

ROUTING AND TRANSMITTAL SLIP

DATE: March 28, 2000

**SIGN AND/OR
CONCUR**

DATE January 12, 2000

- 1. J. Kennedy _____ ___/___/___
- 2. D. Gillen _____ ___/___/___
- 3. T. Essig _____ ___/___/___

TICKET NUMBER: N/A
DUE TO DIVISION: N/A
DUE TO NMSS: N/A
DUE TO EDO: N/A

LETTER TO: Charles Judd, Envirocare
FROM: Thomas Essig, Chief, URLL
SUBJECT: Disposal of Colonie NY FUSRAP Waste
ORIGINATOR: J. Kennedy
SECRETARY: Betty Garrett

ROOM NO./BLDG: T7F40
PHONE NO.: 415-6668

January 24, 2000

Mr. Charles Judd, President
Envirocare of Utah, Inc.
46 West Broadway
Suite 116
Salt Lake City, UT 84101

SUBJECT: DISPOSAL OF RADIOACTIVE WASTE FROM COLONIE, NEW YORK, IN A
RCRA DISPOSAL CELL

Dear Mr. Judd:

I am writing in response to your letter of October 11, 1999, to Mr. John Hickey, U.S. Nuclear Regulatory Commission (NRC), in which you expressed concerns regarding the U.S. Army Corps of Engineers (USACE) intention to ship radioactive waste from its Colonie, NY, Formerly Utilized Sites Remedial Action Program site to a RCRA disposal facility.

With respect to the disposal of unimportant quantities of source material in RCRA disposal cells, our letter of November 15, 1999, from Mr. William D. Travers to you describes the legal and safety considerations under which such disposals can take place. We informed the USACE of these considerations in our January 4, 2000, letter, a copy of which I have enclosed. Your letter also expresses a concern with the USACE's proposed definition of special nuclear material for the Colonie material. The definition for this term is contained in our regulations at 10 CFR 110.2, as we also note in the attached letter to the USACE.

I trust this responds to your concerns.

Sincerely,

/RA/

Thomas H. Essig, Chief
Uranium Recovery and Low-Level
Radioactive Waste Branch
Division of Waste Management
Office of Nuclear Material Safety
and Safeguards

Enclosure: January 4, 2000, letter to
Mr. Greg Johnson, USACE

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Enclosure: January 4, 2000, letter to
 Mr. Greg Johnson, USACE

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***See previous concurrence**

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DATE	1/12/00		1/21/00		1/24/00			

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