



Attachment B

Exemption to Requirements of 10 CFR 70 for Receipt, Storage and Disposal of Waste Containing Special Nuclear Material



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

RECEIVED
MAY 21 2001

May 16, 2001

Kenneth L. Alkema, Senior Vice President
Envirocare of Utah, Inc.
46 West Broadway, Suite 240
Salt Lake City, Utah 84101

SUBJECT: EXEMPTION TO REQUIREMENTS OF 10 CFR PART 70 FOR RECEIPT,
STORAGE, AND DISPOSAL OF WASTE CONTAINING SPECIAL NUCLEAR
MATERIAL

Dear Mr. Alkema:

This letter responds to two letters from you dated April 11 and April 27, 2001, regarding the May 24, 1999, Order to Envirocare of Utah, Inc. (Envirocare). This Order exempts Envirocare from licensing under 10 CFR Part 70 provided compliance with the conditions of the Order. The April 11, 2001, letter informs the U.S. Nuclear Regulatory Commission (NRC) of your intent to use the Arrow-Pak macro encapsulation technology. You provided information on this treatment technology and noted that the principal difference from your current method of macro encapsulation is the use of high density polyethylene versus low density polyethylene. The April 27, 2001, letter informs the NRC of your intent not to use the Order for the proposed containerized waste facility (CWF). You provide details on the CWF and note that the facility will be under separate control and that waste covered by the exemption will not be commingled with CWF waste.

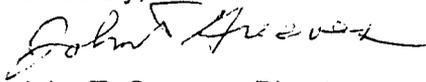
We have reviewed your proposed use of the Arrow-Pak macro encapsulation technology and find that it is consistent with the analyses used to develop conditions of the Order. Therefore, modification of the Order is not required. During the development of the Order, we discussed that all waste containing special nuclear material (SNM) would be covered under the conditions. However, because the CWF will be a separate facility and waste covered under the exemption will not commingled with CWF waste, the conditions of the Order do not need to be imposed on the CWF. The CWF facility can be regulated by the State of Utah for possession of SNM less than the 10 CFR Part 150 mass limits. If you decide in the future to consider applying the Order to the CWF, NRC approval would be required.

Kenneth Alkema

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If you have any questions or comments, please contact Tim Harris of my staff at (301) 415-6613.

Sincerely,



John T. Greeves, Director
Division of Waste Management
Office of Nuclear Material Safety
and Safeguards

Docket No.: 040-8989

License No.: SMC-1559

cc: William Sinclair, State of Utah

ENVIROCARE OF UTAH, INC
THE SAFE ALTERNATIVE

CD01-0195

April 27, 2001

Mr. John Greeves, Director
Division of Waste Management
Office of Nuclear Material Safety and Safeguards
United States Nuclear Regulatory Commission
Mail Stop 2, White Flint North 7J9
Washington, D.C. 20555-0001

Re: U S Nuclear Regulatory Commission Order, dated May 24, 1999, Docket No 0404-8989, Envirocare of Utah, Inc., Special Nuclear Material (SNM) Exemption

Dear Mr. Greeves:

This letter is written to inform the Nuclear Regulatory Commission of proposed SNM controls at the Envirocare of Utah, Inc Containerized Waste Facility (CWF). First, a summary of the background related to this subject.

On May 24, 1999, the Nuclear Regulatory Commission issued a SNM exemption that allows Envirocare, under Utah's Agreement State authority, to control SNM at its Clive site in a manner different than the method stipulated in 10 CFR 150.11, Critical Mass. This method, which is outlined and justified in the above-mentioned Order, controls the SNM inventory at the Clive site by concentration rather than by mass. This Order was added to Envirocare's Radioactive Materials License UT 2300249 and is monitored by the Utah Division of Radiation Control.

On October 5, 2000, Envirocare's Radioactive Materials License UT 2300249 was amended to allow receipt and disposal of all Class A radioactive waste. However, conditions in the license favor bulk over containerized waste disposal. This is consistent with Envirocare's methods in the past.

Envirocare submitted a license amendment on January 29, 2001 to facilitate the disposal of containerized Class A waste in the existing Class A disposal unit. It is this amendment that Envirocare would like to discuss with the Nuclear Regulatory Commission.

Envirocare is proposing to designate a 300-foot by 300-foot area of the Class A LLRW cell for the disposal of containerized waste. This waste disposal operation will be operated as a separate facility from the Class A bulk operations. A chain link fence will separate the containerized disposal operations from the other operations at the site. The CWF will have its own operating staff including a CWF Operations Manager, CWF Site RSO and other members of the CWF

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Mr John Greeves
April 27, 2001

ENVIROCARE

staff This facility has its own procedures for receipt of radioactive waste, disposal, waste tracking, etc

It is Envirocare's intention to control the inventory of SNM at the CWF in accordance with 10 CFR 150.11, based on mass. This operation is identical to the way which Envirocare controlled SNM prior to the SNM Exemption. This is also consistent with the Class A/B/C license.

The CWF will maintain a SNM log and control prorated quantities of Pu, U-233 and U-235 in possession to less than unity This log will apply to undisposed SNM within the CWF restricted area. There will be no radioactive waste inside the CWF restricted area that has been evaluated by the SNM Exemption. All waste will be received by truck in containers and be disposed in containers.

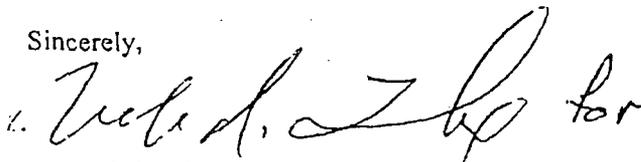
The bulk disposal facility will continue to follow all of the requirements of the Nuclear Regulatory Commission's SNM Exemption Order and the DRC license conditions implementing the Order

Envirocare believes this is consistent with the Nuclear Regulatory Commission's SNM exemptions since the CWF will be isolated and controlled by a different operating staff, different procedures, and no commingling of containerized versus bulk waste within the same restricted area.

The Utah Division of Radiation Control has requested that Envirocare discuss this matter with the Nuclear Regulatory Commission to verify its technical merits and compliance with SNM controls. Envirocare believes that the operation of the CWF as a separate facility will provide the Utah Division of Radiation Control the ability to accurately and clearly inspect against the mass limitation requirement. The DRC's license amendment will determine the specific requirements of SNM management for the CWF.

Two drawings, one of the Envirocare site and the other of the CWF, are attached for your reference and perspective. Please call me at 1-801-532-1330 with any questions or concerns

Sincerely,



Kenneth L. Alkema
Sr. Vice President

Cc: Mr. Bill Sinclair, Director Utah Division of Radiation Control (W/Out Attachments)
Mr. Timothy Harris, NRC Project Manager

Attachments (2)