



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

March 1, 1999

Mr. Chet M. Thompson, Esq.  
Collier, Shannon, Rill, & Scott, PLLC  
3050 K Street, NW  
Suite 400  
Washington, DC 20007

Dear Mr. Thompson:

I am writing in response to your letter to Randolph A. Blough, dated May 27, 1998, requesting that the U.S. Nuclear Regulatory Commission (NRC) approve a request by your client, International Metals Reclamation Company (INMETCO), to dispose of approximately 220 tons of Electric Arc Furnace (EAF) dust contaminated with Cesium-137 ( $\text{Cs}^{137}$ ). INMETCO's proposed method of disposal is to dilute the contaminated EAF dust with uncontaminated EAF dust, to levels that NRC considers to be ubiquitous in the environment, and process the material as if it were not radioactive. In your May 27, 1998, letter, and subsequent letters to NRC, you outlined the circumstances leading to INMETCO's possessing the contaminated EAF dust, and stated that INMETCO had attempted to return the material to the facility in Canada where the EAF dust was generated. You further stated that INMETCO had been informed that it would not be able to return the material to Canada, as it was considered radioactive material under United States law, and provided NRC staff with a copy of the letter from a Quebec provincial authority stating that the material could not be returned to Quebec because no facility in Quebec was authorized to accept radioactive material.

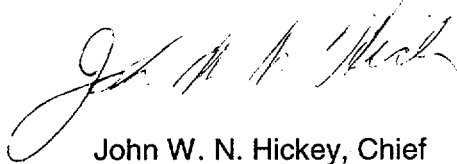
NRC staff has discussed INMETCO's request with staff of the Atomic Energy Control Board of Canada (AECB), to clarify the status of the EAF dust under Canadian law. AECB staff informed NRC staff that the EAF dust, if it contains  $^{137}\text{Cs}$  in concentrations described in your letter, is not considered radioactive material under either AECB regulations, or the Quebec provincial regulations. AECB staff stated that they have discussed the issue with the Quebec provincial radioactive material authority, the Hazardous Materials Service of the Ministry of the Environment and Fauna, and verified that the EAF dust was not considered radioactive material under Quebec provincial regulations. As such, INMETCO should be able to return the EAF dust to the originating facility in Quebec. INMETCO should contact Madame Courtois of the Hazardous Materials Service of the Ministry of the Environment and Fauna, at (418) 521-3950, extension 4957, to discuss arrangements for returning the EAF dust to Canada. You may also wish to contact Mr. Andre Regimbald of the AECB, at (613) 995-5087, for additional information concerning the status of the EAF dust under AECB regulations. Please note that NRC staff has discussed our concerns about the manner in which INMETCO determined the concentration of the  $^{137}\text{Cs}$  in the EAF dust with you and stated that a more rigorous methodology for evaluating the  $^{137}\text{Cs}$  concentration was warranted. AECB staff indicated to NRC staff that they also believe that INMETCO should perform a more rigorous evaluation of the EAF dust before returning it to Canada.

C. Thompson

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If you have any questions concerning the requirements for exporting the material from the United States to Canada, please contact Mr. Ron Hauber at the NRC's Office of International Programs, at (301) 415-2344. If you have any questions concerning this letter, please contact Nick Orlando, of my staff, at (301) 415-6749.

Sincerely,



John W. N. Hickey, Chief  
Low-Level Waste and Decommissioning  
Projects Branch  
Division of Waste Management  
Office of Nuclear Material Safety  
and Safeguards

cc:

Andre Regimbald, Head  
Waste Facilities Section  
Wastes & Decommissioning Division  
Atomic Energy Control Board  
280 Slater St.  
PO Box 1046, Station B  
Ottawa, Ontario  
CANADA K1P 5S9

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Sincerely,

**[Original signed by:]**

John W.N. Hickey, Chief  
Low-Level Waste and Decommissioning  
Projects Branch  
Division of Waste Management  
Office of Nuclear Material Safety  
and Safeguards

cc:  
Andre Regimbald, Head  
Waste Facilities Section  
Wastes & Decommissioning Division  
Atomic Energy Control Board  
280 Slater St.  
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