



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

July 27, 2000

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

SUBJECT: EXEMPTION FROM NRC LICENSING REQUIREMENTS FOR SPECIAL NUCLEAR MATERIAL IN 10 CFR PART 70

Dear Mr. Dornsife:

In your letter of February 22, 2000, to Dr. Carl Paperiello of the U.S. Nuclear Regulatory Commission (NRC), you requested that we exempt Waste Control Specialists from the licensing requirements in 10 CFR Part 70 for possessing special nuclear material (SNM) in quantities greater than those specified in 10 CFR Part 150. You requested this exemption for both diffuse forms of waste containing SNM and for sealed sources. We responded to you on March 13, 2000, and indicated we had contacted the Texas Bureau of Radiation Control (BRC) to ensure a coordinated State and NRC review of your request. We also provided your letter to Texas BRC staff, who responded by letter dated April 14, 2000. Their response is enclosed.

Based on your subsequent discussions with staff at the Texas BRC, you have indicated that you are withdrawing your request to store sealed sources under an exemption. You have stated that the Texas BRC is willing to consider a proposal for an exemption for storage of diffuse forms of SNM that would be sent on to another facility for disposal after processing.

As a next step, we ask that you submit to the Environmental and Performance Assessment Branch a clear description of the activities which you propose to carry out under the exemption. You should also provide confirmation that you have reviewed these activities with the Texas BRC staff and that BRC staff is prepared to address any conditions that may be necessary to affect implementation of the exemption through their regulatory program, as described in our March 13, 2000, letter. In addition, our technical staff will need to visit your facility to review the processing that is performed on diffuse SNM waste to determine the potential for concentration and/or criticality. Please call Tim Harris (301-415-6613) of my branch to establish a date for such a visit. We will coordinate this visit with the Texas BRC staff.

Sincerely,

Thomas H. Essig, Chief
Environmental and Performance
Assessment Branch
Division of Waste Management
Office of Nuclear Material Safety
and Safeguards

Enclosure: As stated

cc: R. Ratliff, Bureau of Radiation Control
Texas Department of Health

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Texas Department of Health

William R. Archer III, M.D.
Commissioner

1100 West 49th Street
Austin, Texas 78756-3189
(512) 458-7111

Charles E. Bell, M.D.
Executive Deputy Commissioner

Radiation Control
(512) 834-6688

April 14, 2000

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

<http://www.tdh.state.tx.us/ech/rad/pages/brc.htm>
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Enclosure

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TEXAS DEPA~rME~JT OF HEALTH

Texas Department of Health
William R. Archer III, M.D. 1100 West 49th Street
Charles E. Bell, M.D.
Commissioner Austin, Texas 78756-3189
Executive Deputy Commissioner

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April 14, 2000

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

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Sincerely,

Bureau of Radiation Control

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