



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

May 8, 2001

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

**SUBJECT: REQUEST FOR ADDITIONAL INFORMATION REGARDING REQUEST FOR
EXEMPTION FROM 10 CFR PART 70 (TAC 52048)**

Dear Mr. Dornsife:

In a letter dated January 29, 2001, we forwarded a site visit summary report that contained three requests for information necessary to completed our review of your request for an exemption from 10 CFR Part 70. You provided that information in a letter dated March 13, 2001. We have reviewed your letter and find that part of the information you submitted is inadequate.

You provided information on your guidelines for reviewing shipments containing special nuclear material (SNM) and for information and testing you will require of the generator. In addition, you submitted five existing procedures that concern waste approval. These existing procedures were not consistent with commitments in your proposed guidelines. We request that you revise these procedures and submit them for our review. The review of revised procedures should also be coordinated with the State of Texas Department of Health.

The testing requirements for generators is based on the concentration of SNM in the waste stream with less frequent testing required when the SNM concentration is a small fraction of the SNM concentration limit. We find this approach to be generally acceptable. Testing is also required to demonstrate uniformity. Your proposed testing frequency, however, only requires determining the concentration once for each mass of waste for which uniformity is required to be known. We do not consider this acceptable. For waste streams that do not have uniform SNM concentration by virtue of their generation or as demonstrated by characterization testing, and that have SNM concentrations that are a substantial fraction of the concentration limits or are highly variable, additional testing would be required to demonstrate uniformity. We request that you revise the requirement for uniformity determination testing so that there is a basis to determine uniformity is met.

You proposed a confirmatory testing plan that is one tenth of the testing required for the generator. However, this plan did not indicate a distribution of testing. That is, tests could be performed on samples on any portion of the waste stream, within the specified mass frequency (i.e., one sample every 45,000 kg). For new waste streams, it will be important to sample more frequently than proposed for the first several waste shipments until the waste profile information can be verified. We request that you revise the confirmatory testing plan to indicate a distribution of testings.

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Mr. William P. Dornsife

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Please provide the above noted information within 45 days of the date of this letter. If you cannot meet this schedule, please coordinate an acceptable date. If you have any questions regarding the above, please contact Tim Harris of my staff at (301) 415-6613.

Sincerely,

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

cc: Richard Ratliff, Texas Health Department

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* See previous concurrence

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