



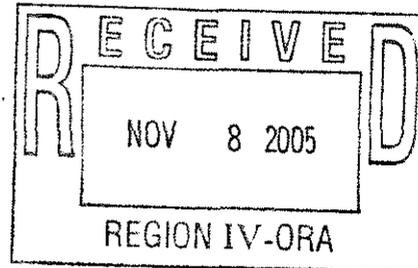
## TEXAS DEPARTMENT OF STATE HEALTH SERVICES

EDUARDO J. SANCHEZ, M.D., M.P.H.  
COMMISSIONER

1100 W. 49<sup>th</sup> Street • Austin, Texas 78756  
1-888-963-7111 • <http://www.dshs.state.tx.us>

October 28, 2005

WILLIAM MAIER  
REGIONAL STATE LIAISON OFFICER  
USNRC REGION IV  
611 RYAN PLAZA DRIVE  
SUITE 400  
ARLINGTON, TX 76011-4005



Dear Mr. Maier:

We have recently received a request from Nucor, a Texas foundry, located in Jewett, Texas, for an exemption concurrence to release a waste stream, consisting of 13 to 16 railcars of KO-61 waste. This request follows a recent incidental Cesium-137 gauge melt and related contaminated emission control dust. Nucor has additionally requested exempt status of the waste for delivery to Idaho, a state regulated by the U.S. Nuclear Regulatory Commission (NRC).

We hereby request NRC's technical assistance with the review of the exemption request to assist us in determining that release of this waste to a non-radioactive material waste processor in Idaho would be acceptable to receive, treat, and bury the waste in their regulated RCRA facility. Nucor's exemption request includes delivery to U.S. Ecology-Idaho, a non-licensee, for processing and disposal of this waste in its RCRA landfill, without regard for its radioactivity as is the standard route for final disposal. Nucor's request appears to have been based on the NRC's Title 10 Code of Federal Register (CFR) §20.2002, alternate waste disposal.

Based on the low activity of the melted gauge and overall average concentrations being reported, it appears that the pretreatment concentrations will satisfy our release criteria for eventual disposal at a RCRA regulated/licensed facility. Nucor's request and supporting documentation have already been forwarded to you by email.

If you need additional information regarding this matter, please contact Mr. David Wood of my staff at (512) 834-6688 ext. 2208; or by electronic mail at [david.wood@dshs.state.tx.us](mailto:david.wood@dshs.state.tx.us).

Sincerely,

Ruth E. McBurney, CHP, Manager  
Radiation Safety Licensing Branch

CC Robert Free, DSHS  
Richard Ratliff, DSHS  
Vivian Campbell, NRC ([vhc@nrc.gov](mailto:vhc@nrc.gov))  
Linda McLain, NRC ([mlm1@nrc.gov](mailto:mlm1@nrc.gov))  
Dennis Sollenberger ([DMS4@nrc.gov](mailto:DMS4@nrc.gov))

November 3, 2005

**Overnight Mail and email (wam@nrc.gov)**

U.S. Nuclear Regulatory Commission, Region IV  
Attn: Bill Maier, State Liaison Officer  
611 Ryan Plaza Drive, Suite 400  
Arlington, TX 76011  
(817) 860-8100

Subject: Nucor Steel – Jewett Texas  
Request for Expedited Part 20.2002 Alternate Disposal Authorization and  
NRC Part 30.11 Specific Exemption

Mr. Maier:

On October 14, Nucor Steel – Jewett Texas (Nucor) submitted an alternate disposal authorization and exemption request to the Texas Department of State Health Services (TDSHS) and U.S. Nuclear Regulatory Commission (NRC). Nucor requested an expedited process 1) to remain in compliance with our RCRA “less-than 90-day storage” requirements, and 2) because of the shortage of empty railcars for continued plant operations.

Generators of RCRA hazardous waste may accumulate material on-site for a maximum of 90 days without a permit (40 CFR Part 262.34). Nucor generated cesium contaminated electric arc furnace dust on August 28, 2005 and will exceed the “less-than 90-day storage” limit after November 27.

In addition, Nucor has a critical need for empty railcars to handle EAF dust shipments. Nucor utilizes hopper railcars to ship EAF dust and these specialized hazardous waste cars are in very short supply. Currently, 25 loaded railcars containing source melt material are on our site awaiting completion of the approval process. Nucor is highly concerned that steel production will be impacted if the loaded railcars cannot be shipped to Idaho within the next few days.

We understand that State of Texas and NRC officials have scheduled a conference call to address the required exemption on November 7. If you require any additional information from Nucor to reach a timely resolution, please contact me at 903-626-6273.

Sincerely,



Noel V. Luera  
Environmental Manager

cc: Richard Ratliff, TDSHS, Radiation Protection Officer  
Steve Welling, Vice President, US Ecology Inc.