

PDR

UNITED STATES  
NUCLEAR REGULATORY COMMISSION

REGION IV

611 RYAN PLAZA DRIVE, SUITE 400  
ARLINGTON, TEXAS 76011-8064

August 1, 1997

EA 97-303

Charles A. Judd, President  
Envirocare of Utah, Inc.  
46 West Broadway, Suite 240  
Salt Lake City, Utah 84101SUBJECT: COMPLIANCE PLAN FOR MANAGEMENT OF WASTE CONTAINING SPECIAL  
NUCLEAR MATERIAL, REVISION 2

Dear Mr. Judd:

I am responding to your letter dated July 23, 1997, which submitted a revised compliance plan for management of wastes containing special nuclear material (SNM). The Confirmatory Order to Envirocare of Utah, Inc. (Envirocare), dated June 25, 1997, required, in part, the submittal of a compliance plan by July 7, 1997. Revision 1 of the compliance plan was submitted by Envirocare on July 7, 1997. NRC reviewed this submittal and responded with comments in a letter dated July 21, 1997.

Condition 3 of the Confirmatory Order provides an interim definition of SNM possession until the compliance plan is approved. We find Revision 2 of the Compliance Plan, dated July 23, 1997, to be acceptable with the understanding that the State of Utah determines when waste is properly disposed and that our conclusions regarding "waste in transit" may be subject to reconsideration pursuant to Department of Transportation rulemaking (Docket HM-223). Therefore, Condition 3 of the Confirmatory Order is hereby revised to incorporate the terms of the Compliance Plan, Revision 2, dated July 23, 1997. Furthermore, Conditions 1, 2, and 4 of the Order have been fulfilled by Envirocare.

If you have any questions or comments, please contact me at (817) 860-8225.

Sincerely,

9708070245 970801  
PDR ADOCK 04008989  
C PDR*for* *Ellis W. Merschoff*  
Ellis W. Merschoff  
Regional AdministratorDocket No.: 040-8989  
License No.: SMC-1559

cc: William Sinclair, State of Utah

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