

-----Original Message-----

From: [REDACTED] [1](#)

Sent: Friday, December 10, 2010 4:06 PM

To: [REDACTED]

Cc: [REDACTED]

Subject: NFSS

[REDACTED]

Sorry you didn't appreciate my humor. However, I think we are all getting the message that you want to show that there is some need for faster handling of the IWCS because it is leaking. Well EPA does not believe it is leaking. We have stated that now at two public meeting so I suggest you drop the issue, at least when it comes to EPA. As I have told you this isn't something on which we are going back and spending more time. We do believe the NFSS work needs to go as rapidly as possible for many reasons which I have articulated at the aforementioned meetings. I am sorry EPA's opinions and yours aren't totally consistent on this matter. As such it is better that you do not try to refer to any of what we at EPA have said to support your points about the IWCS status. It is also probably better that you do not continue the practice of copying others at EPA such as our RA or [REDACTED], the later not being connected with the chain-of-command for this particular matter, as I do not think this is viewed as constructive.

If you truly want information about disposal capacity then I think I have provided you with the best contact in [REDACTED].

As far as your questions are concerned: 1. is N/A; and 2. is huh.

We aren't responsible for the NFSS remedial action. The USACE is and they are the ones who are and will be looking at disposal capacity as part of the FS. I hope you don't mind if I find the second part of question 1. a bit obnoxious. As far as your insistence on proving the relevance of the IWCS water level monitoring scheme performed in the late 80s and early 90s I have to shake my head. There isn't anybody who is connected with this effort, the contractor who performed it, the DOE for which it was performed, the USACE, or the EPA which believe in the results of the project. That doesn't seem terribly unreasonable since the system was apparently struck by lightning twice and for which there was no Quality Assurance Project Plan. Frankly your insistence to try to support the use of this really detracts from your technical credibility.

I hope you can understand and respect the fact that EPA will need to step back from this matter until such time as an FS review is needed or some other issue germane to our involvement in this project arises.

Respectfully,

N/A

[REDACTED]
[REDACTED]
U.S. EPA Region 2
290 Broadway
New York, NY 10007-1866

From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED] >
<[REDACTED]>
<[REDACTED]>
[REDACTED]
Date: 12/07/2010 08:04 PM
Subject: RE: WCS depletion of rad capacity

[REDACTED] 1 - the question I asked was, what assurances can you provide as to capacity to handle the NFSS residues - and I interpreted your answer below as "none." I apologize if that was a gross misstatement of "no contest" or "not applicable," to the extent you felt compelled to invite me to apply for a federal job, below.

1. Rather than delegate my request for agency information on available capacity for NFSS residues to a member of the community, would you be willing to provide me either an EPA or USACE "list" of uncommitted capacity? Or does EPA develop its strategies absent consideration of capacity?

2. Also, could you please respond in email or writing to confirm your verbal comments during the Nov. 3 meeting with me and three other members of the community on whether the absence of DQOs for the 5 years of data showing the NFSS IWCS is leaking should be cause to dismiss all 5 years worth of that data?

Thank you,

[REDACTED]
From: [REDACTED]
Sent: Tuesday, December 07, 2010 4:52 PM
To: [REDACTED]
Cc: [REDACTED];
[REDACTED]
Subject: Re: WCS depletion of rad capacity

[REDACTED]

What am I going to do with you? You keep wanting to state EPA policy and positions..... I guess I have got to get you an SF-171 which is the Standard Form for applying for Federal Government employment.

I'd think that perhaps instead of summing up my response as "none" I'd be more comfortable if you categorize it as "n/a" as in not applicable, or at least perhaps that is the way I'd categorize your question to EPA. Or maybe the best way to categorize our response is "no lo contendre".

Knowing you as I have I'd dare say that nothing is going to cripple you from going for the gold on this matter.

Talk to [REDACTED], you might be surprised at how much disposal capacity there is in some places in Texas

Best Regards

[REDACTED]
[REDACTED]
U.S. EPA Region 2
290 Broadway
New York, NY 10007-1866

From: [REDACTED]

To: [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
Date: 12/07/2010 10:04 AM
Subject: Re: WCS depletion of rad capacity

Hi [REDACTED]

Your first response similarly critiqued the NYT article, but did not address my only question.

Your answer here could be summed up in a word: "none."

