



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

June 23, 1997

EA 97-303

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

Dear Mr. Judd:

This letter is in reference to the NRC's Confirmatory Action Letter (CAL) dated June 12, 1997; to the management meeting held on June 19, 1997, between Mr. John Greeves and other representative of the NRC staff and Mr. Kenneth Alkema and other representatives of your staff; and to the telephone conversation held on June 23, 1997, between Mr. John Greeves and other members of the NRC staff and Mr. Gregory Copeland and other members of your staff.

Based on the CAL, the meeting, and the June 23 conversation, we understand that you agree to the commitments identified below. The NRC has determined that these commitments are acceptable and necessary to provide for the public health, safety, and interest, and that these commitments should be confirmed by an Order. Therefore, we intend to incorporate these commitments into an Order following your written consent to them.

1. Effective immediately, Envirocare shall not receive Special Nuclear Material (SNM) at its facility, except as described in Paragraph 2 below, until such time as Envirocare has received written authorization from the NRC. Such authorization will be based on review and approval by the NRC of Envirocare's submittal of a plan for meeting the terms of the exemption granted in 10 CFR 150.10 and 150.11 relating to possession of SNM. This applies to mixed and non-mixed low-level radioactive waste containing SNM.
2. Shipments of SNM enroute to the Envirocare facility as of June 11, 1997, may be received at the facility. In addition, any shipment, whether or not enroute by June 11, 1997, containing one gram or less of SNM per conveyance (single rail car or truck) may be received.
3. All SNM within the restricted area at the site, other than SNM placed within the disposal cell, shall be included in determining application of the exemption granted in 10 CFR 150.10 and 150.11.
4. Envirocare will submit to the NRC, not later than August 4, 1997, written confirmation, under oath or affirmation, that the actions described in the disposal plan dated June 16, 1997, have been completed.
5. Any written communication submitted by Envirocare in connection with this Order shall be provided to the Director, Office of Nuclear Material

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Charles A. Judd

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Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to the Regional Administrator, NRC Region IV, 611 Ryan Plaza Drive, Suite 400, Arlington, Texas 76011-8064.

In addition, as you are aware, any resumption of receipt of SNM is subject to the approval of the State of Utah in accordance with the State's requirements.

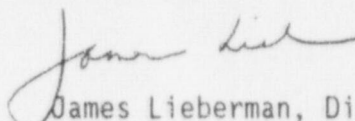
If you consent to the issuance of the Order, you are waiving your right to request a hearing on all or any part of the Order. In addition, you must sign the Hearing Waiver (enclosed) indicating that you agree to such commitments and are consenting to the issuance of the Confirmatory Order. Please return the signed Hearing Waiver by facsimile within two business days from the date of this letter to Mr. James Lieberman, Director, Office of Enforcement, at (301) 415-3431. In addition, please return the original signed Hearing Waiver within ten business days to Mr. James Lieberman, Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852-2738. After receiving your written consent, the NRC will issue the aforementioned Order.

Following your consent to the Order, the Order will supersede our CAL dated June 12, 1997. In addition, your request for an extension of time from June 25, 1997, as specified in the CAL, to August 1, 1997, with respect to achieving compliance with the Commission's requirements, will be granted, as reflected in the above Paragraph 4.

Questions concerning this letter should be addressed to Mr. John Greeves at (301) 415-7437.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter will be placed in the NRC Public Document Room.

Sincerely,



James Lieberman, Director  
Office of Enforcement

Docket No. 040-8989  
License No. SMC-1559

State of Utah License No. UT2300249

Enclosure: As stated

### HEARING WAIVER

Envirocare of Utah, Inc. ( Envirocare), hereby agrees to comply with the commitments described in the NRC's letter dated June 23, 1997, between Envirocare and the NRC. In addition, Envirocare agrees to the incorporation of these commitments into a Confirmatory Order that will be effective upon issuance. I recognize that by signing below, Envirocare consents to the issuance of a Confirmatory Order with the commitments described on Pages 1 and 2 of the NRC's letter dated June 23, 1997, and, by doing so, pursuant to 10 CFR 2.202(d), Envirocare waives the right to request a hearing on all or any part of the Order.

Mr. Charles A. Judd, President  
Envirocare of Utah, Inc.  
Salt Lake City, Utah

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Date



June 23, 1997

Charles A. Judd

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