

WCS_CISFEISCEm Resource

From: Karen Hadden <karendhadden@icloud.com>
Sent: Friday, April 28, 2017 11:56 PM
To: WCS_CISFEIS Resource
Subject: [External_Sender] Public Citizen's EIS Scoping Comments for WCS' CISF application -
Attachments: Public Citizen scoping comments -4-28-17 .docx; ATT00001.htm; icon_3_pdf_x32.png; ATT00002.htm; 0.png; ATT00003.htm; 0.png; ATT00004.htm; 0.png; ATT00005.htm; icon_1_word_x32.png; ATT00006.htm; 0.png; ATT00007.htm; 0.png; ATT00008.htm

Federal Register Notice: 81FR79531
Comment Number: 16223

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Subject: [External_Sender] Public Citizen's EIS Scoping Comments for WCS' CISF application -
Sent Date: 4/28/2017 11:55:56 PM
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From: Karen Hadden

Created By: karendhadden@icloud.com

Recipients:

Post Office: icloud.com

Files	Size	Date & Time
MESSAGE	0	4/28/2017 11:59:42 PM
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Options

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Recipients Received:

Attn: Cindy Bladey
Office of Administration
Mail Stop: OWFN-12-HO8
U.S. Nuclear Regulatory Commission,
Washington, DC 20555-0001
Via email to WCS_CISF_EIS@nrc.gov.

RE: Docket No. 72-1050; NRC-2016-0231 Waste Control Specialists LLC's Consolidated Interim Spent Fuel Storage Facility Project

April 28, 2017

Dear Ms. Bladey and the NRC Application Review Staff:

Public Citizen, Inc. respectfully submits the following scoping comments regarding the Environmental Impact Statement of *WCS' Consolidated Interim Spent Fuel Storage Facility (CISF)*. Please consider the following issues for inclusion in the environmental impact study for the above-referenced spent nuclear fuel storage facility.

We are attaching a number of documents for incorporation into the record. We also adopt and include below the comments submitted by the Sustainable Energy & Economic Development (SEED) Coalition.

Public Citizen advocates for a healthier and more equitable world by making government work for the people and by defending democracy from corporate greed. In addition to the comments included here, more than 17,697 of our members across the United States have also submitted comments about Waste Control Specialists and the radioactive waste storage facility in Andrews County, TX. We have been told over 500 comments of opposition have been submitted by residents of Andrews Texas. Comments for 77 recent attendees at Earth Day Texas are attached.

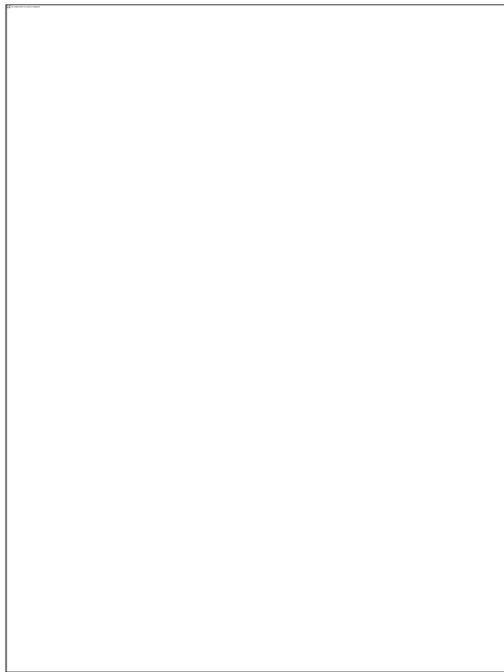
We appreciate the opportunity to submit the following additional comments.

I. Specify the Routes before Performing the EIS Study

Please further study impacts of transportation on the communities through which this waste is to be routed. We recommend that the review be postponed and no license be issued until after the transportation route study planned by DOT is completed in 2022 and local hearings are held along the projected routes. It is impossible to accurately address the environmental impacts of transportation without knowing exactly how the waste would get to West Texas.

