

**TEXAS DEPARTMENT OF STATE HEALTH SERVICES**

DAVID L. LAKEY, M.D.  
COMMISSIONER

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February 1, 2007

William Maier  
Regional Liaison Officer  
USNRC Region IV  
611 Ryan Plaza Drive, Suite 400  
Arlington, TX 76011-4005

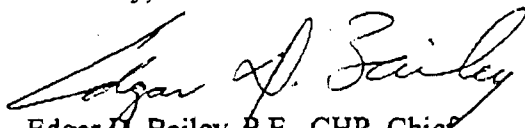
Dear Mr. Maier:

Following discussions with James A. Shaffner, USNRC Headquarters, and Linda M. McLean, Region IV, it is our understanding that further clarifications are needed to our letter of November 14, 2006, regarding the disposal of fly ash (KO61 materials) and other materials contaminated with Cs-137 at the US Ecology Idaho Subtitle C RCRA disposal facility near Grand View, Idaho. This contaminated waste is believed to have resulted from the accidental melting of a Cs-137 sealed source at LeTourneau, Inc., Longview, Texas.

Notwithstanding the provisions of Title 25, Texas Administrative Code § 289.202(ff)(2)(A) related to the stabilization of these materials, the Texas Department of State Health Services has no objection to the materials being transferred to US Ecology Idaho as authorized pursuant to Title 25, Texas Administrative Code § 289.252(cc)(2)(E) provided the company is properly authorized to receive the materials in their current form for treatment (if required) and disposal.

If you have any questions regarding this action or would like additional information regarding it, please contact me at 512-834-6688 extension 2223 or by e-mail at [edgar.bailey@dshs.state.tx.us](mailto:edgar.bailey@dshs.state.tx.us).

Sincerely,

  
Edgar D. Bailey, P.E., CHP, Chief  
Waste Licensing Program

Cc: Robert Free, DSHS  
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