

R. M. WESTER *and ASSOCIATES, INC.*
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November 5, 2007

Mr. John Madera, Chief
Nuclear Materials Inspection Branch
U.S. Nuclear Regulatory Commission
2443 Warrenville Road
Lisle, Illinois 60532-4352

Dear Mr. Madera:

I have received and reviewed your letter regarding inspection report 030-17951/2007-001 dated October 10, 2007, and herein offer the following information in response to your letter as required.

First of all I must state that I am very confused with the findings of the inspection and investigation. There are several facts which I find indisputable and not subject to interpretation. The first of which is that R. M. Wester did NOT receive any Phosphorus-32 in the four shipments of this decay-in-storage materials that are the subject of this notice of violation. All of the containers were recorded and placed into storage for the decay period required for Phosphorus-32. Likewise, contrary to the statements in the Notice of Violations, these shipments were surveyed at the time that they were removed from the University of Missouri Waste Storage area. The removal of these materials was not performed until after it was known by record that these containers had completed more than the requisite number of at least ten half life decay cycles. These containers were surveyed at that time just prior to shipping, and no radiation levels above background were detectable. This was reported to the inspectors who were at our facility conducting the investigation, along with the documentation which show these facts. Furthermore, labeling on the containers, the contents description and the fill date when the radioactive waste was placed into the waste storage area were all part of the records use for the evaluation and decision making process to determine that these containers, and their contents, were acceptable for transfer. Other than a detailed inspection of the contents, these containers of decayed waste were ready for disposal as ordinary trash. However, the University did not have suitable areas for inspecting the contents of these containers, and as such the materials were transferred to our facility for this inspection process, to include additional survey and destruction or obliteration of all labels and markings that would have identified the previous status of these materials as having been radioactive material. Decayed waste is released to anyone for disposal or recycling, once the materials have completed the required ten half-life cycles and the surveys, using a suitable instrument, and no interposed shielding, showing no radiation levels above background. No one of which I am aware possesses a permit or NRC license to receive non-radioactive waste materials.

The shipping documents used to transfer these containers to our facility were marked and identified for receipt as environmental samples. I don't understand how this conservative approach is incorrect, since these materials were surveyed, and if necessary segregated and analyzed to

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properly identify any offending radioisotope for proper packaging and return to the University. This would be the procedure should any such material be found during the detailed survey, while the acceptable materials would be disposed as ordinary trash after the inspection process was complete. This work would have been performed on the University of Missouri Campus had sufficient licensed area been available. The materials received from the University of Missouri were not going to impact anything except the environment adversely, had there been any hidden radiological component; there is no other relationship to be drawn. The records of these surveys and inspections were detailed in the Memorandum for Record documents which were supplied to the University of Missouri contact. All work performed on these materials was in the best interest of our client, to accurately and completely identify all of the materials being discarded after completing the decay-in-storage process as properly acceptable materials.

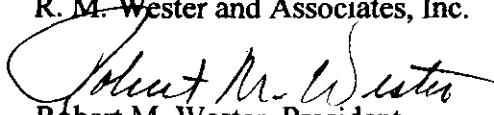
As far as the invoice description is concerned, it is incorrect in so much as it states "low level radioactive waste disposal" for the surveyed waste materials discussed above in the decay-in-storage program. However, it also states the dates of the services provided, and it itemizes the labor hours spent to inspect, survey, and report the decayed-in-storage waste materials. Again, it clearly relates the work completed to the non-radioactive waste materials discussed above and the detailed survey results of said materials listed in the Memorandum for Record documents.

Regarding corrective actions, again I am confused except with the statement on the invoice for low level radioactive material. This we can correct and will so note for future billing descriptions. As far as any of the actions taken with the University of Missouri, as you are aware UMSL is no longer a client, nor are we currently performing this same service for any other client.

Of course as clearly stated above, I do contest the opinions stated in the Notice of Violations. I also request that the Invoices noted as part of this action NOT be published as part of the information released for public viewing. This is a sensitive business document and certainly contains information not to be shared publicly.

We have worked very hard to do the best we can for all of our clients, who normally appreciate our services and advise. As you are aware, the entire discussion regarding the University of Missouri and their decayed-in-storage waste is directly attached to their unwillingness to pay for the services received as contracted. Likewise, you have known my organization for many years and know that we also do our very best to be appropriately managed to maintain complete compliance with the regulations and our license. It has been our paramount focus to bring our clients, and our dedication and commitment to the regulations together, and this shall remain our intent and commitment. Thank you for your understanding of this matter, and our request for a dismissal of the issues brought forth in the Inspection Report noted herein.

Sincerely,
R. M. Wester and Associates, Inc.



Robert M. Wester, President
Radiation Safety Officer

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