if levied on each generator radwaste, waste container or shipment. CORAR recommends that single fees should be applied to anticipated radwaste shipments offered by a single entity during a multi-year period. Fees could be prohibitive if based on individual generator’s radwaste from medical research licensees. This could cause these licensees to continue to keep LLRW in interim storage at the generator’s site.

**675.23 (h) (9) “Any relevant comments received from the Compact Facility operator, the person proposing to export the waste...”**

Since section 675.23 concerns import of waste it is not clear why the export of waste is considered here. If the intent is to consider the export of imported waste after treatment, perhaps “re-export” should be used or this intent otherwise clarified.

**675.23 (h) (10) “The authorization of a person to export...”**

See comment on 675.23 (h) (9) above.

**675.23 (k) (1) “An importation agreement shall be issued for that term unless amended, revoked, or canceled by the Commission.”**

CORAR recommends that the “term” be a multi-year period. Five years would be compatible with most generators’ business cycles. Also the “term” should be specified so that petitioners to import can plan their waste decommissioning, treatment, storage and shipping facilities and procedures and budget for these.

**675.23 (k) (2) “... The Commission may provide reasonable time to allow the existing exporter...”**

See comment on 675.23 (h) (9) above.

**675.23 (k) (4) “The Commission continues to consider policy issues related to assessment of fees for the importation of low-level radioactive waste based on volume or activity of the waste. Upon conclusion of consideration of this issue, the Commission may provide for such fees in this section.”**

A major concern is that LLRW generators in the biomedical research community have very limited budgets for conducting their research and financing radwaste treatment and disposal. CORAR requests that the Compact Facility operators be allowed the flexibility to establish a fee assessment schedule that encourages the import of sufficient radwaste forms to ensure the economic viability of the Site and that the research community be availed of a lower affordable rate. If this is not done numerous researchers will either continue to place radwaste in interim on-site storage or abandon their research. One way to achieve these objectives is to base fees on volume or weight of the waste that is affordable for the low-volume generators and assess a surcharge based on activity above a threshold chosen to exclude most generators in the research community.

Most of the LLRW, particularly class B, associated with biomedical research is generated by CORAR industry members who manufacture and supply the radionuclides used in research. While these suppliers can take advantage of economies of scale they too are currently limiting the manufacture of certain types of radiochemicals because the radwaste treatment and disposal costs have been too high. One possible solution to this would be to waive the surcharge on radwaste that can be certified to result from manufacturing radiopharmaceutical products or products used for research applications.