

ANDREWS, TEXAS

GTCC Disposal and Spent Nuclear Fuel Interim Storage  
J. Scott Kirk, CHP  
Vice President of Licensing & Regulatory Affairs



**Tremendous Strides Over  
Past 5 Years**

- Opened the first new disposal facilities in over 40 years.
- Prior to WCS opening Class B/C LLW was stranded in 36 states.
- Irradiated hardware, large components, dewatering services, rail access, and large scale D&D support are new services currently provided.



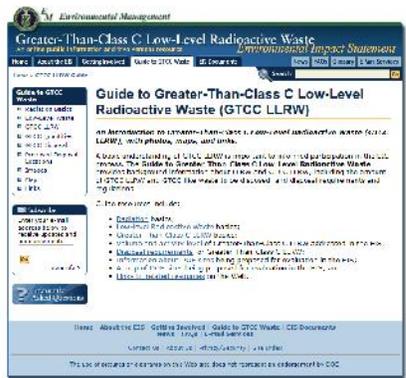
WCS Aerial, September 2010

2



## GTCC LLW

- The DOE charged with preparing an EIS for the disposal of GTCC LLW.
- The DOE may select a commercial entity as one of its Preferred Alternatives for the disposal of GTCC LLW.
- Under the LLWPAA of 1985, NRC is responsible for licensing and developing technical standards governing the disposal of “commercial” GTCC LLW.



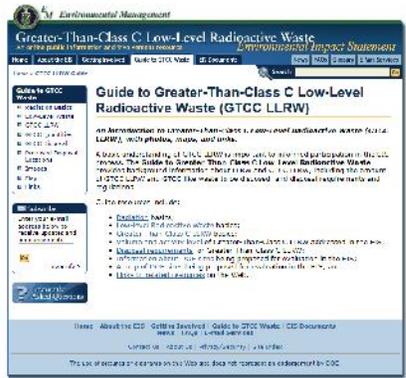
The screenshot shows a webpage titled 'Greater-Than-Class C Low-Level Radioactive Waste' with a sub-header 'Environmental Impact Statement'. The main heading is 'Guide to Greater-Than-Class C Low-Level Radioactive Waste (GTCC LLRW)'. The text on the page discusses the Department of Energy's (DOE) role in preparing an EIS for the disposal of GTCC LLW and mentions the LLWPAA of 1985. It also lists various resources and documents related to the topic.

3



## GTCC LLW

- The NRC is considering including a GTCC rulemaking as a potentially high priority in its Strategic Assessment.
- The NRC is not responsible for licensing the disposal of GTCC LLW that is owned or generated by the federal government (GTCC-like LLW).
- NRC recognized that GTCC LLW may be suitable for disposal in an Intermediate Depth Waste Disposal Facility during the GTCC rulemaking in 1989.
- The licensing authority may be vested to an Agreement State hosting a disposal facility licensed under 10 CFR 61 for the disposal of GTCC-like LLW.



This is an identical screenshot to the one on slide 3, showing the 'Guide to Greater-Than-Class C Low-Level Radioactive Waste (GTCC LLRW)' webpage. It details the DOE's EIS process and the LLWPAA of 1985, along with various links and resources.

4







## Petition for Rulemaking

- WCS submitted a Petition for Rulemaking that would provide a disposal pathways for GTCC and GTCC-like LLW on July 21, 2014.
- Provides a disposal pathway for GTCC and GTCC-like LLW stranded for decades.
- Accelerates timely cleanup of legacy sites.
- Addresses a national security challenge for Category 1 and 2 disused sealed sources.

9



## Petition for Rulemaking

- Texas legislature defined “Federal Facility Waste” as waste that is the responsibility of the federal government under the LLWPAA of 1985.
- Both Commercial GTCC and GTCC-like LLW is Federal Facility Waste.
- Petition seeks to better align Texas regulations with State and Federal statutes and regulations.
- Preserves the NRC authority to license and determine standards for disposal of commercial GTCC LLW.
- Recognizes that an Agreement State may be authorized to regulate disposal of non-commercial GTCC-like LLW.

10



## Petition for Rulemaking

- On September 10, 2014, TCEQ Commissioner's unanimously approved the Petition for Rulemaking.
- Agreed that better alignment of Texas regulations with State and Federal statutes and regulations was needed.
- Approved development of a "Proposed Rulemaking" after soliciting input from NRC and DOE and holding several stakeholder meetings.
- Rulemaking process may take 12-18 months to complete.

