

From: "rjs.mail@netzero.net" <rjs.mail@netzero.net>
To: <nrcprep@nrc.gov>
Date: Sat, Jan 15, 2005 1:18 AM
Subject: Docket No. 70-3103, Attn-Anna Bradford

NUREG-1790;
Docket No. 70-3103;
Attention: Anna Bradford

CC: <rjs.mail@netzero.net>

1/18/05

BD Bradford

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SISP Review Complete

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*FRDS = ADM-03
add = T. Johnson (TCS)
G. Bradford (AMBF)*

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January 14, 2005

Chief, Rules Review and Directives Branch
Division of Administrative Services, Office of Administration
U.S. Nuclear Regulatory Commission
Mail Stop T6-D59
Washington, DC 20555-0001

RE: Docket No. 70-3103; NUREG-1790, Draft Environmental Impact Statement for the
Proposed National Enrichment Facility in Lea County, New Mexico

Dear Sirs:

On January 7, 2005, I sent comments to NRC regarding NUREG-1790, Docket No. 70-3103. Yesterday I learned that there were two errors in my comments, and while they are not crucial to the DEIS, I am submitting the following corrections. Although too late to be entered into the record, I am sending the corrections in the interest of accuracy.

In Section I), Part B), the second paragraph contained an error regarding WCS' storage and processing license. I stated that the current request for amendment is for permission to store and process 11e(2) byproduct material, when in fact the request is for an increase in levels of radioactivity allowed for 11e(2) material. A second license request is not for an amendment, but for permission to dispose of the higher concentration 11e(2) material. The paragraph should read as follows:

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Waste Control Specialists currently is licensed by the Texas Department of State Health Services (formerly the Texas Department of Health) to process and store low-level radioactive waste (Classes A, B, C, greater-than-class-C and sealed sources),

11e(2) uranium byproduct, and mixed hazardous and radioactive waste. Although the license includes 11e(2) byproduct material, WCS has requested an amendment which would allow it to store and process byproduct with much higher concentrations of radioisotopes (now being stored by DOE in Fernald, Ohio). WCS has also applied to TDSHS for a license to dispose of this highly concentrated form of 11e(2) material. The storage amendment request will probably be granted this spring, but a ruling on the disposal permit will take about another year.

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The fourth paragraph of Section I), Part B) also contains an error regarding the means

by which LES' depleted uranium may be accepted for disposal by the Texas-Vermont Compact facility. I stated that LES may contract with the TX-VT Compact Commission, when in fact the contract must be arranged through the agency of the Rocky Mountain States Compact (or the DOE). The paragraph should read as follows:

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The Texas-Vermont Compact states: "The commission may:...Enter into an agreement with

any person, state, regional body, or group of states for the importation of low-level

radioactive waste into the compact for management or disposal, provided that the agreement receives a majority vote of the commission..." [TX-VT Compact, Article III,

sec. 3.05(6)]. The definition of "person" includes any "...individual, corporation, partnership or other legal entity, whether public or private" [TX-VT Compact, Article

II, Sec. 2.01(14). Because of this Compact "loophole," both Louisiana Energy Services

and the Department of Energy may contract with the Compact Commission (six of whom will be from Texas, one from Vermont) to dispose of low-level radioactive waste at the

Compact facility. However LES would need to receive permission from the Rocky Mountain

Compact (of which New Mexico is a member) to use the WCS facility, or the contract

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could be between the two compact commissions. There is no statutory limit on the volume or activity of waste that can be received at the Texas Compact site (limits apply only to Vermont), and the facility may receive any form of low-level waste that is accepted by TCEQ rules.

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I would appreciate your adding these corrections to my previous comments, and I look forward to a Final Environmental Impact Statement.

Sincerely,

Richard Simpson
P.O. Box 13101
Austin, TX 78711

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