WCS's application includes maps (below) that indicates that radioactive waste may be transported on railroads throughout the United States. The rail lines with the capacity to haul this extremely heavy cargo would likely run through the center of our urban areas. These means that the WCS plan potentially endangers millions in Texas' urban centers. Based on the WCS submission we anticipate that the routes would include transport through cities including Dallas/ Ft. Worth, Houston, San Antonio, Midland and El Paso. We believe that people along the route

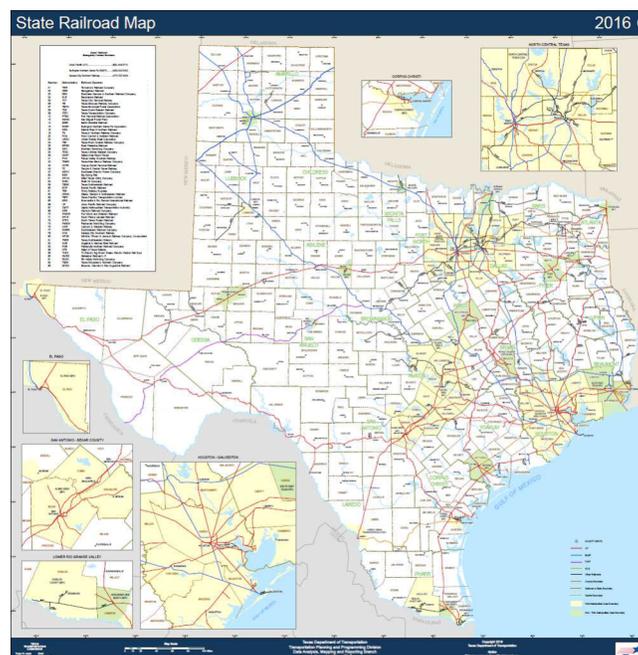
and within the 50-mile region of influence for accidents and sabotage, are affected parties and their concerns must be considered and the consent of the governing bodies in those communities must be granted. As noted below several county commissions and the City of San Antonio have passed resolutions opposing transportation through their communities.



II. Account for the Risk of Terrorist Attacks on Material Transported through Texas' Major Cities

Regular and continued shipments of high-level radioactive waste through major cities create attractive targets for terrorism. This risk must be examined and addressed in the EIS.

Over 10,000 shipments of high-level radioactive waste would be transported to a location for storage for forty years or longer. This waste would come from 62 sites, most of which are to the North and East of Texas, and the waste would likely travel down rail lines along I-10, I-20, I-30, I-40, and I-27 to proposed sites at Andrews, Texas and possibly to Hobbs, New Mexico as well. Potentially decades later, the waste would have to be moved again to a final repository. The increased risk from shipping twice should be considered in the EIS.



The insets on this map show the routes through Texas major cities.

Shipping high-level radioactive waste through population centers creates an attractive target for terrorists. If terrorists were to attack, they'd be most likely to do so in a higher value city like San Antonio (with its military bases), Houston (nation's largest petrochemical complex and second largest port), or Dallas/Ft. Worth (among the nation's most congested rail hubs) than in a small Texas town.¹

A terrorist strike on a shipment of radioactive waste would create an immediate health and safety hazard to the surrounding population. The radioactive contamination caused by a successful terrorist attack could render large areas of land uninhabitable for generations. This is a considerable risk to human health and safety that must be accounted for.

¹ http://gov.texas.gov/files/ecodev/Logistics_Report.pdf

III. Examine the Possibility of Drone Attacks

The transportation study required as part of the environmental impact statement should be updated to include the potential impacts of radioactive waste shipments being attacked by terrorists using drones. Drones are a dangerous new threat to our troops abroad, as was recently seen in battles with terrorists in Mosul, Iraq.²

A recent report³ detailed the growing use of drones as terrorist tools. WCS anticipates 4 years of permitting and construction, followed by 24 years of transportation of high-level radioactive waste. The use and sophistication of drone attacks by terrorists over this long time period could increase exponentially. The risk of such possibilities should be thoroughly examined.

