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U.S. Nuclear Regulatory Commission
Office of State and Tribal Programs (03H20)
Attn: Lloyd Bolling
Washington, D.C. 20555

Dear Mr. Bolling:

This is in response to your electronic mail message, dated 12 Apr 2000, in which you asked for us to summarize our position on the request, received by U.S. Nuclear Regulatory Commission (NRC) from Waste Control Specialists (WCS), for an exemption to 10 CFR 150 concerning the regulation of special nuclear material (SNM).

The Texas Department of Health's Bureau of Radiation Control (BRC) does not support NRC granting the requested exemption unless the conditions of the exemption limit WCS to possessing diffuse forms of SNM that would not remain at their facility after processing. If sealed sources of SNM and other high activity SNM are to be allowed, BRC would be required to conduct security and criticality evaluations and inspections for which our staff is currently untrained and inexperienced.

Our position is that if WCS wishes to possess SNM in amounts which exceed those which can be licensed by Agreement States, they should apply for an SNM license from NRC, as would any other entity in Texas.

If you have any questions concerning this matter or would like to discuss the issue further, do not hesitate to contact us.

Sincerely,

Richard A. Ratliff, P.E., Chief
Bureau of Radiation Control