



December 10, 2007

Scott C. Flanders, Deputy Director  
Environmental Protection and Performance Assessment Directorate  
Division of Waste Management and Environmental Protection  
Office of Federal and State Materials and Environmental Management Programs  
Nuclear Regulatory Commission  
11555 Rockville Pike  
Rockville, Maryland 20852

Dear Mr. Flanders:

Waste Control Specialists LLC (WCS) requests an amendment to our exemption from 10 CFR Part 70 (hereafter "SNM exemption"; see 69 F.R. 65468) as described below.

During the course of operations, WCS has identified issues with the implementation of the SNM exemption requirements. These issues relate to the confirmatory sampling requirements as applied to high dose rate waste and debris waste, when the SNM concentrations in these waste streams is very low. Confirmatory sampling of these very low SNM activity waste streams results in unnecessary radiation exposure during sampling for a corresponding insignificant reduction in assurance of safety. If it can be verified by the submittal and WCS review of a sampling plan and associated data that high activity and debris waste streams have been adequately characterized by the generator, and the resultant SNM concentrations are (1) verified to be homogeneous as specified in the exemption, and (2) less than one thousandth of the SNM concentration limit, then WCS proposes that no confirmatory sampling be required upon receipt. The current confirmatory sampling requirement is once per 600,000 kg if less than one hundredth of the SNM limit.

For debris that exceeds the one thousandth based criteria, WCS will perform a smear survey and apply these results to ensure that volumetrically the debris does not exceed the SNM exemption criteria.

In addition, since direct sampling is not practical for sealed sources, WCS proposes that surface smear surveys be allowed to meet the confirmatory sampling requirement in the SNM exemption for sealed sources that meet the concentration limits in the SNM exemption based on verified documentation associated with the source.

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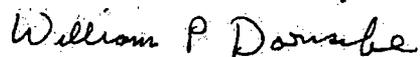
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On a separate matter, WCS plans to accept bulk quantities of waste containing very low concentrations of SNM that have been homogenously commingled by the generator with inert compounds so that the final waste no longer contains just SNM and the "pure forms" of the identified chemicals, carbon, fluorine, magnesium and bismuth. As such, the process employed by the generator will ensure that these final waste forms may be properly characterized for SNM by WCS in compliance with the requirements specified in the SNM exemption.

We have provided the Texas Commission on Environmental Quality (TCEQ) with a copy of this letter to keep them informed of this request, since it will require a license amendment from the TCEQ to implement.

Please contact me at 717-540-5220 if you have questions or require additional information to process this request.

Sincerely,



William P. Dornsife  
Corporate Radiation Safety Officer

cc: Dan Eden, Deputy Director, Office of Permitting, Remediation and Registration, TCEQ  
Stephanie Burgeron-Perdue, Deputy Director, Office of Legal Services, TCEQ  
Susan Jablonski, Director, Radioactive Materials Division, TCEQ  
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