IV. Key Counties and Cities along the Waste Transport Routes Oppose Having Waste Transported through their Communities and Their Opposition must be Considered

Bexar, Dallas, and Midland Counties and the City of San Antonio have all approved resolutions opposing consolidated interim storage of high-level radioactive waste and transport of waste through their communities.⁴ The Midland County Commissioners passed a resolution on April 24th that says clearly: **“The citizens do not want any nuclear waste transported through Midland County.”** It further requested the federal government:

1. Hold local hearings along any designated route which includes Midland County.
2. Fully fund, equip, and train local first responders covering possible nuclear waste accidents in Midland County for the duration of the nuclear waste transport program.
3. Provide continuing inspections by the appropriate authorities of rails, interstate highways, and state highways which could be used for nuclear waste transportation.
4. Provide a complete explanation of why nuclear waste cannot be stored at the site it is currently being held or a permanent repository.
5. Provide a complete explanation of why nuclear waste must be moved twice

Opposition by nearby Eunice, New Mexico about the Transportation and Storage of Waste must be Considered

At only 4 miles from WCS’ proposed high-level radioactive site, Eunice, New Mexico is the closest city. Eunice Mayor Johnnie "Matt" wrote to Public Citizen member Michael Trost, saying:

We have opposed the nuclear waste dump as it is so close to the city. It is only 4 miles and we are uncomfortable with the location. Also the waste material will be transported through the city and my council is very concerned. We have attended the meeting (in Hobbs) and expressed our concerns.⁵

² https://www.washingtonpost.com/world/national-security/use-of-weaponized-drones-by-isis-spurs-terrorism-fears/2017/02/21/9d83d51e-f382-11e6-8d72-263470bf0401_story.html?utm_term=.290f6b7d82e4

³ www.memri.org/reports/decade-jihadi-organizations-use-drones---early-experiments-hizbullah-hamas-and-al-qaeda

⁴ See attached.

⁵ see attached text from Mayor White

VI. “Consent” by Andrews County, Texas was Improperly Obtained and Tainted by Conflict, and is Devoid of Authority

Officials from the Department of Energy have portrayed Andrews County, Texas as giving its “consent” to the high-level storage site. However, this claim is problematic for reasons including a total lack of citizen input, the presence of a massive conflict of interest, and the lack of any legal authority by Andrews County to “consent” to the proposal.

On January 20, 2015, Andrews County Commissioners passed a resolution supporting Waste Control Specialists’ application for a consolidated interim high-level waste storage site. Although there were some stories in the local newspaper about WCS’ proposal, there appears to have been little, if any, effort to reach out to citizens. No members of the public spoke on the matter when it was addressed by the Andrews County Commissioners. Only WCS appeared at the hearing and the motion was approved without any community input. This hardly constitutes informed consent and is a serious failure considering the magnitude on this decision.

The county has issued \$75 million in bonds for facilities at the WCS site that it owns and leases to WCS. Now Andrews County needs revenue from a profitable venture by WCS to pay off these bonds. The bonds were very controversial and passed by a margin of only 3 votes (642 in favor and 639 opposed). This slim margin of victory might have led County Commissioners’ to fear that an informed public might reject plans for expansion of the site.

We have already seen how WCS uses concerns about profitability to expand the waste volume and curies at the site. The volume of low-level waste arriving at the current site has been less than projected, and therefore revenues have been less than expected as well. WCS has used this lack of profit to argue the need to expand the volume of the existing site. A county with debt obligations linked to the profitability of the site might be unduly influenced by such arguments.

Furthermore, Andrews County’s “consent” to the new site has no legal or regulatory basis. President Obama’s “Blue Ribbon Commission” on the issue recommended a “consent-based” process, but that recommendation was never codified in law or adopted by regulation. Nor was the definition of “consent” ever finalized. Thus, DOE’s reliance on Andrews County’s resolution as evidence of local consent has no legal basis.

Eunice, New Mexico—not Andrews County—is the nearest governmental body. The Mayor of Eunice has publicly commented on the City’s opposition to the site and expressed concerns about transportation. A fair definition of “informed consent” would give weight to the nearest and most affected community, which in this case is Eunice, NM.

V. Unresolved Concerns about the Proximity of the Site to the Ogallala Aquifer Make This an Unsuitable Site

The NRC should review the proximity of this site to groundwater. All of the professional staff at who reviewed the application for the Compact and Federal facility license at the Texas Commission on Environmental Quality recommended denial due to the proximity of the site to the groundwater, which is still an issue. Water has continued to show up in many monitoring

wells, indicating that site is wet, and it could be unsuitable for interim waste storage for this reason.

