

**ROUTING AND TRANSMITTAL SLIP**

**DATE:** March 28, 2000

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**SIGN AND/OR  
CONCUR**

**DATE January 12, 2000**

- 1. J. Kennedy      \_\_\_\_\_      \_\_\_/\_\_\_/\_\_\_
- 2. D. Gillen      \_\_\_\_\_      \_\_\_/\_\_\_/\_\_\_
- 3. T. Essig      \_\_\_\_\_      \_\_\_/\_\_\_/\_\_\_

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TICKET NUMBER: N/A  
DUE TO DIVISION: N/A  
DUE TO NMSS: N/A  
DUE TO EDO: N/A

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**LETTER TO:** Charles Judd, Envirocare  
**FROM:** Thomas Essig, Chief, URLL  
**SUBJECT:** Disposal of Colonie NY FUSRAP Waste  
**ORIGINATOR:** J. Kennedy  
**SECRETARY:** Betty Garrett

**ROOM NO./BLDG:** T7F40  
**PHONE NO.:** 415-6668

January 24, 2000

Mr. Charles Judd, President  
Envirocare of Utah, Inc.  
46 West Broadway  
Suite 116  
Salt Lake City, UT 84101

SUBJECT: DISPOSAL OF RADIOACTIVE WASTE FROM COLONIE, NEW YORK, IN A  
RCRA DISPOSAL CELL

Dear Mr. Judd:

I am writing in response to your letter of October 11, 1999, to Mr. John Hickey, U.S. Nuclear Regulatory Commission (NRC), in which you expressed concerns regarding the U.S. Army Corps of Engineers (USACE) intention to ship radioactive waste from its Colonie, NY, Formerly Utilized Sites Remedial Action Program site to a RCRA disposal facility.

With respect to the disposal of unimportant quantities of source material in RCRA disposal cells, our letter of November 15, 1999, from Mr. William D. Travers to you describes the legal and safety considerations under which such disposals can take place. We informed the USACE of these considerations in our January 4, 2000, letter, a copy of which I have enclosed. Your letter also expresses a concern with the USACE's proposed definition of special nuclear material for the Colonie material. The definition for this term is contained in our regulations at 10 CFR 110.2, as we also note in the attached letter to the USACE.

I trust this responds to your concerns.

Sincerely,

**/RA/**

Thomas H. Essig, