



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

October 7, 2016

Mr. Michael Ford
Vice President of Licensing
and Corporate Compliance
Waste Control Specialists, LLC
5430 LBJ Freeway, Ste. 1700
Three Lincoln Centre
Dallas, TX 75240

SUBJECT: DECISION TO BEGIN ENVIRONMENTAL IMPACT STATEMENT PROCESS
REGARDING THE SPECIFIC LICENSE APPLICATION REQUESTING
AUTHORIZATION TO CONSTRUCT AND OPERATE A CONSOLIDATED
INTERIM STORAGE FACILITY FOR SPENT NUCLEAR FUEL

Dear Mr. Ford:

By letter dated April 28, 2016, Waste Control Specialists, LLC (WCS) submitted an application for a specific license under Title 10 of the *Code of Federal Regulations* Part 72 requesting authorization to construct and operate a Consolidated Interim Storage Facility (CISF) for spent nuclear fuel and reactor-related Greater Than Class C low-level waste in Andrews County, Texas. WCS further requested, by letter dated July 21, 2016, the Nuclear Regulatory Commission (NRC) initiate its Environmental Impact Statement (EIS) process for the WCS application as soon as practicable.

The purpose of this letter is to provide NRC's response to the July 21, 2016, WCS request. The NRC determined beginning its EIS process in advance of NRC's decision whether or not to accept WCS' CISF license application for docketing will further the purposes of the National Environmental Policy Act. This action will provide the NRC additional time to conduct required consultations with federal, tribal, state, and local governmental agencies; gather information about potential environmental impacts; and facilitate compliance with the Endangered Species Act and the National Historic Preservation Act. Additionally, by starting the EIS process now, the NRC will be able to engage interested members of the public earlier and accord the public additional time to review the WCS license application for the purposes of EIS scoping and development. The NRC will publish a notice in the *Federal Register* of its intent to prepare an EIS and to start the EIS scoping process in the near future.

This decision, however, does not presuppose the outcome of NRC's ongoing acceptance review of the WCS application. By letter dated June 22, 2016, the NRC requested supplemental information from WCS to aid in NRC's acceptance review; and WCS informed the NRC, by letter dated July 6, 2016, of its intent to provide the supplemental information over a period of months, with the final submittal scheduled for October 31, 2016. To date, WCS submitted supplemental information on July 20, August 19, August 31, and September 27.

Based on its review of the submitted supplemental information, the NRC determined that, for some of WCS' responses, the information provided did not adequately address the NRC's original request. Specific feedback regarding the WCS responses was provided at public meetings on August 22 and September 29, 2016. The NRC reiterates its expectation that WCS needs to fully respond to each of the supplemental information requests to result in a high quality application. Without this eventual result, NRC will not be able to accept the WCS application for docketing. Additionally, commencing the environmental review is a fee-billable activity and WCS will be responsible for these charges even if the application is not accepted for docketing.

If you have any questions regarding these matters, please contact the Project Manager, John-Chau Nguyen, at (301) 415-0262. Please reference Docket No. 72-1050 and CAC No. L25112 in future correspondence related to this action.

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

Based on its review of the submitted supplemental information, the NRC determined that, for some of WCS' responses, the information provided did not adequately address the NRC's original request. Specific feedback regarding the WCS responses was provided at public meetings on August 22 and September 29, 2016. The NRC reiterates its expectation that WCS needs to fully respond to each of the supplemental information requests to result in a high quality application. Without this eventual result, NRC will not be able to accept the WCS application for docketing. Additionally, commencing the environmental review is a fee-billable activity and WCS will be responsible for these charges even if the application is not accepted for docketing.

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Mark D. Lombard, Director
 Division of Spent Fuel Management
 Office of Nuclear Material Safety
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Docket No. 72-1050
 CAC No. L25112

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