

## **NOTICE OF COMPLETION OF TECHNICAL REVIEW**

### **PROPOSED RADIOACTIVE MATERIAL LICENSE NUMBER R05807**

**APPLICATION AND PRELIMINARY DECISION.** Waste Control Specialists LLC has applied to the Texas Commission on Environmental Quality (TCEQ) for a radioactive material license to authorize commercial disposal of byproduct material. Byproduct material is radioactive tailings or wastes produced by or resulting from the extraction or concentration of uranium or thorium from ore processed for its source material content. Waste Control Specialists LLC provides commercial hazardous waste and radioactive material management and disposal services. The byproduct disposal facility is proposed to be located at 9998 West Highway 176, approximately 30 miles west of the city of Andrews in Andrews County, Texas. The application was submitted to the Texas Department of State Health Services (DSHS) on June 21, 2004. Responsibility for the regulatory program and review of the license application for byproduct was transferred from DSHS to TCEQ under Senate Bill 1604 of the 80<sup>th</sup> Texas Legislature (2007).

The TCEQ Executive Director has completed the technical review of the application and prepared a draft license. The draft license, if approved, would establish the conditions under which the facility must operate. The Executive Director has made a preliminary decision that this license, if issued, meets all statutory and regulatory requirements. The license application, TCEQ Executive Director's technical summary, draft license, and draft environmental analysis are available for viewing on the web at: <[www.tceq.state.tx.us/goto/wcsbyproductapp/](http://www.tceq.state.tx.us/goto/wcsbyproductapp/)>. These documents are also available for viewing and copying at the Andrews County Library located at 109 Northwest First Street in Andrews, Texas.

**PUBLIC COMMENT / PUBLIC MEETING.** You may submit public comments or request a public meeting about this application. The purpose of a public meeting is to provide the opportunity to submit comments or to ask questions about the application. TCEQ holds a public meeting if the Executive Director determines that there is a significant degree of public interest in the application. A public meeting is not a contested case hearing. After the deadline for submitting public comments, the Executive Director will consider all timely comments and prepare a response to all relevant and material comments, or significant public comments.

**OPPORTUNITY FOR A CONTESTED CASE HEARING.** A contested case hearing is a legal proceeding similar to a civil trial in a state district court. The TCEQ may grant a contested case hearing on this application if a written hearing request is timely submitted.

**TO REQUEST A CONTESTED CASE HEARING, YOU MUST INCLUDE THE FOLLOWING ITEMS IN YOUR REQUEST: your name, address, phone number; applicant's name and license number; the location and distance of your property/activities relative to the facility; a specific description of how you would be adversely affected by the facility in a way not common to the general public; and, the statement “[I/we] request a contested case hearing.” If the request for contested case hearing is filed on behalf of a group or association, the request must designate the group's representative for receiving future correspondence; identify an individual member of the group who would be adversely affected by the facility or activity; provide the information discussed above regarding the affected member's location and distance from the facility or activity; explain how and why the member would be affected; and explain how the interests the group seeks to protect are relevant to the group's purpose.**

Following the close of all applicable comment and request periods, the Executive Director will forward the application and any requests for reconsideration or for a contested case hearing to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

**EXECUTIVE DIRECTOR ACTION.** The Executive Director may issue final approval of the application unless a timely contested case hearing request or request for reconsideration is filed. If a timely hearing request or request for reconsideration is filed, the Executive Director will not issue final approval of the license and will forward the application and request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

**MAILING LIST.** If you submit public comments, a request for a contested case hearing or a reconsideration of the Executive Director's decision, you will be added to the mailing list for this specific application to receive future public notices mailed by the Office of the Chief Clerk. In addition, you may request to be placed on: (1) the permanent mailing list for a specific applicant name and license number; and/or (2) the mailing list for a specific county. If you wish to be placed on the permanent and/or the county mailing list, clearly specify which list(s) and send your request to TCEQ Office of the Chief Clerk at the address below.

**All written public comments and requests must be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087 within 30 days from the date of newspaper publication of this notice.**

**AGENCY CONTACTS AND INFORMATION.** If you need more information about this license application or the licensing process, please call the TCEQ Office of Public Assistance, Toll Free, at 1-800-687-4040. Si desea información en Español, puede llamar al 1-800-687-4040. General information about the TCEQ can be found at our web site at [www.TCEQ.state.tx.us](http://www.TCEQ.state.tx.us).

Further information may also be obtained from Waste Control Specialists, LLC at P.O. Box 1129, Andrews, TX 79714 or by calling Mr. Tom Jones, Vice-President of Community Relations at 432-523-4444.

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