

March 13, 2000

Mr. William P. Dornsife  
Vice President–Nuclear Affairs  
Waste Control Specialists, LLC  
1710 W. Broadway  
Andrews, Texas 79714

SUBJECT: ACKNOWLEDGMENT OF YOUR FEBRUARY 22, 2000, LETTER  
REQUESTING EXEMPTIONS FROM NUCLEAR REGULATORY COMMISSION  
LICENSING REQUIREMENTS

Dear Mr. Dornsife:

I am responding to your February 22, 2000, letter requesting that we exempt Waste Control Specialists (WCS) from the U.S. Nuclear Regulatory Commission (NRC) licensing requirements for possession of soil and debris contaminated with low concentrations of special nuclear material (SNM), and for storage of greater than Class C sealed sources. With respect to the first request, as you note in your letter, we recently issued an exemption to Envirocare from the requirements of 10 CFR Part 70 for waste containing low concentrations of SNM. Our exemption, contained in an Order, was conditioned upon the State of Utah incorporating specific conditions into the Envirocare low-level radioactive waste disposal facility license, including specific concentrations for a number of radionuclides. The Order enabled the State of Utah to regulate quantities of SNM greater than those normally delegated to Agreement States in 10 CFR Part 150. We will use this precedent in processing your request for "slightly contaminated soil and debris." We have initiated contact with the State of Texas to discuss your request and to ensure a coordinated State and NRC review of your request. The NRC staff contact for this item is James Kennedy, (301)-415-6668, in the Division of Waste Management.

With respect to the request for an exemption for sealed source storage, your letter does not provide sufficient information to begin processing this request. For example, your letter does not describe the types of sealed sources, quantities, the radionuclides (particularly whether they will include  $^{238}\text{Pu}$  or  $^{239}\text{Pu}$ , or both), the packaging that will eliminate criticality concerns, and whether or not any repackaging or processing will be performed at your facility. This information will help to assess the potential criticality hazard. It is also not clear from the information that you provided that this proposal is viable. You cite as the reason for granting an exemption that the special packaging of the sealed sources will eliminate any criticality concerns. Our licensing requirements in 10 CFR Part 70 for SNM, however, also apply for safeguarding these materials,

W. Dornsife

2

and this issue would also need to be addressed. The NRC staff contact for this item is Susan Greene, (301)-415-7843, in the Division of Industrial and Medical Nuclear Safety, who will be contacting you in the near future concerning your request.

Sincerely,

/s/ Joseph J. Holonich for

John T. Greeves, Director  
Division of Waste Management  
Office of Nuclear Material Safety  
and Safeguards

cc: Richard A. Ratliff, Chief  
Bureau of Radiation Control  
Texas Department of Health

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2

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