On August 10, 2010, Public Citizen, SEED Coalition and a number of other groups filed a request for investigation of the suitability of WCS site with Carrie Brown, Allegation Coordinator, Intergovernmental Liaison Branch, U.S. Nuclear Regulatory Commission, Mail Stop T8F-42, Washington, DC 20555-0001 entitled:

Request for Investigation and Enforcement Action With Respect To Licensing and Operation of WCS Low-Level Radioactive Waste Storage and Disposal Facilities in Texas and Other Radioactive and Hazardous Waste Storage and Disposal Facilities at the Site

That complaint outlined number of concerns with the proximity of the low-level site to the Ogallala Aquifer and outlined flaws in the approval process. That complaint is attached. However, it was never acted upon.

The following excerpt from page 5 of that request for investigation summarizes how the concerns of the Radioactive Waste Division professional staff who reviewed the license and recommended denial due to the proximity of groundwater were dismissed by management of the Texas Commission on Environmental Quality:

TCEQ officials ignored technical staff recommendations and warnings. In August, 2007, after spending considerable time reviewing WCS's application for a LLRW disposal facility, two geologists and two engineers on TCEQ's technical staff prepared an interoffice memo bluntly stating that the LLRW disposal facility's proximity to two aquifers made it "highly likely" that radioactive waste would leak into groundwater.⁶ They explained:

Analysis of the data submitted by Waste Control Specialists LLC, in its license application for near-surface disposal of radioactive waste, has resulted in the following conclusions:

- Groundwater is likely to intrude into the proposed disposal units and contact the waste from either or both of two water tables near the proposed facility. The Applicant has failed to demonstrate compliance with 30 TAC §336.728(f) which states "The disposal site shall provide sufficient depth to the water table so that groundwater, perennial or otherwise, shall not intrude into the waste."

⁶ TCEQ Interoffice memo, August 14, 2007, regarding Groundwater intrusion into proposed LLRW facility, page 2

- The Applicant has failed to successfully use numerical modeling to predict the future location of one water table that is expected to intrude into radioactive waste. This constitutes a failure to characterize the proposed site as required by 30 TAC §336.728(a) which states the proposed disposal site "...be capable of being characterized, modeled, analyzed, and monitored." Moreover, the Applicant's failure to model the future location of the water table violates 30 TAC §336.709(1) which requires analysis of future site conditions.

Based on information provided, the Applicant has not demonstrated the site is suitable for near surface disposal of radioactive waste.⁷

The site, they wrote, "cannot be improved through special license conditions."⁸ After a four-year license review, they recommended denying the license.⁹

Similarly, following a technical review of WCS's application for a radioactive by-product disposal facility license, TCEQ staff wrote in an August 2007 interoffice memo that they could NOT conclude that the application complies with applicable TCEQ rules. In this memo, Patricia Bobeck, P.G. and Conrad Kuharic, P.G., explained that

the application contains inconsistencies and contradictions and lack of detailed geologic data resulting in an incomplete geologic characterization. In addition, hydro geologic uncertainties and unknowns and modeling that shows water encroachment into the byproduct material landfill shows that the application lacks the requirements to demonstrate compliance with the [applicable] rules.¹⁰

With TCEQ staff so clearly concerned about the risks of groundwater contamination and questioning the suitability of the site and whether it could meet legal requirements, the issue of whether the WCS site lies above the Ogallala Aquifer, or whether it is very close in proximity to this aquifer and would allow for groundwater connections, became hotly debated.

According to the Houston Chronicle, "When WCS President Rodney Baltzer learned of the [August 14, 2007] memo he immediately sought out meetings with executive director, Glenn Shankle, who decided in December [2007] to begin drafting the license. In fact, records from TCEQ show that during the time period

⁷ IBID, pg. 1.

⁸ IBID, pg. 1.

⁹ IBID, pg 1.

