

August 11, 2005

Mr. Tye Rogers
Vice President, Compliance and Licensing
Envirocare of Utah, Inc.
605 North 5600 West
Salt Lake City, Utah 84116

SUBJECT: ISSUANCE OF ORDER TO MODIFY EXEMPTION FROM REQUIREMENTS OF
10 CFR PART 70

Dear Mr. Rogers:

By letter dated June 8, 2003, Envirocare of Utah, Inc. (Envirocare) requested a modification to an existing Order that exempted Envirocare from certain U.S. Nuclear Regulatory Commission (NRC) regulations and permitted Envirocare, under specified conditions, to possess waste containing special nuclear material (SNM) in greater quantities than specified in 10 CFR Part 150, at Envirocare's low-level waste disposal facility located in Clive, Utah, without obtaining an NRC license pursuant to 10 CFR Part 70. The NRC staff evaluated Envirocare's request in two phases. The NRC staff completed its review of the first phase in December 2003 and published the results of its review in the *Federal Register* on December 29, 2003 (69 FR 74986).

This letter is to inform you that the NRC staff has completed its review of the second phase of Envirocare's request. Please find enclosed an Order that modifies Envirocare's exemption from the licensing requirements in 10 CFR Part 70. The Order is contingent on Envirocare complying with the specific conditions in the Order. The Order will become effective when the conditions are incorporated into Envirocare's State of Utah Radioactive Materials License. The Order was published in the *Federal Register* on August 1, 2005 (70 FR 44123).

Also enclosed please find copies of the Environmental Assessment and Safety Evaluation Report that further document the results of the NRC staff's review.

T. Rogers

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If you have any questions concerning this matter, please contact James Park of my staff. Mr. Park can be reached by telephone at (301) 415-5835 or by email at jrp@nrc.gov.

Sincerely,

/RA/

Scott C. Flanders, Director,
Environmental and Performance
Assessment Directorate
Division of Waste Management
and Environmental Protection
Office of Nuclear Material Safety
and Safeguards

Enclosures:

1. In the Matter of Envirocare of Utah, Inc. - Order Modifying Exemption from 10 CFR Part 70
2. Environmental Assessment/Finding of No Significant Impact for Exemption from Certain NRC Licensing Requirements for Special Nuclear Material for Envirocare of Utah, Inc.
3. Safety Evaluation Report Regarding the Revision to Exemption From Requirements of 10 CFR Part 70

cc: Dane Finerfrock, Utah

Docket No: 40-8989

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