



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

December 8, 2016

Robert E. Rutkowski  
2527 Faxon Court  
Topeka, KS 66605-2086

**SUBJECT: WASTE CONTROL SPECIALISTS LLC (CONSOLIDATED INTERIM SPENT FUEL STORAGE FACILITY), DOCKET NO. 72-1050**

Dear Mr. Rutkowski:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your e-mail to Chairman Stephen G. Burns, dated October 27, 2016. In that e-mail, you ask that the NRC halt its review of the license application of Waste Control Specialists (WCS) for a license to construct and operate a consolidated interim storage facility.

The NRC staff is currently conducting its acceptance review of the WCS application, filed on April 28, 2016 (Agencywide Documents Access and Management System (ADAMS) Accession Number ML16133A313). The NRC staff has not yet made a decision on whether to accept the WCS application for docketing. By letter dated June 22, 2016 (ADAMS Accession Number ML16175A277), the NRC requested supplemental information from WCS to aid in the acceptance review; WCS informed the NRC, by letter dated November 16, 2016 (ADAMS Accession Number ML16330A094), of its intent to provide its final submittal of the supplemental information by December 16, 2016. In the interim, WCS requested, by letter dated July 21, 2016 (ADAMS Accession Number ML16229A340), that the NRC initiate its environmental impact statement (EIS) process for the application. By letter dated October 7, 2016 (ADAMS Accession Number ML16285A317), the NRC staff informed WCS that it would begin the EIS process, but noted that this decision does not presuppose the outcome of the acceptance review. If the NRC staff does not accept the application for docketing, it will terminate the EIS process.

The NRC is currently seeking comments from the public on the issues to be covered in the environmental review of the application from WCS. The NRC will prepare an EIS to document its evaluation of those impacts. Written comments on the scope may be submitted over the Federal Government's rulemaking website, [www.regulations.gov](http://www.regulations.gov), using Docket ID [NRC-2016-0231](https://www.regulations.gov/docket/2016-0231); by email to [WCS\\_CISF\\_EIS@nrc.gov](mailto:WCS_CISF_EIS@nrc.gov); or by mail to Cindy Bladey, Office of Administration, Mail Stop: OWFN-12 H08, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

Your letter also refers to correspondence to the NRC from four groups suggesting the WCS plan of operations does not comport with the Nuclear Waste Policy Act of 1982 (NWPA), as amended. The issue related to the NWPA is beyond the scope of the NRC staff's acceptance review. "In conducting this 'acceptance review,' the Staff does not consider the technical or legal merits of the application; rather, the Staff's preliminary review is simply a screening

process—a determination whether the license application contains sufficient information for the NRC to begin its safety review.” *U.S. Department of Energy* (High Level Waste Repository: Pre-Application Matters, CLI-08-20, 67 NRC 272, 274 (2008)).

If the NRC staff accepts the application for detailed technical review, the NRC will issue a notice of opportunity to request a hearing and petition for leave to intervene, consistent with the NRC’s rules of practice in Title 10 of the *Code of Federal Regulations* Part 2. I want to thank you for sharing your concerns in this matter.

Sincerely,

***/RA John Tappert Acting for/***

Marc L. Dapas, Director  
Office of Nuclear Material Safety  
and Safeguards

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