

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

From: [REDACTED]

Sent: Tuesday, December 07, 2010 8:21 AM

To: [REDACTED]

Cc: [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]

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

From: [REDACTED] >
To: [REDACTED]
Cc: [REDACTED] <[REDACTED]>,
[REDACTED]
Date: 12/06/2010 11:35 AM
Subject: RE: WCS depletion of rad capacity

[REDACTED] - what assurance do you have that there will be capacity at whatever point there is money to move the high-activity residues at the NFSS?
[REDACTED]

From: [REDACTED]
[REDACTED] [1](#)
Sent: Saturday, December 04, 2010 10:45 AM
To: [REDACTED]

Cc: [REDACTED];

Subject: Re: WCS depletion of rad capacity

[REDACTED]

This is a poorly written and poorly researched article by [REDACTED]....about par for the course with this writer. The cell that the waste at NFSS would be used for is different from that which he is referring to.

[REDACTED]

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

[REDACTED] >
wrote: -----

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>

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

[REDACTED] 1 - what assurance do you have that there will be capacity at whatever point there is money to move the high-activity residues at the NFSS?

[REDACTED]

Classification: UNCLASSIFIED
Caveats: FOUO

Classification: UNCLASSIFIED
Caveats: NONE