

October 29, 2009

Mr. William P. Dornsife  
Executive Vice President of Licensing and Regulatory Affairs  
Waste Control Specialists, LLC  
1710 W. Broadway  
Andrews, Texas 79714

SUBJECT: WASTE CONTROL SPECIALISTS, LLC EXEMPTION FROM 10 CFR  
PART 70 (TAC J00812)

Dear Mr. Dornsife:

By letter dated December 10, 2007, Waste Control Specialists, LLC (WCS) requested an amendment to its exemption from certain U.S. Nuclear Regulatory Commission (NRC) regulations relative to the possession of special nuclear material (SNM). WCS is seeking NRC approval to further modify the conditions of the Order to: Discontinue confirmation sampling upon receipt of waste that WCS verifies is adequately characterized by a waste generator to be uniform and which contains less than one-thousandth of the SNM concentration limits presented in Condition 1; and to meet the confirmatory sampling requirements of Condition 7 of the Order for sealed sources using surface smear surveys. By letter dated January 22, 2008, NRC informed WCS that it would also clarify Condition 2, which states that waste must not contain "pure forms" of chemicals containing carbon, fluorine, magnesium, or bismuth in bulk quantities.

The NRC staff has reviewed WCS's request and found it acceptable with modifications. Therefore, this letter forwards an amended Order that:

- (1) Discontinues waste generator and WCS confirmation sampling for waste that WCS verifies is adequately characterized by a waste generator to be uniform and which contains less than one-tenth of the SNM concentration limits presented in Condition 1;
- (2) Discontinues confirmatory sampling requirements for sealed sources;
- (3) Clarifies Condition 2 of the Order with respect to "pure forms" of certain chemicals; and
- (4) Clarifies the spatial uniformity requirement for waste received by WCS.

Condition 4 of the amended Order is also revised to remove a package mass limit for highly water soluble SNM, and replace it with an overall possession limit for this material. The amended Order will become effective when these conditions are incorporated into your State of Texas Radioactive Materials License.

In support of its review, the NRC staff prepared an Environmental Assessment in accordance with the provisions of the National Environmental Policy Act of 1969, as amended, and NRC's regulations under 10 CFR Part 51. The NRC staff determined that there are no significant environmental impacts associated with this action, and published a Finding of No Significant impact in the *Federal Register* on October 15, 2009. The staff's safety findings are documented in a Safety Evaluation Report (SER). Copies of the EA and the SER are enclosed.

W. Dornsife

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If you have any questions regarding this matter, please contact Mr. Nishka Devaser of my staff. Mr. Devaser can be reached at (301) 415-5196.

Sincerely,

**/RA/**

Patrice M. Bubar, Deputy Director  
Environmental Protection and  
Performance Assessment Directorate  
Division of Waste Management and  
Environmental Protection  
Office of Federal and State Materials  
Environmental Management Programs

Docket No.: 70-7005

Enclosures:

1. Order to Exempt Waste Control Specialists, LLC From Requirements of 10 CFR Part 70
2. Environmental Assessment/Finding of No Significant Impact for Exemption From Requirements of 10 CFR Part 70 For Waste Control Specialists, LLC
3. Safety Evaluation Report Regarding the Proposed Exemption From Requirements of 10 CFR Part 70

cc: Susan Jablonski, Texas Commission on Environmental Quality

W. Dornsife

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Sincerely,

Patrice M. Bubar, Deputy Director  
Environmental Protection and  
Performance Assessment Directorate  
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Environmental Protection  
Office of Federal and State Materials  
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cc: Susan Jablonski, Texas Department of Environmental Quality

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<b>NAME</b>	DBrown		CMcKenney		CTripp		ABarto		SBaggett	
<b>DATE</b>	12/18/08		01/05/09		01/23/09		01/14/09		01/22/09	
<b>OFC</b>	OGC		DWMEP							
<b>NAME</b>	BJones		PBubar							
<b>DATE</b>	02/05/09		10/29/09							

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