¹⁰ TCEQ Interoffice Memo regarding Final Technical review for byproduct material disposal facility in Andrews County, August 31, 2007.

after the staff's recommendation, Shankle was frequently meeting with Waste Control officials, attorneys and lobbyists.”¹¹

TCEQ executive director Glenn Shankle overruled the staff recommendation to deny the LLRW disposal facility license and ordered that the application be approved and that the draft license be drawn up. Similarly, he ordered approval of the application for the radioactive by-products disposal license, and a license was subsequently drafted. (Footnotes in the excerpt refer to original document)

VI. WCS lacks adequate financial resources to even complete the license application, calling into question whether they could afford to safely construct a high-level storage site.

WCS recently asked the NRC to suspend their application, saying:

WCS also is faced with a magnitude of financial burdens that currently make pursuit of licensing unsupportable. This is so because following the recent docketing of the CISF application in January 2017, the cost profile for WCS' pursuit of the CISF application has increased dramatically.

The NRC recently provided WCS an estimate of the cost of the application review of \$7.5 million, which is significantly higher than we originally estimated. Also, the costs associated with the commencement of the public participation process and a potential adjudicatory hearing before the Atomic Safety and Licensing Board, are estimated to be considerable, especially in the very near term. The cost sharing arrangement WCS had in place with one of its partners for this project has been depleted, and WCS has been unable to reach an agreement to extend these arrangements. At the same time, WCS has faced significant operating losses in each of its operating years, and the cost of actively pursuing the project only serves to increase those losses.

VII. There is no Statutory Authority to Suspend Processing of a High-Level Waste Consolidated Interim Storage Application and thus NRC should dismiss the application.

We believe that processing an interim waste storage application is illegal until such time as a final repository has become operational. Public Citizen, SEED Coalition and several other organizations wrote to the NRC Commissioners asking that the WCS application be dismissed for this reason. However, the NRC moved forward with its review and said that the issue can be raised later as a contention.

¹¹ Houston Chronicle, “Radioactive Waste Roils State Agency” by Janet Elliott, March 3, 2008-
http://blogs.chron.com/texaspolitics/archives/2008/03/podcast_radioac.html.

Now WCS has asked that review of the application be suspended, but there is no statutory authority for the Commission to take such an action. For both of these reasons, the application should be dismissed.

The applicant has said in its letter to the Commission that it does not have the funds needed to complete the application process, another indicator as to why dismissal of the application is in order.

It also is clearly an admission that WCS can't proceed unless something changes for them economically.

There are three ongoing public processes that might change WCS future prospects:

1. The merger with Energy Solutions Inc., which is currently being contested by the Department of Justice on the grounds that the merger would eliminate competition and create a monopoly that is contrary to the public interest. The outcome of this case may not be favorable to WCS. Even if the merger is successful, having a newly created entity at the helm would require a fresh start on the application, which would include new financials for the new owner.
2. HR 474 by Issa is pending in Congress. It would authorize interim storage facilities and reform the standards for storing nuclear waste. It is unlikely that it will pass given Congress' 30-year record of inaction on nuclear waste policy. However, if it did pass, the bill as filed would require rulemaking and a much different application than is currently pending, making this application moot.
3. Texas Attorney General Ken Paxton has sued Energy Secretary Perry asking him to act to approve Yucca Mountain, which would remove a barrier to interim storage. However, that process would be affected by a court order and likely require new rules, again requiring a new application process.

Each of these possibilities would likely require a very different application. For all of the above reasons, the NRC should dismiss this application.

VII. This Site is Likely to Become the Nation's De Facto Permanent Waste Disposal Site, but is Unsuitable for Long Term Storage.

If approved, this site is likely to become the de facto permanent radioactive waste disposal site. Once this waste is transferred to the U.S. Government, utilities are no longer liable for the waste and thus they will no longer be lobbying for a long term repository. It is highly unlikely that Congress would fund a request for the \$100 billion or more needed to build a nuclear waste repository. Thus the NRC should evaluate the wisdom of allowing this waste to be stored above-ground in the extreme desert climate, considering the impact of degradation on the casks and the likelihood of water contamination,

Conclusion:

This application should be dismissed for the many reasons outlined above.

