

January 22, 2008

Mr. William Dornsife, Corporate Radiation Safety Officer
Waste Control Specialists, LLC
5430 LBJ Freeway, Suite 1700
Three Lincoln Centre
Dallas, TX 75240

SUBJECT: REQUEST TO AMEND ORDER EXEMPTION FROM 10 CFR PART 70,
SPECIAL NUCLEAR MATERIAL

Dear Mr. Dornsife:

The United States Nuclear Regulatory Commission received your letter dated December 10, 2007, in which you requested modifications to the confirmation sampling requirements listed in Condition 7 of Waste Control Specialists (WCS) Order exemption from certain requirements of 10 CFR Part 70 regarding special nuclear material (SNM). Specifically, you requested (1) no confirmation sampling be required upon receipt of waste that WCS verifies is adequately characterized by the generator to be homogenous and less than one thousandth of the SNM concentration limits presented in Condition 1; and (2) that surface smear surveys be allowed to meet the confirmation sampling requirement for sealed sources. Your request has been assigned Technical Assignment Control (TAC) No. J00812. Please reference this number in any future correspondence associated with this request.

We have determined that the information provided with your letter is sufficient to begin processing your request. We are reviewing your request and plan to prepare a safety evaluation and environmental assessment for this amendment. Any revisions to the Order will also need to be noticed in the Federal Register. Based on our preliminary review and projection of current review schedules, we anticipate completing the amendment by April 2008. This date could change depending on the findings of our technical review, urgent assignments, or other factors. Please note that the complete technical review may identify omissions in the submittal information or technical issues that require additional information. We will promptly communicate any significant changes to this schedule.

Secondly, you mentioned in your letter your intent to accept bulk quantities of waste containing SNM commingled with certain chemicals identified in Condition 2 and inert compounds, such that the waste was not a "pure form" of the identified chemicals. In a subsequent phone call on December 18, 2007, you clarified that the waste was magnesium fluoride mixed with sand. As we discussed with you in a phone call on January 10, 2008, we find no criticality safety concerns with such waste, provided the waste is less than 40% MgF_2 by volume and less than 50% MgF_2 by weight. The Order will be clarified in this revision to clarify these limits.

A copy of your correspondence has been forwarded to our License Fee and Accounts Receivable Branch, Office of the Chief Financial Officer, which will contact you separately for billing information since your request is subject to full cost recovery.

W.Dornsife

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If you have any questions, please contact Priya Yadav at (301) 415-6667 or Anna Bradford at (301) 415-7440.

Sincerely,

/RA/

Scott Flanders, Deputy Director
Environmental and Performance
Assessment Directorate
Division of Waste Management
and Environmental Protection
Office of Federal and State Materials
and Environmental Management Programs

Docket No.: 070-7005

cc:
Susan Jablonski, Director,
Radioactive Materials Division, TCEQ

W. Dornsife

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If you have any questions, please contact Priya Yadav at (301) 415-6667 or Anna Bradford at (301) 415-7440.

Sincerely,

/RA/

Scott Flanders, Deputy Director
Environmental and Performance
Assessment Directorate
Division of Waste Management
and Environmental Protection
Office of Federal and State Materials
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Docket No.: 070-7005

cc:
Susan Jablonski, Director,
Radioactive Materials Division, TCEQ

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