



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
1600 EAST LAMAR BOULEVARD
ARLINGTON, TEXAS 76011-4511

April 10, 2020

Mr. Travis Snowder, President
Qal-Tek Associates, LLC
3998 Commerce Circle
Idaho Falls, ID 83401

SUBJECT: WITHDRAWAL OF NEW LICENSE APPLICATION DATED JUNE 20, 2019, FOR
QAL-TEK ASSOCIATES, LLC

Dear Mr. Snowder:

This letter concerns the Qal-Tek Associates, LLC's (Qal-Tek's) new license application dated June 20, 2019, for a U.S. Nuclear Regulatory Commission (NRC) license. In the application, you requested a license to authorize alternative disposal requests of low-activity waste at the Mayfield Verification Facility utilizing the U.S. Ecology Site-Specific Dose Assessment Methodology described in Docket 040-38368. You also requested an exemption from the license requirements in Title 10 of the *Code of Federal Regulations* (10 CFR) Sections 30.3, 40.3, and 70.3. A redacted version of your application is available electronically from the Agencywide Documents Access and Management System (ADAMS) (Accession No. ML20031D352).

This letter confirms our telephone conversation on March 24, 2020, between you, members of your staff, Michelle Hammond, Health Physicist, David Czywolski, Regional Counsel, and me. During that telephone conversation, we explained the reasons we could not approve your license, as detailed below. Based on that discussion, you stated that Qal-Tek would likely withdraw the application. Based on the receipt of your letter dated April 6, 2020 (Accession No. ML20100G580), requesting withdrawal of your license application, we have withdrawn it.

The first reason we could not approve your application involved the requested exemptions from the licensing requirements of 10 CFR 30.3, 40.3 and 70.3 for the purpose of alternate disposal. Under 10 CFR 30.11, 40.14, and 70.17, the NRC may only grant exemptions from the regulations in 10 CFR Parts 30, 40, and 70 that it determines are authorized by law and will not endanger life or property or the common defense and security and are otherwise in the public interest. In reviewing an exemption request, the NRC considers the reason why the exemption is needed, whether compensatory safety measures will be implemented to provide a level of protection equivalent to the regulation from which the exemption is requested, and reasonable alternatives to the requested exemption. Your application did not sufficiently explain why Qal-Tek needed an exemption from the licensing requirements or what compensatory safety measures would be implemented to provide an equivalent level of protection.

Moreover, the application appears to also request that the NRC authorize Qal-Tek to issue exemptions using predefined exemption criteria. This is not authorized by law, regardless of whether NRC is provided an opportunity to "review and approve" the waste verification package,

because NRC cannot delegate to a private entity its authority to issue exemptions. Therefore, the NRC cannot approve the requested exemption.

Second, your application requested a materials license that would provide Qal-Tek with authorization to approve alternate disposal requests based on pre-approved criteria. Title 10 CFR 20.2002 allows a licensee or applicant to apply to *the Commission* for approval of alternative procedures for waste disposal not otherwise authorized in NRC regulations. The NRC cannot delegate or relinquish this approval authority unless authorized by law, and the Atomic Energy Act of 1954, as amended, does not allow the NRC to delegate or relinquish this authority to a private entity.

In accordance with 10 CFR 2.390 of NRC's "Agency Rules of Practice and Procedure," a copy of this letter and its enclosure will be available electronically for public inspection in the NRC Public Document Room or from ADAMS, accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

If you have any questions, please contact me at 817-200-1156.

Sincerely,

A handwritten signature in black ink, appearing to read "Heather J. Gepford". The signature is fluid and cursive, with a large, sweeping initial "H".

Heather J. Gepford, Ph.D., CHP, Chief
Materials Licensing and Decommissioning
Branch
Division of Nuclear Materials Safety

Mail Control: 613323

cc: M. Dietrich, Idaho Dept. of
Environmental Quality

WITHDRAWAL OF NEW LICENSE APPLICATION DATED JUNE 20, 2019, FOR QAL-TEK ASSOCIATES, LLC – DATED - APRIL 10, 2020

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cc:

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ADAMS ACCESSION NUMBER: ML20101P561

<input checked="" type="checkbox"/> SUNSI Review By: MMH1	ADAMS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Sensitive <input checked="" type="checkbox"/> Non-Sensitive	<input type="checkbox"/> Non-Publicly Available <input checked="" type="checkbox"/> Publicly Available	Keyword NRC-002
OFFICE	HP:MLDB	C:MLDB		
NAME	MMHammond	HJGepford		
SIGNATURE	/RA/	/RA/		
DATE	4/8/2020	4/10/2020		

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