Comments by SEED Coalition, adopted by and included into Public Citizen's Comments:

Please study the impacts to facility workers and the public related to the following:

- (1) Radiological risks (including but not limited to health, environmental, social and economic impacts) from malevolent attacks (including but not limited to ground-based and air-based attacks) that cause failure of the containment structures/casks.
- (2) Radiological risks (including but not limited to health, environmental, social and economic impacts) from natural disasters (including but not limited to medium and large magnitude earthquakes) that cause failure of the containment structures/tasks.
- (3) Radiological risks (including but not limited to health, environmental, social and economic impacts) caused by the absence of a so-called hot cell or equivalent capacity to repackage spent nuclear fuel (SNF).
- (4) Radiological risks (including but not limited to health, environmental, social and economic impacts) anticipated from cask/containment failure irrespective of cause of such failure.
- (5) The potential for the subject SFSF facility to remain in use for an extended period (more than 100 years), and implications thereof.
- (6) In the event of complete single containment/cask failure, the nature and extent of radiological contamination of humans, air, soil, surface water and groundwater reasonably expected in the area of the SFSF including considerations of permanent or intermittent hydraulic connections between groundwater deposits.
- (7) In the event of failure of all projected containments/casks (a worst case scenario), the nature and extent of radiological contamination of humans, air, soil, surface water and groundwater reasonably expected in the area of the SFSF including considerations of permanent or intermittent hydraulic connections between groundwater deposits.
- (8) Impacts to and health and environmental implications of contamination groundwater underlying the area of the proposed SFSF.
- (9) Cumulative impacts of the presence of projected quantities of SNF co-located with nearby so-called low-level radioactive waste facility.
- (10) Environmental justice issues particularly related to the disproportionate health and environmental burdens the facility is likely to cause the majority minority community in the area of the proposed SFSF.

Thank you for your consideration and please reply by email or phone as to whether these comments have been received and are being considered.

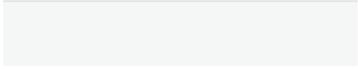
Respectfully Submitted

Thomas E Smith

Director of Public Citizen's Texas Office

309 East 11th Suite 2

Austin, Texas 78701





Dallas County Ra...

Resolution



ORDER NO. 23-196

DATE: April 6, 2017

STATE OF TEXAS

COUNTY OF DALLAS

BE IT REMEMBERED, at a regular meeting of the Commissioners Court of Dallas County, Texas, held on the 6th day of April, 2017, at a session made by Dr. Shelia M. Smith, Commissioner of District 1, and assisted by Clay James Jenkins, and Lee Stearny, Jr., the following Resolution was adopted:

WHEREAS, Dallas County is committed to providing the health, welfare, safety, and security of its residents through the services of its Departments of Health and Human Services, its emergency preparedness training and exercises provided through The Office of Homeland Security and Emergency Management, and its Public Health & Hospital System efforts; and

WHEREAS, Waste Control Operations (WCO) has applied to the Nuclear Regulatory Commission for a license to store up to 40,000 cans of "spent" nuclear reactor fuel, the nation's most dangerous nuclear reactor waste, at their facility in Tarrant County in western Texas. This waste could soon be shipped by rail to disposal facilities through the Dallas/Fort Worth region; and

WHEREAS, Transportation routes can be provided, but aren't, be approved by the U.S. Department of Transportation and the Nuclear Regulatory Commission until after licensing issued for completion. However, the "spent" nuclear reactor fuel should remain stored in or near the site of generation and be transported only once, when a scientifically viable permanent disposal site becomes available; and

WHEREAS, During this transport, if an accident should occur with the "spent" nuclear reactor fuel releasing only a small amount of radioactivity it could contaminate a 42 square mile area, a Department of Energy study found that cleanup could cost \$250 million in a rural area and \$511 million in the most heavily populated areas with an urban area; and

WHEREAS, Additionally, exposure to dangerous levels of radioactivity is known to lead to birth defects, genetic damage and cancer. Controlled exposure to high-level radioactive waste could give a fatal dose; and

WHEREAS, Our food, fuel, and supplies must be protected from radioactive contamination which could result from accidents, nuclear releases or leaks, or terrorist actions during the thousands of "spent" nuclear reactor fuel waste shipments that could occur for a period of 10 years if construction delays is allowed.

