

**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
Before the Secretary of the Commission**

|                                       |   |   |
|---------------------------------------|---|---|
| In the Matter of                      | ) | Case Nos. NRC-2018-0080 and<br>NRC-2017- 0156 |
| Diversified Scientific Services, Inc. | ) | License No. XW008/05                          |
| (Export of radioactive waste)         | ) | Docket #11005323                              |
|                                       | ) |   |
|                                       | ) | June 14, 2018                                 |
|                                       | ) |   |

\* \* \* \* \*

**AMENDED PETITION FOR LEAVE TO INTERVENE AND REQUEST  
FOR HEARING OF PETITIONERS NUCLEAR INFORMATION AND  
RESOURCE SERVICE, TENNESSEE ENVIRONMENTAL COUNCIL  
AND DON'T WASTE MICHIGAN**

Now come Nuclear Information and Resource Service, Tennessee Environmental Council and Don't Waste Michigan, Petitioners to intervene in this matter ("Petitioners"), and renew and amend their August 10, 2017 "Request for Hearing and Leave to Intervene in DSSI Export Specific License Amendment Renewal."

By Order dated April 11, 2018, the Secretary of the Commission announced that Diversified Scientific Services, Inc. ("DSSI") had filed a revised application with the NRC to amend and renew License XW008/04; that the NRC intended to provide notice in the Federal Register of the opportunity to request a hearing on DSSI's revised application; and that Petitioners would be given 30 days after the Federal Register Notice to amend their original filing. Subsequently, notice was filed in the Federal Register on May 15, 2018.

Petitioners have previously set forth the basis for their legal standing. In support of this, their Amended Petition for Leave to Intervene, Petitioners incorporate fully by reference as though rewritten herein the entirety of the contents, supporting declaration and all documents submitted to the Nuclear Regulatory Commission (“NRC”) on August 10, 2017 as part of their original filing.

Further, Petitioners amend and supplement their original filing in the following respects:

***DSSI has not adequately described the radioactive contents of the wastes in its resubmitted license application***

Petitioners’ original contentions/issues remain valid critiques of the new version of the application for export from DSSI to Canada.

While applicant DSSI and its parent PermaFix have mechanically provided some of the answers required in the application which were not included in the previous version, it is still not clear how much radioactivity will be on each shipment and how many shipments will take place in the next 5 years under this license. How many and how much radioactivity will be allowed to enter the US because this export license allows some of it to be exported? The amounts indicated raise concern from a public health and environmental perspective and warrant a hearing. For example, 2000 curies is an enormous amount of radioactivity on one shipment. The shipments can contain plutonium and enriched uranium—supposedly not to exceed given levels but there is no provision for verification. Such shipments and treatment of such materials deserve public scrutiny on behalf of those who could be exposed to releases both routine and accidental. Neither NRC nor the applicant have clarified that the Canadian recipients of the waste from DSSI are fully permitted to receive (import from the US) the radioactive wastes.

In the amended license application, DSSI admits that it will be exporting Class A, B and

C waste to Canada, but maintains that “Waste classification as defined in 10 C.F.R. § 61.55 is not applicable to this export license since treated and processed wastes are returned to the ultimate consignee in Canada.” First, it is not up to DSSI to determine which regulations apply to its request and which do not. The company absurdly attempts to avoid an explicit requirement that radiation hazards be disclosed, a requirement that exists presumably for the NRC to conduct an assessment of risk to public health and safety and the environment while the waste is traveling, and being parsed out, and being reconstituted, concentrated and otherwise processed while in the United States. DSSI’s A, B, and C waste is going to travel for hundreds, perhaps thousands, of miles in the United States. It is extremely important, in the event of transport accident, misdelivery, mis-disposal and for accounting purposes - all of which must be conducted in light of possibly endangering the U.S. public and/or the environment - for disclosure of the radioactive contents, especially those identified in the § 61.55 tables, to take place. Carbon-14, which DSSI admits will be present in the waste, is a particularly vicious carcinogen. Section 61.55(a)(1) states in part that “the magnitude of the potential dose is limited by the concentration and availability of the radionuclide at the time of exposure.” Identification of the potential for harm must take place if the NRC import-export licensing process is to have any relevance to the Atomic Energy Act requirements that public health and safety, and the environment, be protected.

**WHEREFORE,** Petitioners Nuclear Information and Resource Service, Tennessee Environmental Council and Don’t Waste Michigan request that the Commission take note of the grounds set forth in their Amended Petition, and that they be granted leave to intervene in these proceedings, that an adjudicatory hearing be held and that the February 9, 2018 license

application be rejected and held for naught.

Respectfully,

/s/ Diane D'Arrigo

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### **CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing "AMENDED PETITION FOR LEAVE TO INTERVENE AND REQUEST FOR HEARING OF PETITIONERS NUCLEAR INFORMATION AND RESOURCE SERVICE, TENNESSEE ENVIRONMENTAL COUNCIL AND DON'T WASTE MICHIGAN" were served by me upon the parties to this proceeding via my deposit of the document in the NRC's Electronic Information Exchange system this 14th day of June, 2018. I further certify that on this date, I served a paper copy via regular U.S. Mail, postage prepaid, upon Executive Secretary, U.S. Department of State, Washington, DC 20520 and via email to the Deputy Executive Secretary, Department of State.

/s/ Diane D'Arrigo

Diane D'Arrigo, NIRS