Texas Commission on Environmental Quality



DECISION OF THE COMMISSION  
REGARDING THE PETITION FOR RULEMAKING  
FILED BY WASTE CONTROL OPERATIONS LLC

Docket No. 2014-0208-1481  
File # Project No. 2014-028-727-ND

On September 10, 2014, the Texas Commission on Environmental Quality (Commission) considered the petition for rulemaking filed by Waste Control Operations (WCO) on behalf of itself as the "petitioner." The petitioner filed the petition on July 27, 2014 with the Office of the Chief Clerk, requesting that the commission amend 35 TAC Chapter 205, Radioactive Solids, rules to better align current definitions and disposal methods in Chapter 205 with state and federal statutes and regulations.

IT IS THEREFORE ORDERED BY THE COMMISSION pursuant to Administrative Procedure Act, Texas Government Code, § 2001.001 that the executive director initiate rulemaking.

This decision overturns the decision of the Commission required by the Texas Government Code, § 2001.001(c).

Issue date: SEP 19 2014

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Bryan W. Harv*  
Bryan W. Harv, P.E., Chairman



## SNF and HLW Storage

- The federal government is responsible for the disposal of SNF produced by commercial nuclear reactors in the U.S.
- The Nuclear Waste Policy Act of 1982 required Presidential approval of a final disposal facility recommended by DOE.
  - Requires the ratepayers of commercial nuclear reactors to pay fees for a permanent geologic repository.
- In 2002, President George W. Bush approved DOE's recommendation to dispose of SNF at the Yucca Mountain facility in Nevada.
- NRC received an application from DOE to license Yucca Mountain in 2008.
- Actions needed to complete the construction and licensing of Yucca Mountain suspended.

12



## Blue Ribbon Commission

- Blue Ribbon Commission was chartered to evaluate best approach for the federal government to manage the back-end of the nuclear fuel cycle.
- Consensus-based licensing in a community willing to host an interim spent fuel storage facility is a cornerstone of the Commission's findings.
- Blue Ribbon Commission recommended development of an interim spent fuel storage facility until a permanent repository became operational.
- Interim storage of SNF maybe for 60-100 years until a repository is constructed and licensed.

13



## A Texas Solution

- In April 2014, Governor Rick Perry requested state leadership consider the interim storage of SNF in Texas based on a study conducted by the TCEQ.
- Allows Texas to recoup more than \$700 million they have paid into the Nuclear Waste Fund.
- Indefinite storage onsite at Comanche Peak and South Texas Project not adequate.

**Gov. Perry Calls for 'Texas Solution' for State's Used Nuclear Fuel**

April 9, 2014—Gov. Rick Perry is asking state lawmakers to "develop a Texas solution" for the used nuclear fuel and high-level radioactive waste "currently residing in our borders," citing the federal government's failure to build a permanent repository.

In a March 26 letter to David Dewhurst, lieutenant governor and Senate president, and House Speaker Joe Straus, Perry said the federal government had "betrayed" the people of Texas as well as other states storing used nuclear fuel at reactor sites because "after contributing billions of dollars to fund a federal solution for [high-level waste] disposal, ... a federal solution still does not exist."

Perry portrayed the proposal as a response to the concern in a storage or disposal facility expressed by some New Mexico communities. "The New Mexico proposed site is approximately 50 miles from the Texas border, and we must ensure our citizens are protected," Perry wrote.

"We have no choice but to begin looking for a safe and secure solution for [high-level waste] in Texas," he said, adding that it would allow the state's citizens to recoup the "more than \$700 million" they have paid to the federal Nuclear Waste Fund "a fee that consumers of nuclear energy have been paying on their electric bills since 1983. The fund, with interest, has grown to more than \$3.5 billion."

He said his decision is based on a report issued at his request by the Texas Commission on Environmental Quality. While the report acknowledges that the state's South Texas Project and Comanche Peak nuclear energy facilities are safely storing their used nuclear fuel, it says their indefinite storage on site is "not an adequate solution."

14



## Community Outreach

- WCS has initiated discussions with Andrews for support to site a Centralized Interim Storage Facility in Andrews County, Texas.
- Approximately 500 individuals attended the public meeting.
- WCS underscored that proceeding with the project only with the support of the local community.



15



## Conclusions

- WCS has made tremendous strides in providing national solutions to waste management challenges.
- Waste management practices have matured considerably over the past 40 years.
- A solution is needed for permanent disposal of GTCC and GTCC-like LLW.
- A TCEQ rulemaking would serve a national need for the timely disposal of GTCC and GTCC-like LLW.
- NRC must still complete rulemaking for commercial GTCC LLW.

16



## Conclusions

- Blue Ribbon Commission recommended interim storage of spent fuel in State with strong community support.
- Governor Rick Perry has already expressed support for siting a Centralized Interim Storage Facility in Texas.
- Strong community support from Andrews essential to licensing a Centralized Interim Storage Facility at WCS.
- WCS has begun the process of discussing the possibility of licensing a Centralized Interim Storage Facility with the community leadership in Andrews.

17