NOW, THEREFORE, BE IT RESOLVED that the Dallas County Commissioners Court does not support the transportation of high-level radioactive waste, including WCO's "spent" nuclear reactor fuel, via our railroads or highways through Dallas County for the purpose of construction storage or permanent disposal of high-level radioactive waste to Texas.

SIGNED BY COMMISSIONER this 6th day of April, 2017:


Clay James Jenkins, Chairman

Dr. Shelia M. Smith, District 1

Lee Stearny, Jr., District 2

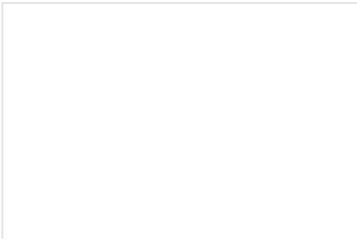
Clay James Jenkins, Chairman

Dr. Shelia M. Smith, District 1

Lee Stearny, Jr., District 2



Radioactive Wast... 



[Picture: http://www.mt.com/news/local/article/Commissioners-pass-nuclear-waste-transport-11285801.php](http://www.mt.com/news/local/article/Commissioners-pass-nuclear-waste-transport-11285801.php)

Commissioners pass nuclear waste transport resolution

Resolution recognizes opposition expressed by residents

By Simone Jasper sjasper@mt.com, Midland Reporter-Telegram. Published 7:48 pm, Monday, April 24, 2017



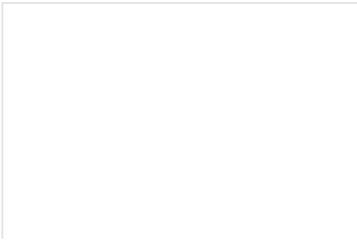
A caution sign stands outside the low-level radioactive waste site owned by Waste Control Specialists near Andrews, Texas.

The Midland County Commissioners' Court on Monday passed a resolution stating it recognizes residents oppose the transport of high-level nuclear waste through Midland County. The resolution also details the court doesn't have authority over nuclear waste transport and will convey five questions to the federal government when the topic arises.

The court previously hoped to answer questions stemming from five points: local hearings along the proposed route; federal funding and training for first responders prior to the first shipment and for



Midland County ... 



August 10, 2010

Carrie Brown
Allegation Coordinator, Intergovernmental Liaison Branch
U.S. Nuclear Regulatory Commission
Mail Stop 13F-42
Washington, DC 20555-0000

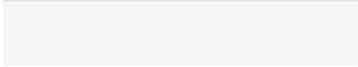
Dr. Al Aronowicz
Regional Administrator, Region 6
U.S. Environmental Protection Agency
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202

SUBJECT: *Request for Investigation and Enforcement Action With Respect To Licensing and Operation of WCS Low Level Radioactive Waste Storage and Disposal Facilities in Texas and Other Radioactive and Hazardous Waste Storage and Disposal Facilities at the Site*

Dear Ms. Brown and Dr. Aronowicz:

On behalf of Public Citizens, the Lone Star Chapter of the Sierra Club collectively, "Concerned Organizations", The Honorable Lou Burson, Member, Texas State Representative for Texas House District 99, Peggy and Melody Pryor, residents of Andrews, Texas, and Rose Gardner of El Paso, New Mexico collectively, "Concerned Citizens", we are writing to request that you investigate illegal and improper actions by the Texas Commission on Environmental Quality (TCEQ) in licensing and supervising Waste Control Specialists, Inc.'s (WCS) operation of by-product radioactive material and low-level radioactive waste (LLRW) storage and disposal facilities in Andrews, Texas.

