

July 27, 2000

Mr. William P. Dornsife
Vice President–Nuclear Affairs
Waste Control Specialists, LLC
1710 W. Broadway
Andrews, Texas 79714

SUBJECT: EXEMPTION FROM NRC LICENSING REQUIREMENTS FOR SPECIAL NUCLEAR
MATERIAL IN 10 CFR PART 70

Dear Mr. Dornsife:

In your letter of February 22, 2000, to Dr. Carl Paperiello of the U.S. Nuclear Regulatory Commission (NRC), you requested that we exempt Waste Control Specialists from the licensing requirements in 10 CFR Part 70 for possessing special nuclear material (SNM) in quantities greater than those specified in 10 CFR Part 150. You requested this exemption for both diffuse forms of waste containing SNM and for sealed sources. We responded to you on March 13, 2000, and indicated we had contacted the Texas Bureau of Radiation Control (BRC) to ensure a coordinated State and NRC review of your request. We also provided your letter to Texas BRC staff, who responded by letter dated April 14, 2000. Their response is enclosed.

Based on your subsequent discussions with staff at the Texas BRC, you have indicated that you are withdrawing your request to store sealed sources under an exemption. You have stated that the Texas BRC is willing to consider a proposal for an exemption for storage of diffuse forms of SNM that would be sent on to another facility for disposal after processing.

As a next step, we ask that you submit to the Environmental and Performance Assessment Branch a clear description of the activities which you propose to carry out under the exemption. You should also provide confirmation that you have reviewed these activities with the Texas BRC staff and that BRC staff is prepared to address any conditions that may be necessary to affect implementation of the exemption through their regulatory program, as described in our March 13, 2000, letter. In addition, our technical staff will need to visit your facility to review the processing that is performed on diffuse SNM waste to determine the potential for concentration and/or criticality. Please call Tim Harris (301-415-6613) of my branch to establish a date for such a visit. We will coordinate this visit with the Texas BRC staff.

Sincerely,

/RA/

Thomas H. Essig, Chief
Environmental and Performance
Assessment Branch
Division of Waste Management
Office of Nuclear Material Safety
and Safeguards

Enclosure: As stated

cc: R. Ratliff, Bureau of Radiation Control
Texas Department of Health

Mr. William P. Dornsife
Vice President–Nuclear Affairs
Waste Control Specialists, LLC
1710 W. Broadway
Andrews, Texas 79714

July 27, 2000

SUBJECT: EXEMPTION FROM NRC LICENSING REQUIREMENTS FOR SPECIAL NUCLEAR
MATERIAL IN 10 CFR PART 70

Dear Mr. Dornsife:

In your letter of February 22, 2000, to Dr. Carl Paperiello of the U.S. Nuclear Regulatory Commission (NRC), you requested that we exempt Waste Control Specialists from the requirements for possessing special nuclear material (SNM) in quantities greater than those specified in 10 CFR Part 150, without obtaining an NRC license under 10 CFR Part 70. You requested this exemption for both diffuse forms of waste containing SNM and for sealed sources. We provided your letter to staff at the Texas Bureau of Radiation Control (BRC), who raised certain objections in their April 14, 2000, letter to us.

Based on your subsequent discussions with staff at the Texas BRC, you have indicated that you are withdrawing your request to store sealed sources under an exemption. You have stated that, based on your discussions with Texas BRC staff, that they are willing to consider a proposal for an exemption for storage of diffuse forms of SNM that would be sent on to another facility for disposal after processing. We have confirmed that with their staff.

As a next step, we ask that you submit to the Environmental and Performance Assessment Branch a clear description of the activities which you propose to carry out under the exemption. You should also provide confirmation that you have reviewed these activities with the Texas BRC staff who indicate a willingness to address any necessary conditions to affect implementation of the exemption through their regulatory program. In addition, our technical staff will need to visit your facility to review the processing that is performed on diffuse SNM waste to determine the potential for concentration and/or criticality. Please call Timothy Harris (301-415-6613) of my branch to establish a date for such a visit. We will coordinate this visit with the Texas BRC staff.

Sincerely,

/RA/

Thomas H. Essig, Chief
Environmental and Performance
Assessment Branch
Division of Waste Management
Office of Nuclear Material Safety
and Safeguards

cc: R. Ratliff, Bureau of Radiation Control
Texas Department of Health

DISTRIBUTION: File Center EPAB r/f CWReamer JGreeves SGreene, IMNS THarris
CEmeigh NMSS r/f

PATH & FILE NAME: **ADAMS\Accession No. Package: ML003735410**

* See Previous Concurrence

OFC	EPA*		OSTP*		EPA				
NAME	JKennedy		PLohaus		TEssig				
DATE	07/26/00		07/26 /00		7/ 27/00				

OFFICIAL RECORD COPY

This document should be made available to the PUBLIC JEK 7/27/00

(Initials)

(Date)