



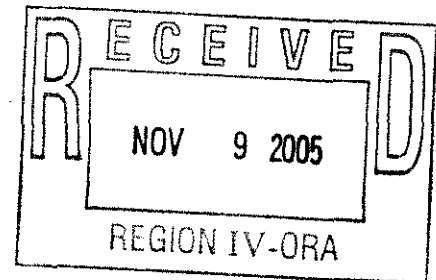
TEXAS DEPARTMENT OF STATE HEALTH SERVICES

EDUARDO J. SANCHEZ, M.D., M.P.H.
COMMISSIONER

1100 W. 49th Street • Austin, Texas 78756
1-888-963-7111 • <http://www.dshs.state.tx.us>

November 3, 2005

WILLIAM MAIER
REGIONAL STATE LIAISON OFFICER
USNRC REGION IV
611 RYAN PLAZA DRIVE
SUITE 400
ARLINGTON, TX 76011-4005



Dear Mr. Maier:

We have recently received a request from Nucor, a Texas foundry, located in Jewett, Texas, for an exemption concurrence to release a waste stream, consisting of 13 to 16 railcars of KO-61 waste. The additional information and clarification is provided at the request of Dennis Sollenberger, during a telephone conversation on November 2, 2005, and supplements details of our October 28, 2005 request.

Provisions in Texas regulations for disposal of slightly contaminated KO-61 emission control dust require that treatment of the material for disposal in a RCRA hazardous waste landfill be performed by the foundry, if licensed to treat the material, or by a licensed service contractor. The material is in rail cars at Nucor. The company is requesting to ship the material, which is well below the pre-treatment concentration values for cesium-137 in the regulations, without treatment in Texas. It would be stabilized at U.S. Ecology in Idaho under provisions of their RCRA permit.

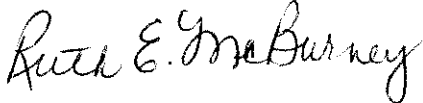
In order for DSHS to grant an exemption from the requirement for treatment prior to shipment, we ask that NRC provide concurrence that the low activity (average of approximately 5 pCi/g) in the emission control dust would meet criteria established by NRC in its technical position dated March 19, 1997. Further, we request NRC's concurrence that possession and treatment by U.S. Ecology's RCRA workers will not constitute an unacceptable risk to individuals who are characterized as members of the public. In handling this as exempt material, the dose from the radioactivity should not be greater than one millirem per year.

Nucor's request and supporting documentation have already been forwarded to you by email, and attached is our final request of Nucor to provide additional information.

William Maier
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If you need additional information regarding this matter, please contact Mr. David Wood of my staff at (512) 834-6688 ext. 2208; or by electronic mail at david.wood@dshs.state.tx.us.

Sincerely,



Ruth E. McBurney, CHP, Manager
Radiation Safety Licensing Branch

Enclosure Nucor letter dated November 3, 2005

CC Robert Free, DSHS
Richard Ratliff, DSHS
Vivian Campbell, NRC (vhc@nrc.gov)
Linda McLain, NRC (mlm1@nrc.gov)
Dennis Sollenberger (DMS4@nrc.gov)