

March 16, 2012

Texas Low-Level Radioactive Waste Disposal Compact Commission
c/o Robert Wilson, Chair
3616 Far West Blvd.
Suite 117, #294
Austin, Texas 78731

Subject: Texas Low-Level Radioactive Waste Disposal Compact Commission (TLLRWDC) comments on 30 Texas Administrative Code (TAC) §336.702 on the issue of intentional commingling of low-level radioactive wastes (LLRW) accepted for disposal at the Texas Compact LLRW disposal facility

Dear Chairman Wilson:

The TLLRWDC Rules Committee has reviewed 30 TAC Chapter 336 and is making the following comments and recommendations:

1. The current rule states that non-party LLRW should be limited to 5% or less of total radioactivity through the activity of incidental commingling. The TLLRWDC Rules Committee recommends that limits on incidental commingling be set based on **waste streams** and **nuclides of concern** rather than a percentage of total activity. Some waste classifications, however, should have limits based on activity (i.e., Class C wastes such as nuclear power plant resins).
2. LLRW processors play an important role in the commingling issue. The Texas Commission on Environmental Quality (TCEQ) should consider adopting a set of processing standards that processors must meet if they wish to process LLRW that is intended for disposal at the Texas Compact LLRW facility. These technical requirements would insure that the limits set forth in Comment 1 would not be exceeded.
3. It is recommended that party states attempt to intentionally commingle their LLRW to reduce the probability of incidental commingling at the processor site.
4. The terms "incidental commingling" and "intentional commingling" should be further discussed and defined in the Preamble to the Rule. This discussion should clearly identify the difference between the intentional commingling of party LLRW versus the intentional commingling of non-party and party wastes.

5. The definition of “sealed source” and “generator” should be defined. The definitions may impact the party/non-party status of certain radioactive material sources and devices. Also, it is recommended that the Rule address the intentional destruction of a sealed source to change its physical form and thus its disposal pathway.

If the Commission has further questions, please contact the Rules Committee.

Linda Morris, Rules Committee Chair
Robert Wilson, Committee member
Richard Saudek, Committee member