

[REDACTED]

November 16, 2005

Ms. B. Marie Moore, Vice President
Safety and Regulatory
Nuclear Fuel Services, Inc.
P.O. Box 337, MS 123
Erwin, TN 37650

SUBJECT: NUCLEAR FUEL SERVICES, INC., REQUEST FOR ADDITIONAL
INFORMATION CONCERNING EXEMPTION OF LOW-LEVEL WASTE FROM
DEFINITIONS IN PART 73 (TAC L31900)

Dear Ms. Moore:

This letter is in response to your request of June 20, 2005, that low-level radioactive waste be exempted from several definitions in 10 CFR Part 73. Our review has identified that additional information is needed before your request can be approved. The additional information, specified in the enclosure, should be provided within 30 days of the date of this letter.

Please reference the above TAC No. in future correspondence related to this request.

If you have any questions concerning this letter, please contact me at (301) 415-7887 or via e-mail to kmr@nrc.gov.

[REDACTED]

Sincerely,

/RA/

Kevin M. Ramsey, Project Manager
Fuel Cycle Facilities Branch
Division of Fuel Cycle Safety
and Safeguards
Office of Nuclear Material Safety
and Safeguards

Docket No.: 70-143
License No.: SNM-124

Enclosure: Request for Additional Information

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Enclosure: Request for Additional Information

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Request for Additional Information
Nuclear Fuel Services Amendment Request
for Exemption of Low-Level Waste from
Definitions in 10 CFR Part 73

The following information is required for the Nuclear Regulatory Commission (NRC) staff to make the finding required by 10CFR 73.5 which states that an exemption may be granted from the regulations in Part 73 if the exemption is authorized by law and will not endanger life or property or the common defense and security, and is otherwise in the public interest.

1. The requested action of exempting low-level waste containing special nuclear material (SNM) from several definitions in 10 CFR 73.2 would result in the waste also being exempted from other 10 CFR parts containing identical definitions (i.e., Parts 70, 71, 74, 75, etc.). Based on our discussion on November 9, 2005, it is our understanding that Nuclear Fuel Services Inc. (NFS) intended to request relief from only certain requirements in 10 CFR 73.67 and not from other 10 CFR parts.

[REDACTED]

2. Under 10 CFR 61.2, waste means those low-level radioactive wastes containing source material, Special Nuclear Materials (SNM), or byproduct material that are acceptable for disposal in a land disposal facility. In its request, NFS did not provide any criteria (e.g., quantity limits or ease of separation) — other than indicating the material can be disposed of in a surface land disposal facility — to clarify what waste material would be exempted.

Clearly define the [REDACTED] waste material to be exempted. Limiting the waste material to be exempted will facilitate NRC review of the request.

3. [REDACTED]

Describe the physical and chemical nature of the waste to be exempted. Describe what process, if any, and time frame would be necessary to extract the SNM from the waste matrix; or describe why it would be physically impossible to separate the SNM from the waste matrix. In describing any such process, provide information on the technical sophistication and type of facility that would be necessary to accomplish such separation.

Enclosure

[REDACTED]

[REDACTED]

4.

[REDACTED]

5.

[REDACTED]

[REDACTED]