A review of the facts will demonstrate that the radioactive storage and disposal programs administered by the TCEQ are inadequate to protect public health and the environment and incompatible with NRC standards, thus warranting an investigation. Specifically, we are concerned that TCEQ has repeatedly and brazenly abused the legal authority delegated to it by the U.S. Nuclear Regulatory Commission (NRC) under the Atomic Energy Act and has failed to protect public health and safety and the environment in licensing and overseeing the operation of WCS' LLRW and byproduct material storage and disposal facilities in Andrews County. As discussed below, in licensing new facilities for the disposal of LLRW and byproduct material, TCEQ has blatantly disregarded the warnings of its technical staff regarding the environmental and public health hazards of the proposed facilities. TCEQ staff members have left the agency as a result of their warnings going unheeded. Moreover, TCEQ has completely barred the affected public from participating in its decision-making process, arbitrarily refusing to grant detailed and well-documented hearing requests on WCS' license applications for by-product and LLRW disposal facilities. Finally, the integrity of TCEQ's entire program has been thrown into question by the favoritism shown by TCEQ to WCS and the appearance of impropriety by at least one



W

Request for Inves...



Cindy Bladley
Office of Administration
Mail Stop: DWPN-42-110W
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Email: WCS_CDF_EIS@nrc.gov

RE: Docket No. 72-1022; NRC-2008-0228; Waste Control Specialists LLC's Consolidated Interim Spent Fuel Storage Facility Project

April 21, 2007

Dear Cindy Bladley and NRC,

Waste Control Specialists' (WCS) application to import tons of spent fuel, high-level radioactive waste, from nuclear reactors around the country and store it in Andrews County for 40 years (or longer) should be halted in order to protect public health and safety.

Should you choose to instead continue reviewing the application, the Environmental Impact Statement should include potential impacts of accidents or terrorism incidents along those routes on public health and safety. If the license gets approved, deadly waste would be transported through our region for more than 20 years. Even one small accident would be one too many. Potential transportation routes should be designated and made public before any license application decision is made.

The EIS should look closely into the risk of ground-water contamination at the site, especially since the entire TCEQ Radioactive Materials Division recommended denying a license for "low-level" radioactive waste at the Waste Control Specialists site due to the proximity of groundwaters.

Please know that I don't consent to our state becoming a national radioactive waste dumping ground. We should not have to risk contamination of our land, aquifers or air or the health of plants, wildlife and livestock. Human exposure to high-level radioactive waste can lead to immediate death. Homeowners' insurance doesn't cover radioactive contamination. A single rail car could hold waste containing as much plutonium as the bomb dropped on Nagasaki. We've had train accidents in our region. 2015, a train derailed in our region - in Corsicana, Texas - after floodwaters washed out the track, and trains have collided head-on in West Texas at 80 mph.

Please host a hearing on the WCS application in the Dallas/Ft. Worth region so that Texans who would be put at risk can address the NRC on this important issue.

Sincerely,

 Jonathan A. Brink

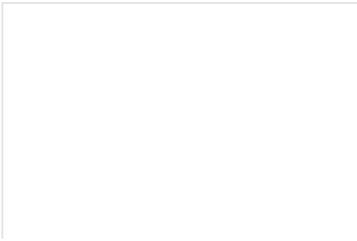
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NRC comment let... 



No. _____

**In the United States Court of Appeals
for the Fifth Circuit**

TEXAS, *Petitioner,*

v.

UNITED STATES OF AMERICA, UNITED STATES DEPARTMENT OF ENERGY, JAMES
RICHARD "REX" PERRY, IN HIS OFFICIAL CAPACITY AS UNITED STATES SECRETARY
OF ENERGY; UNITED STATES NUCLEAR REGULATORY COMMISSION; KRISTINE L.
SPINCKE, IN HER OFFICIAL CAPACITY AS CHAIRMAN OF THE UNITED STATES NU-
CLEAR REGULATORY COMMISSION; UNITED STATES NUCLEAR REGULATORY COM-
MISSION ATOMIC SAFETY AND LICENSING BOARD; THOMAS MOORE, PAUL
RYERSON, AND RICHARD WARDWELL, IN THEIR OFFICIAL CAPACITIES AS UNITED
STATES NUCLEAR REGULATORY COMMISSION ATOMIC SAFETY AND LICENSING
BOARD JUDGES, UNITED STATES DEPARTMENT OF THE TREASURY, AND STEVEN T.
MELCHON, IN HIS OFFICIAL CAPACITY AS UNITED STATES SECRETARY OF THE
TREASURY, *Respondents.*

Original Action under the Nuclear Waste Policy Act

ORIGINAL PETITION

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