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United States Department of State

*Bureau of Oceans and International  
Environmental and Scientific Affairs*

*Washington, D.C. 20520*

August 4, 1988

Dr. Harold R. Denton, Director  
Office of Governmental and Public Affairs  
Nuclear Regulatory Commission  
Washington, D. C. - 20555

Dear Dr. Denton:

This is in response to your letter of May 3, 1988, regarding the proposal by Eldorado Resources Limited of Canada to import into the State of Michigan waste material containing trace levels of uranium. We understand that the material is calcium fluoride, a process waste resulting from the annual production of uranium hexafluoride. We also understand from our conversations with NRC staff that there may have been at least one previous import of calcium fluoride into the United States for disposal, and that it is the view of the NRC that there are no NRC regulatory restraints regarding the import of Eldorado's waste material.

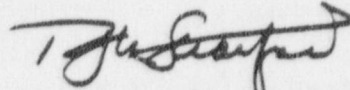
Your letter raised the question of whether the proposed import might raise broader questions regarding transborder shipments of hazardous waste. In this respect, we inquired of the U.S. Environmental Protection Agency (EPA) in the attached letter to Acting Associate Administrator Sheldon Myers whether the EPA had a regulatory responsibility regarding the import of this waste. The EPA has advised in the attached letter that calcium fluoride is not a listed hazardous waste pursuant to the Resource Conservation and Recovery Act (RCRA). However, EPA also advises that should testing show that the material proposed to be imported is a waste with hazardous characteristics (flammable, corrosive, reactive or toxic), then the material would be covered by the hazardous waste regulations, and notification by the receiving facility in the United States to EPA would be necessary. EPA further suggested that Eldorado test the material it wishes to send to the U.S. in order to make this hazardous waste determination.

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Subject to the above recommendation from the EPA, we have no objection to the response which the NRC proposes to make to Eldorado and to the State of Michigan, as set forth in your letter.

Sincerely,



Richard J. K. Stratford  
Deputy Assistant Secretary for  
Nuclear Energy and Energy Technology

Enclosures:

1. Letter of May 19, 1988 to Dr. Sheldon Myers, EPA.
2. Letter of June 8, 1988 from Dr. Sheldon Myers, EPA.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

JUN 8 1988

OFFICE OF  
INTERNATIONAL ACTIVITIES

Mr. Richard J.K. Stratford  
Deputy Assistant Secretary for Nuclear  
Energy Technology Affairs  
Bureau of Oceans and International  
Environmental Scientific Affairs  
U.S. Department of State  
Washington, D.C. 20520

Dear Mr. Stratford:

This is in response to your letter of May 19, 1988  
inquiring about whether or not calcium fluoride waste material  
is regulated by EPA as a hazardous waste under the Resource  
Conservation and Recovery Act (RCRA).

I have consulted with both our Office of Solid Waste and  
the RCRA Hotline which inform me that calcium fluoride is not a  
listed hazardous waste under RCRA. However, should testing  
show that it is a waste with hazardous characteristics (flammable,  
corrosive, reactive or toxic), then the material would be  
covered by the hazardous waste regulations. If the material  
does test to be hazardous, then notification by the receiving  
facility in the U.S. to EPA would be necessary. I suggest that  
El Dorado test the material it wishes to send to Chem-Net to  
make this hazardous waste determination.

If you have any questions, please do not hesitate to call  
me.

Sincerely,

A handwritten signature in dark ink, appearing to read "Sheldon A. Meyers", is written over the typed name.

Sheldon Meyers  
Acting Associate Administrator





United States Department of State

*Bureau of Ocean and International  
Environmental and Scientific Affairs*

Washington, D.C. 20520

May 19, 1988

Dr. Sheldon Myers  
Acting Assistant Administrator for  
International Affairs  
Environmental Protection Agency  
Washington, D.C.

Dear Dr. Myers:

I am writing to transmit the information we have received from the Nuclear Regulatory Commission and Eldorado Resources Limited concerning Eldorado's proposal to import into the State of Michigan large quantities of calcium flouride waste material containing trace levels of uranium (less than 100 parts per million). The Commission intends to advise Eldorado and Michigan that there are no NRC regulatory constraints regarding the import of Eldorado's waste material.

Dr. Charles Newstead has already been in touch with you concerning this matter and I understand that you are in the process of determining whether the EPA has a regulatory responsibility regarding the import of this waste. I shall be happy to meet with you to ascertain whether any further action by the State Department or EPA is required or desirable.

Sincerely,

Richard J. K. Stratford  
Deputy Assistant Secretary  
for Nuclear Energy and  
Energy Technology Affairs

Enclosure as stated.