

From: Stephen Dembek
To: Bob Russ; Janice Owens
Date: 4/5/06 9:07AM
Subject: Re: Shipment of contaminated lead to Duratek.

FYI, here are NRC's definitions for radioactive waste and incidental radioactive material. Let us know if you have any more questions.

Regards,
Steve Dembek

Incidental radioactive material means any radioactive material not otherwise subject to specific licensing under this part that is contained in or a contaminant of any non-radioactive material that:

- (1) For purposes unrelated to the regulations in this part, is exported or imported for recycling or resource recovery of the non-radioactive component; and
- (2) Will not be processed for separation of the radioactive component before the recycling or resource recovery occurs or as part of the resource recovery process.

The term does not include material that contains or is contaminated with "hazardous waste" as defined in section 1004(5) of the Solid Waste Disposal Act, 42 U.S.C. 6903(5).

Radioactive waste means any waste that contains or is contaminated with source, byproduct, or special nuclear material, including any such waste that contains or is contaminated with "hazardous waste" as defined in section 1004(5) of the Solid Waste Disposal Act, 42 U.S.C. 6903(5), but such term does not include radioactive material that is--

- (1) Contained in a sealed source, or device containing a sealed source, that is being returned to any manufacturer qualified to receive and possess the sealed source or the device containing a sealed source;
- (2) A contaminant on service equipment (including service tools) used in nuclear facilities, if the service equipment is being shipped for use in another nuclear facility and not for waste management purposes or disposal; or
- (3) Generated or used in a United States Government waste research and development testing program under international arrangements.

>>> "Bob Russ" <bob.russ@environment-agency.gov.uk> 04/05/06 4:18 AM >>>

Janice,

Thank you for the update. Are the NRC definitions of, and guidelines on, "radioactive waste" and "incidental radioactive material" on the NRC web site? If not, could you forward them to me, if you have an electronic version, at your convenience (no rush).

Thanks,

Bob Russ

>>> "Janice Owens" <JEO@nrc.gov> 04/04/06 10:26pm >>>

Bob,

This is to confirm that I received all nine pages of your fax message on March 30, 2006.

As I explained, before signing the document, I will need to confirm that this import is authorized under NRC general import license regulations (10 CFR Part 110.27) because the U.S. consignee is appropriately authorized to receive and possess the material. Most likely, someone has determined that this import does not warrant a specific NRC import license because it does not constitute "radioactive waste" as defined by NRC. For example, it has probably been determined that this material meets the NRC definition of "incidental radioactive material" because it will be recycled for reuse and will not be processed for separation of the radioactive component before the recycling or resource recovery occurs or as part of the resource recovery process.

Since I will need to ask various parties in NRC and the State of Tennessee to consider the information, it may take a few weeks to obtain the information needed to respond and sign the document as requested.

Thank you,

Janice Owens

Janice E. Owens
Senior Export/Import Licensing Officer
U.S. Nuclear Regulatory Commission
Phone: 301-415-3684
Fax: 301-415-2395
jeo@nrc.gov

>>> "Bob Russ" <bob.russ@environment-agency.gov.uk> 03/30/06 6:04 AM
>>>

Janice,

I faxed the documents to you today - could you look out for them and confirm that you received all 9 pages OK.

Could you let me know whether you think this will be approved by NRC.

Regards,

Bob Russ

Information in this message may be confidential and may be legally privileged. If you have received this message by mistake, please notify the sender immediately, delete it and do not copy it to anyone else.

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CC: Joe Mchugh

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CC: Dembek, Stephen