

*UCAR*  
*NMSS*

**From:** "Bursley, Juanita M" <Juanita.Bursley@graftech.com>  
**To:** "Kenneth Kalman" <KLK@nrc.gov>  
**Date:** 6/21/05 2:08PM  
**Subject:** TAC No. L52034

Hi Ken,

I received your June 9, 2005 letter of acknowledgment of UCAR's request to dispose of our low-level radioactive waste under the provisions of 10 CFR 20.2002. Based on our previous discussions on this subject and the UCAR Schedule you provided to me previously (see attached), it was my understanding that NRC would approve of this disposal option by issuing an order to UCAR. In your letter, however, you mention a license and a fee. I find this reference surprising as this was not mentioned to me by you or any of the staff participating in our prior conference call on this subject. You may recall that I had specifically requested this conference call to understand the entire NRC review and approval process before making a decision to pursue the disposal exemption. Please let me know whether your letter's reference to the license was made in error, or if the information previously provided to me regarding NRC issuing UCAR an order is no longer accurate. I am not a lawyer, but issuing a license for UCAR's low-activity material would seem contrary to the requested exemption under the provisions of 10 CFR 20.2002. It is my understanding that NRC has legal authority to exempt low-activity material from federal and state licensing requirements, thereby allowing these materials to be legally disposed at a RCRA-permitted facility. Furthermore, Waste Control Specialists (WCS) is authorized by its state-issued RCRA permit to accept "NRC-exempted materials" at its hazardous waste landfill, not NRC-licensed materials. It would seem that NRC, by issuing a license for UCAR's decommissioning wastes, would not be exempting these materials from regulation as radioactive waste. Based on my understanding, UCAR would thereby be prevented from legally disposing of the licensed low-activity materials at the WCS RCRA facility by the state of Texas, and by the terms and conditions of WCS's permit. Please provide me with an explanation if my current understanding of the legal implications of licensing UCAR's low-activity waste is incorrect. I am in the office all week if you would like to arrange another conference call to discuss this issue further.

Thanks,  
Juanita

Juanita Bursley  
UCAR Carbon Company Inc.  
Senior Staff Manager, Corporate Environmental Protection  
(216) 676-2175  
(216) 676-2697 Fax  
juanita.bursley@graftech.com

-----Original Message-----

From: Kenneth Kalman [mailto:KLK@nrc.gov]  
Sent: Monday, May 16, 2005 2:11 PM  
To: Juanita.Bursley@graftech.com; Brooke Smith; Christopher McKenney; Kimberly Gruss; Kenneth Kalman; Mark Roberts; Marie Miller  
Cc: Tom.Jacques@graftech.com  
Subject: RE: Conference Call

*B/88*

Chris is mailstop T7F27  
Kim and I are on T7E18  
Brooke is O15D21.

Please send 2 copies to me and 2 to Chris, also send 1 to Marie Miller, who has taken over for Ron Bellamy (so the Region I office will have a copy). All others can get only the cover letter. FYI, Brooke has taken over for Marie Schwartz as our attorney. Her mailstop is O15D21.

>>> "Bursley, Juanita M" <Juanita.Bursley@graftech.com> 05/13/05 09:37AM >>>  
Hi Ken and Christopher,

The risk assessment documentation supporting UCAR's request for alternative disposal under 10 CFR 20.2002 is now complete. I will send you an electronic copy later today to help expedite your review. So that I may also mail the official hard copies to both of you, please provide me with Christopher's mailing address. Ken, please also provide the mailing addresses for Brooke Smith and Kimberly Gruss and let me know if I should provide them with a full copy or just the cover letter. Is there anyone else in NRC that should receive a full copy? I plan on sending only the cover letter to Dan Gillen, Ron Bellamy, and Duane Schmidt unless I hear otherwise from you.

Thanks,  
Juanita

Juanita Bursley  
UCAR Carbon Company Inc.  
Senior Staff Manager, Corporate Environmental Protection  
(216) 676-2175  
(216) 676-2697 Fax  
juanita.bursley@graftech.com

-----Original Message-----

From: Bursley, Juanita M  
Sent: Tuesday, April 05, 2005 4:11 PM  
To: 'Christopher McKenney'  
Cc: Jacques, Tom R; Kenneth Kalman; leeyoung@impactservicesinc.net  
Subject: RE: Conference Call

Hi Christopher,

Let's plan on 2 p.m. Eastern time. I'm trying to avoid the morning as I will just be getting back from a trip. I look forward to talking to you.

By copy to Lee, please let Mark know for me and give him the call-in numbers. Thanks.

Thanks,  
Juanita

Juanita Bursley