

August 29, 2013

MEMORANDUM TO: Project File

FROM: Nishka Devaser, Project Manager **/RA/**  
Low-Level Waste Branch  
Environmental Protection and Performance  
Assessment Directorate  
Division of Waste Management  
and Environmental Protection  
Office of Federal and State Materials  
and Environmental Management Programs

SUBJECT: SUMMARY OF U.S. NUCLEAR REGULATORY COMMISSION  
TELECONFERENCE WITH THE STATE OF TEXAS  
COMMISSION ON ENVIRONMENTAL QUALITY AND WASTE  
CONTROL SPECIALISTS LLC TO DISCUSS QUESTIONS  
REGARDING 2009 ORDER

On July 18, 2013, representatives from the U.S. Nuclear Regulatory Commission (NRC), the State of Texas Commission on Environmental Quality (TCEQ), and Waste Control Specialists LLC (WCS) participated in a phone call to discuss questions from WCS (a TCEQ licensee) regarding license condition 17 in their radioactive materials license (R04971) with TCEQ.

The text in license condition 17 originates from NRC's October 26, 2009 Order, which exempts WCS from certain requirements of Part 70 of the Code of Federal Regulations, Chapter 10 and allows WCS to possess special nuclear material (SNM) within the restricted area of their processing and storage facility.

No follow-up actions resulted from the call. NRC and TCEQ resolved the questions fully. The enclosure summarizes the discussion.

Docket No.: 70-7005

Enclosure: Meeting Summary

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**ML13219A370**

OFC	DWMEP:PM
NAME	NDevaser
DATE	08/29/13

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## Summary of U.S. Nuclear Regulatory Commission Teleconference with the State of Texas Commission on Environmental Quality and Waste Control Specialists LLC. to Discuss Questions Regarding 2009 Order

### Participants

<i>U.S. Nuclear Regulatory Commission (NRC)</i>	<i>Texas Commission On Environmental Quality (TCEQ)</i>	<i>Waste Control Specialists LLC (WCS)</i>
David Brown	Hans Weger	Scott Kirk
Nishka Devaser	Brad Broussard	
Janelle Jessie	Kayla Evans	
	Tonya Baer	

### Background

WCS operates a low-level waste (LLW) and mixed waste (MW) storage and treatment facility in Andrews County, Texas. NRC Order (Docket No. 70-7005), which grants WCS exemption from certain requirements of Chapter 10, Part 70 of the Code of Federal Regulations (CFR) was enacted on October 26, 2009. This Order allows WCS to possess special nuclear material (SNM) within the restricted area of their processing and storage facility. WCS is a Texas licensee with this NRC order or their license.

The purpose of the meeting was to discuss questions from WCS regarding license condition 17 in their radioactive materials license (R04971) with TCEQ. License condition 17 originates from NRC's October 26, 2009 Order [available via the NRC's Agencywide Documents Access and Management System (ADAMS) at Accession Number ML081550153].

### Summary

WCS asked about the implementation of the measurement uncertainty limits contained in Section 17.A.(1) of TCEQ license R04971. Specifically, WCS asked if the measurement uncertainty limits should be interpreted as upper limits on the relative magnitude of measurement uncertainties to measured values. For example, for plutonium-239, the measurement uncertainty limit is  $4.2 \times 10^{-5}$  gram SNM per gram waste, and the operational limit is  $2.8 \times 10^{-4}$  gram SNM per gram waste. In this case, for plutonium-239, it is possible to calculate a ratio of the measurement uncertainty limit to the operational limit, which is a value of 15%. Given this ratio, WCS asked if the requirement in Section 17.A.(1) should be interpreted as a relative measurement uncertainty limit of 15% of the measured value of SNM in any sample, even if the measured concentration of SNM in a sample is well below the operational limit. NRC explained that the requirement should not be interpreted as WCS described. NRC explained that the Section 17.A.(1) measurement uncertainty limits are absolute values that shall not be exceeded for any measured value of SNM in a sample. NRC explained that the measurement uncertainty limits are best understood as a requirement on measurement sensitivity (or minimum detectable concentration), and should not be interpreted as limits on the relative magnitude of measurement uncertainties to measured values.

In addition, WCS asked if the weight percent limits on carbon, fluorine, and bismuth in the waste change for concentrations of SNM, which are well below the operational limits for SNM. For example, if plutonium-239 is present at 1% ( $2.8 \times 10^{-6}$  grams per gram waste) of the operational limit ( $2.8 \times 10^{-4}$  grams per gram waste), WCS asked if the fluorine weight percent limit (43 weight percent) be the same, higher, or lower. WCS continued by asking if the limits on carbon, fluorine, and bismuth apply at all to trace amounts of SNM. NRC clarified that the limits on carbon, fluorine and bismuth apply for any concentration of SNM below the operational limit. NRC explained that if WCS needed carbon, fluorine and bismuth limits that change with different measured values of SNM in the waste; it would need a license amendment, and a revision to the Order.