



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

July 3, 2023

Jeff Ferguson, Environmental, Health  
and Safety Manager  
Westinghouse Electric Company, LLC  
Columbia Fuel Site  
5801 Bluff Road  
Hopkins, SC 29061-9121

SUBJECT: WESTINGHOUSE ELECTRIC COMPANY, LLC. – CLARIFICATION OF  
EFFLUENT TESTING AT AGREEMENT STATE LABS

Dear Jeff Ferguson:

I am writing to you about your question regarding the transfer of samples containing trace amounts of Special Nuclear Material (SNM) to Pace Analytical Services, a laboratory in South Carolina (Agencywide Documents Access and Management System [ADAMS] Accession No. ML23181A112).

Specifically, you asked whether a laboratory would need a license to receive and handle liquid samples with SNM in quantities below the effluent release amounts that will be tested only for biological and chemical contamination. We understand that Westinghouse's samples are collected from an on-site effluent pipe and may contain small amounts of SNM (U-235) in quantities not sufficient to form a critical mass (<350 grams for U-235). There is no *de minimus* quantity of SNM that would not require a license. Accordingly, any person possessing SNM would be required to have a license issued by the appropriate regulator for its location and activities. Laboratories located in an Agreement States with SNM authority should contact their State regulatory authority to determine if any additional licensing requirements are needed before receiving samples containing any amount of SNM.<sup>1</sup>

In accordance with Title 10 of the *Code of Federal Regulations* (10 CFR) Part 2, "Agency Rules of Practice and Procedure," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room (PDR) or from the Publicly Available Records component of the NRC's ADAMS. ADAMS is accessible from the NRC website at <http://www.nrc.gov/reading-rm/adams.html>. The PDR is open by appointment. To make an appointment to visit the PDR, please send an email to [PDR.Resource@nrc.gov](mailto:PDR.Resource@nrc.gov) or call 1-800-397-4209 or 301-415-4737, between 8 a.m. and 4 p.m. eastern time (ET), Monday through Friday, except Federal holidays.

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<sup>1</sup> A licensee may still seek exemptions, when appropriate, from certain other non-licensing requirements.

Should you have any questions, or need further assistance in this matter, please contact Jennifer Tobin on (301) 415-2328 or email [jennifer.tobin@nrc.gov](mailto:jennifer.tobin@nrc.gov).

Sincerely,



Signed by Lav, Samantha  
on 07/03/23

Samantha C. Lav, Chief  
Fuel Facility Licensing Branch  
Division of Fuel Management  
Office of Nuclear Material Safety  
and Safeguards

Docket No. 70-1151  
License No. SNM-1107

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Letter to Westinghouse regarding Effluent Testing Issue DATE July 3, 2023

DISTRIBUTION: Docket No. 70-1151, License No. SNM-1107

**ADAMS Accession No.: Ltr ML23150A236**

OFFICE	NMSS/MSST/SLPB	NMSS/DFM/FFLB	NSIR/DSO/SOSB	NRR
NAME	SPoy <i>SP</i>	JTobin <i>JT</i>	JCurry <i>JC</i>	SLav <i>SL</i>
DATE	Jun 5, 2023	Jun 5, 2023	Jun 5, 2023	Jun 5, 2023
OFFICE	NMSS/MSST/SLPB	OGC/RMR	NRR	
NAME	AWhite <i>AW</i>	JOlmstead <i>JO</i>	SLav <i>SL</i>	
DATE	Jun 8, 2023	Jul 3, 2023	Jul 3, 2023	

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