I understand the desire of agency staff to protect government liability by ignoring information showing leakage from the IWCS with rationales like; the absence of DQO for five years (which EPA regularly omits in endorsing other actions outside your area), poor seismic analysis etc., etc., etc. However, since we can lobby Congress for funding but the agencies can't, ignoring NFSS risks (including no written acknowledgement of key data gaps) cripples our ability to fight for funding and/or move the NFSS up the priority list.

[REDACTED]

P.S. I appreciate the depth of your economic analysis

Sent from my Verizon Wireless BlackBerry

From: [REDACTED]
Date: Tue, 7 Dec 2010 08:21:29 -0500
To: [REDACTED]
Cc: [REDACTED] >;
[REDACTED] >
Subject: RE: WCS depletion of rad capacity

Hi [REDACTED]

I think you are misunderstanding the article and my response. Your question is probably best answered by

[REDACTED]
Licensing and Regulatory Affairs
Waste Control Specialists LLC
717 Lockwood Ct.
Harrisburg, PA 17112
[REDACTED]

EPA is not in any position to request, require, or receive assurances concerning the wastes in question. That aside, even in circumstances where assurances for other waste streams have apparently been made, such as under the NWPA for high level radioactive waste (HLW), we can clearly see that those can be wiped with the stroke of a pen from a new administration.

From my perspective what you are really looking for is the answer to two questions.

1. When it comes time to dispose of the NFSS radioactive residues and waste will the U.S. government foot the bill and be able to pay for it? That is an issue for Congress. The history of the FUSRAP program is that the U.S. ACE has made reasonable requests for funding of the FUSRAP remedies as they are developed. The amount allocated by Congress has at best been "flat lined" and arguably has been reduced over the past few FYs. According to the U.S. Treasury the deficit is \$13.8 trillion, and the deal announced yesterday to add more spending for unemployment benefits for 13 months while keeping the withholding tax at the current level means an additional \$4 trillion per year for the foreseeable future. I have attached a link which gives a graphical representation of the Federal Budget and it may be useful because you can actual see sums for USACE and

USEPA budgets....well almost, they are small compared to Social Security and Debt expenses.

<http://www.federalbudget.com/> <<http://www.federalbudget.com/>>

2. Will there be sufficient capacity in the WCS facility portion of their Texas facility designated for Federal waste such as from NFSS? This is not what Matthew Wald referred to in his article. He referred to low-level radioactive waste (LLW) capacity pursuant to the Low-Level Radioactive Waste Policy Act, a bird of a completely different feather and an area at the WCS facility completely different from that for which the NFSS residues would be handled. Remember, the amount of wastes from FUSRAP and specifically these high activity residues are relatively finite as new such wastes are not being made. LLW on the other hand is increasing and may increase more rapidly for a number of reasons. That is, however, another story. So I guess to rephrase this question is, will Congress ever decide to fund the NFSS disposal in a time frame consistent with the availability of the Texas capacity? I do not believe there is anybody on Earth today who can give you a correct answer to that question. In the 1980s we all were assured by Congress that we would have HLW disposal capacity by the end of that century. Then it slipped, but as recently as 2008 we were all planning on the capacity at Yucca Mountain for HLW later this decade. This was based on assurances and also the fact that Yucca Mountain had environmental standards in place and the regulatory process and review process was ongoing and timely. In February 2009 things changed. Since then Congress has taken away all of the funding for Yucca Mountain. This even though every Curie of HLW generated by commercial nuclear power plants has been paid for and collected by the Federal government for the purpose of providing an HLW repository at least 10 years ago. Congress has spent that money elsewhere and we have no repository and according to the NRC, one can be expected before 2100. So [REDACTED] you can see why I have written what I have.

Bottom Line: I am the last person to give you an answer to your question!

[REDACTED]

From: [REDACTED]

To: [REDACTED]

Cc: [REDACTED]

Date: 12/06/2010 11:35 AM

Subject: RE: WCS depletion of rad capacity



From: [REDACTED]
[REDACTED] [1](#)

Sent: Saturday, December 04.
To: [REDACTED]

□

[REDACTED]

_____ >

To: "[REDACTED]"

From: [REDACTED] >

Date: 12/03/2010 05:15PM
Subject: WCS depletion of rad capacity

Yesterday's New York Times article is about the "race" to utilize scarce WCS rad waste capacity in Texas.

<http://www.nytimes.com/2010/12/03/science/earth/03nuke.html?ref=science>

