

March 5, 2003

Envirocare of Utah, Inc.
Attn: Tye Rogers
Corporate Radiation Safety Officer
605 North 5600 West
Salt Lake City, UT 84116

Dear Mr. Rogers:

On January 10, 2003, you submitted a letter to me describing that the Utah Division of Radiation Control (DRC), on September 11, 2002, amended Envirocare's Radioactive Materials License to allow receipt of Low-Level Radioactive and Waste and Mixed Waste liquids (Condition 14) for waste processing and solidification. Since this amendment results in Envirocare being authorized to conduct two distinct operations under its DRC license, waste processing and waste disposal, you raised certain inquiries regarding transporting and packaging requirements for radioactive liquid shipments under 10 CFR part 20, Appendix G and 10 CFR Part 61. On January 29, 2003, a meeting was held between representatives of Envirocare and NRC, with participation via the telephone by Dane Finerfrock of DRC. This letter confirms the points made during that meeting.

As noted above, Envirocare is conducting two distinct operations under its DRC license, waste processing and waste disposal. Waste sent to Envirocare must be properly manifested pursuant to the requirements of Appendix G to 10 CFR Part 20 (or equivalent Agreement State regulations) as to whether it is being sent for processing or for disposal. If the waste is being sent for processing, it does not need to be classified under 10 CFR 61.55 or meet the waste form requirements under 10 CFR 61.56. Waste accepted by a processor becomes the property of the waste processor. After processing, the waste processor must classify the waste and ensure that it meets the waste form requirements for disposal. The waste processor is responsible for manifesting the waste to be transferred to the disposal facility.

To clearly distinguish the waste processing activities from the waste disposal activities, we recommended Envirocare advise shippers of waste that waste sent for processing should clearly state on the manifest that the waste is being transferred for processing, not for direct disposal. This could be partially achieved through having a separate address for the waste processing operations. Waste received for processing should be processed, subsequently classified under 10 CFR 61.55, meet the waste form requirements under 10 CFR 61.56, and have a new manifest prepared before the material is transferred and disposal of in the Envirocare disposal cell.

As stated in the meeting, the above-described activities of waste processing and waste disposal are conducted pursuant to the DRC license and regulatory authority over these activities rests with DRC. Shippers of waste located outside of Utah subject to federal inspection must be able to produce documentation that the waste was transferred to Envirocare under manifests which satisfy the requirements of 10 CFR Part 20, Appendix G (for disposal or for waste processing).

Sincerely,

/ra/

Stuart A. Treby
Assistant General Counsel
for Rulemaking & Fuel Cycle

cc: William Sinclair

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Sincerely,

/ra/

Stuart A. Treby
Assistant General Counsel
for Rulemaking & Fuel Cycle

cc: William Sinclair

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