



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

March 24, 2000

Richard A. Ratliff, PE, LMP, Chief  
Bureau of Radiation Control  
Texas Department of Health  
1100 West 49<sup>th</sup> Street  
Austin, TX 78756-3189

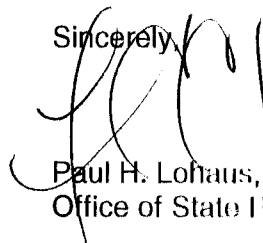
Dear Mr. Ratliff:

Enclosed is a letter from Mr. William P. Dornsife, Vice President Nuclear Affairs, Waste Control Specialists, LLC (WCS), to Dr. Carl J. Paperiello, Deputy Executive Director for Materials, Research and State Programs, and our March 13, 2000 response to the WCS request for an exemption from the Nuclear Regulatory Commission licensing requirements for possession of soils and debris contaminated with low concentrations of special nuclear material (SNM) and storage of greater than Class C sealed sources.

As indicated in our response, and as we have discussed, we will need to coordinate with you on the request. As a first step, we suggest that a telephone conference call be scheduled to discuss the approach we should collectively follow in processing this request. We will contact you to schedule the call.

If you have any questions on this matter, please contact me or Lloyd Bolling of my staff at 301-415-2327.

Sincerely,



Paul H. Lofhaus, Director  
Office of State Programs

Enclosures:  
As stated

cc: William P. Dornsife  
Vice President-Nuclear Affairs  
Waste Control Specialists, LLC

March 24, 2000

Richard A. Ratliff, PE, LMP, Chief  
Bureau of Radiation Control  
Texas Department of Health  
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Sincerely,

/RA By Frederick C. Combs Acting For/

Paul H. Lohaus, Director  
Office of State Programs

Enclosures:  
As stated

cc: William P. Dornsife  
Vice President-Nuclear Affairs  
Waste Control Specialists, LLC

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# **WCS** WASTE CONTROL SPECIALISTS LLC

1710 W. Broadway • Andrews, Texas 79714 • (915) 523-4444 • Fax (915) 523-6411

February 22, 2000

Dr. Carl Paperiello  
Deputy Executive Director of Operations  
MS 16 E15  
Nuclear Regulatory Commission  
Washington, DC 20555-0001

Dear Dr. Paperiello:

It is hereby requested that the Nuclear Regulatory Commission take appropriate action to exempt Waste Control Specialists, LLC (WCS) from possessing, under specified conditions, waste containing limited concentrations of special nuclear material (SNM), in quantities greater than specified in 10 CFR 150, without obtaining an NRC license, pursuant to 10 CFR 70, at the WCS waste storage and treatment facility located in Andrews County, Texas. It is expected that this action would be similar to an Order issued to the Envirocare of Utah facility (Docket No. 40-8989). We would also expect that the conditions specified in the Envirocare Order would apply to WCS without need for additional analysis.

WCS currently possesses a Class III radioactive waste storage and treatment license (License # L04971) issued by the Texas Health Department in November 1997. This is a unique license that allows possession of ultimately unlimited amounts of radioactive waste. The current license limits allow possession of hundreds of thousands of curies of various radionuclides for the term of the license, which is currently seven years and renewable. Storage capability includes pre-packaged and treated low level waste and mixed waste, including greater than Class C waste, TRU, and sealed sources. The current licensed storage capabilities consist of a drum storage facility that can accommodate 5,000 drums (36,750 cubic feet) and a bin storage area that can accommodate about 262,000 cubic feet of waste. WCS plans to construct a state-of-the-art shielded storage building to accommodate higher activity level materials, such as sealed sources and high activity reactor decommissioning waste.

The treatment facility includes a state of the art treatment/stabilization building, half of which is for treatment and stabilization of a variety of RCRA and TSCA wastes, with the remaining half dedicated to the treatment of radioactive and mixed waste. The current radioactive and mixed waste treatment capabilities include consolidation, repackaging, stabilization of mixed waste, capabilities for in-drum compaction, and a variety of other waste management services, including treatment and disposal of KO61 (baghouse dust) contaminated with Cs-137.

WCS has received large quantities of contaminated soil and debris containing dilute concentrations of SNM from commercial and government generators. With our existing contracts and plans for additional treatment capabilities, we expect to receive more of this type of waste in the future. This material is stored on site and/or treated under our radioactive waste license and/or RCRA/TSCA permits to comply with Land Disposal Restrictions (LDR) and must be eventually shipped offsite for disposal at an authorized facility. Although we have never

exceeded our Agreement State SNM limits, these limits are expected to severely impact our ability to compete in the future mixed waste treatment market. As you are aware, the availability of competition in this market is critical factor toward keeping the cost of waste management services at a reasonable level for all waste generators.

Because of our unique waste storage license, WCS has responded to a Los Alamos National Laboratory request for proposal to store greater than class C sealed sources under the orphan sealed source collection program. As you are aware, the NRC and states actively participate in this program, which is critical to the protection of public health and safety. In order to accommodate the anticipated inventory of sealed sources, WCS requests that the NRC consider, as a separate action, an additional exemption for neutron sources that have been specially and securely packaged to eliminate any criticality concerns prior to being shipped for storage.

We have informed the Texas Health Department Bureau of Radiation Control that we intend to submit this request. They have indicated a willingness to consider the implementation of this action in a similar way as accomplished in Utah.

We would appreciate a timely response to this request. You may contact me at 717-540-5220 if you have questions or require additional information to process this request.

Sincerely,

William P. Dornsife



Vice President-Nuclear Affairs

cc:

Paul Lohaus, Director, Office of State Programs, NRC

William Kane, Director, Office of Nuclear Materials Safety and Safeguards, NRC



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

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. Domsife

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March 13, 2000

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,

[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