



**UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001**

June 22, 2016

Mr. Scott Kirk
Vice President of Licensing
and Regulatory Affairs
Waste Control Specialists, LLC
5430 LBJ Freeway, Ste. 1700
Three Lincoln Centre
Dallas, TX 75240

**SUBJECT: ACCEPTANCE REVIEW OF SPECIFIC LICENSE APPLICATION REQUESTING
AUTHORIZATION TO CONSTRUCT AND OPERATE A CONSOLIDATED
INTERIM STORAGE FACILITY FOR SPENT NUCLEAR FUEL –
SUPPLEMENTAL INFORMATION NEEDED**

Dear Mr. Kirk:

By letter dated April 28, 2016, Waste Control Specialists, LLC (WCS) submitted a specific license application under 10 CFR Part 72 requesting authorization to construct and operate a Consolidated Interim Storage Facility for Spent Nuclear Fuel and Reactor-Related Greater Than Class C Low-Level Waste in Andrews County, Texas. The Nuclear Regulatory Commission (NRC) performed an acceptance review of the application to determine if the application contains sufficient technical information to allow the NRC staff to complete the detailed technical review.

The purpose of this letter is to advise you, based on the NRC staff's acceptance review, the application does not contain sufficient technical information. The information needed to continue the NRC's review is described in the enclosure to this letter as Requests for Supplemental Information (RSI). The RSIs generally fall into the following categories:

- The licensing basis for the dry cask storage systems intended to be stored at the site is not clearly defined. Examples include:
 - References which form the safety basis are not provided in or with the application.
 - The application does not clearly describe which portion of documents incorporated by reference are being credited in the licensing basis and what credit is being taken in these documents to form the licensing basis (refer to Page 6 of your presentation given at the pre-application meeting on January 14, 2016, which quotes NRC Regulatory Guide 3.48 and states "SAR Sections need to point to applicable sections of reference documents").

Upon removal of Enclosures 2 and 3 this document is uncontrolled
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- The submitted application is not limited to previously approved storage casks and instead appears to potentially include future certificate of compliance (CoC) amendments that have not yet been reviewed and approved by the NRC (see proposed Technical Specification Sections 2.1.1 through 2.1.7). You previously communicated to the NRC that your application would seek authorization to use dry storage systems currently loaded with spent fuel for which the associated safety analysis report (SAR) revisions and associated CoC amendments (i.e., the licensing bases) have been reviewed and approved by NRC. During the June 16, 2015 pre-application meeting, you informed the staff that “Additional Systems and Sites will be added in Future Amendments, as appropriate” (refer to Page 5 of your presentation). In addition, proposed License Condition 9 states “Storage is authorized only in canisters referenced in the Section 2.1 of the Attachment, Appendix A Technical Specifications...” but Section 2.1 does not identify canisters by current storage location, CoC amendment, or SAR revision. Proposed License Condition 9 also refers to 10 CFR 72.48, “Changes, tests, and experiments,” but it is not clear in the application how this regulation applies to the canisters proposed to be stored at the WCS site since they will have been loaded to specific amendments and SAR revisions and stored for some time without modification before being transported to WCS for storage.
- The level of detail in certain application sections is not adequate. This includes, for example, the descriptions of required facility programs, including physical security.

Response to the RSIs should be provided within 28 calendar days from the date of this letter. WCS should notify NRC within two weeks of receipt of this letter whether WCS can fully respond to the RSIs within this time frame. If WCS is not able to respond within this time frame or RSI responses provided to the NRC do not provide sufficient information, the application may not be accepted for review.

In addition to RSIs, NRC staff is also including Observations. Observations are questions identified by NRC staff during the acceptance review, which do not rise to the level of a RSI that needs to be resolved before the requested licensing action could be accepted for review, but may need further clarification should the application be docketed. Observations are not the result of a detailed technical review and may be resolved if the staff begins a detailed review.

Other information needs not identified in this letter may also be identified if the application is accepted for review that would necessitate RAIs.

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Please reference Docket No. 72-1050 and CAC No. L25112 in future correspondence related to this action.

If you have any questions regarding these matters, please contact the Project Manager, John-Chau Nguyen, at (301) 415-0262.

Sincerely,

/RA/

Mark D. Lombard, Director
Division of Spent Fuel Management
Office of Nuclear Material Safety
and Safeguards

Docket No. 72-1050

CAC No. L25112

Enclosures:

1. Non-Proprietary RSI and Observations
2. Proprietary RSI and Observations
3. Proprietary Physical Security Plan RSI
and Observations

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OFC:	DSFM		DSFM		DSFM		DSFM		
NAME:	JNguyen		WWheatley		JMcKirgan		MLombard		
DATE:	06/17/2016		06/20 (via email)		06/21/2016		6/22/2016		

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