

October 22, 1998

MEMORANDUM William D. Travers Executive Director for Operations

TO:

FROM: John C. Hoyle, Secretary /s/

SUBJECT: STAFF REQUIREMENTS - SECY-98-226 - ISSUANCE OF A SECTION 274f, ATOMIC ENERGY ACT ORDER TO EXEMPT ENVIROCARE OF UTAH, INC. FROM THE LICENSING REQUIREMENTS FOR SPECIAL NUCLEAR MATERIAL IN DIFFUSE WASTE THAT WILL BE REGULATED BY THE STATE OF UTAH

This is to advise you that the Commission has not objected to the staff's plans to issue an order to Envirocare of Utah, Inc., under Section 274(f) of the Atomic Energy Act to exempt Envirocare from the licensing requirements for storage and disposal of special nuclear material in diffuse waste that will be regulated by the State of Utah. The Order should contain a delayed effective date to facilitate the completion of complementary actions by the State of Utah. The complementary actions by the State of Utah, upon which the effective date of the Order would be contingent, should be clearly defined and suitable for an effective evaluation by the NRC regarding the adequacy of the actions. Additionally, until such time as the guidance document and the possible rulemaking are completed, the staff should ensure that similar requests by other applicants receive fair and equal consideration.

cc: Chairman Jackson
Commissioner Diaz
Commissioner McGaffigan
OGC
CIO
CFO
OCA
OIG
OPA
Office Directors, Regions, ACRS, ACNW, ASLBP (via E-Mail)
PDR
DCS