

FEB 24 1994

Mr. Charles A. Judd
Executive Vice President
Envirocare of Utah, Inc.
American Towers Commercial
46 W. Broadway, Suite 240
Salt Lake City, Utah 84101

Dear Mr. Judd:

On January 14, 1994, Envirocare of Utah, Inc., (Envirocare) submitted, for U.S. Nuclear Regulatory Commission review and approval, the following document in response to license condition 9.6 (c) of your byproduct material license No. SMC-1559:

"Procedures for Certification of 11e.(2) Material" and Figure 16.1, both dated January 1994.

The NRC staff has completed its review and determined that additional requirements need to be placed in the procedures for certification, as proposed by Envirocare, before the staff can find them acceptable. In particular, the procedures, as presently written, do not include provisions for Envirocare to perform independent verification that the pedigree of the waste is 11e.(2) byproduct material. The staff's comments are provided as an enclosure to this letter.

In order to support our review schedule, please provide your response to the enclosed comments within 60 days of the date of this letter. If you are unable to meet that date, please provide your schedule for responding within 10 days of the date of this letter. Should you have any questions regarding the enclosure, please contact the NRC Project Manager, Sandra L. Wastler at (301) 504-2582.

Sincerely,

Joseph J. Holonich, Acting Chief
Uranium Recovery Branch
Division of Low-Level Waste Management
and Decommissioning
Office of Nuclear Material Safety
and Safeguards

010078

Enclosure: As stated
cc: D. Hiller
W. Sinclair, Utah

Docket Number: 40-8989 License Number: SMC-1559
Distribution: See attached list
SUBJECT ABSTRACT: COMMENTS ON ENVIROCARE'S JANUARY 14, 1994 SUBMITTAL

Mark Small Boxes in Concurrence Block to Define Distribution Copy Preference.
In small Box on "OFC:" line enter: C = Cover E = Cover & Enclosure N = No Copy

OFC	LLUR	LLUR	LLUR	LLUR			
NAME	SWastler	MFliegel	JHolonich				
DATE	02/17/94	02/17/94	02/17/94	1/94	1/94		

S:\LLWMTYPE\JOAN\96CQUES.SLW

OFFICIAL RECORD COPY

9403070278 940224
PDR ADOCK 04008989
C PDR

FILE CENTER COPY

1217
110

In small Box on "DATE:" line enter: M = E-Mail Distribution Copy H = Hard Copy
PDR : YES X NO Category: Proprietary or CF Only
ACNW: YES X NO Delete file after distribution Yes X No
IG: YES NO X

Distribution: (For Envirocare Letter dated: FEB 24 1994)

Central File#

NMSS r/f
LLWM r/f
PDR
ACNW
HThompson
RBernero
GArlotto
JGreeves
PLohaus
JHolonich
MBell
JSurmeier
JAustin
MFliegel
DGillen
SWastler
AMullins
DRom
LHamdan
TJohnson
EBrummett
CMcKinney
CPittiglio
LBykoski
LGerke,OCA
MCallahan,OCA
RFonner,OGC
STurk,OGC
TCombs,OSP
KStablein,EDO
PGarcia,RIV,URFO
RHall,RIV,URFO
CHackney,RIV,SLO
JGilliland,RIV,PAO
RDoda,RIV,SAPO
BSpitzberg,RIV

1994 2 4 1994*

BCC list for letter dated: _____

Paul J. Merges, Ph.D
New York Department of
Environmental Conservation
50 Wolf Road
Albany, NY 12233

Maxine Dunkleman
Washington Department of Health
Division of Radiation Protection
P.O. Box 47827
Olympia, WA 98504-7827

Mr. Bill Seay
Formerly Utilized Sites Remedial
Action Program
U.S. Department of Energy
Oak Ridge Operations Office
P.O. Box 2001
Oak Ridge, TN 37831-8723

U.S. Nuclear Regulatory Commission
Comments on Envirocare of Utah, Inc.'s January 14, 1994 submittal

Procedures to ensure that only 11e.(2) byproduct material is accepted

License Condition 9.6 (c) requires Envirocare of Utah, Inc. (Envirocare) to "establish and obtain the U.S. Nuclear Regulatory Commission approval of procedures to ensure that all wastes, other than 11e.(2) byproduct material, are precluded from disposal...." In its January 14, 1994, response to this requirement, Envirocare proposed a procedure for certification that consisted only of a generator or owner signature certifying that the waste material is 11e.(2) byproduct material, as defined in the Atomic Energy Act of 1954, as amended. The staff has reviewed Envirocare's proposal and determined that the procedures proposed do not satisfy the license condition. A signed certification by the waste generator or owner without independent verification and Envirocare involvement is not acceptable.

Therefore, Envirocare must establish procedures to ensure that wastes other than 11e.(2) byproduct material are not accepted for disposal. Certification by the generator or owner, that the material is only 11e.(2) byproduct material and that the certification is based on the generator or owner's documentation of the waste's origin, is a necessary part of the procedure. It is however, not sufficient to ensure that the material is only 11e.(2). Envirocare needs to establish procedures to support and independently verify generator or owner certifications. Analogous to what is done for certifications relating to chemical or physical characteristics of waste, much of the support for the 11e.(2) certification can be imposed on the generator. The independent verification of the certification does not necessarily need to rely on 100 percent confirmation of the generator or owner support of the certification, but it must be sufficient to confirm that the pedigree of the waste is 11e.(2) byproduct material.

During our meeting of October 13, 1993, the NRC staff provided examples of the types of information that should be considered in the development of a certification procedure. These included, but were not limited to:

- a. obtaining an independent verification of the pedigree or history of the facility;
- b. using chemical tests; and
- c. obtaining independent verification that no outside material has been mixed or disposed with the 11e.(2) byproduct material.

The certification procedure must specify those aspects that are the responsibilities of the generator or owner and those that are Envirocare's responsibility.

Enclosure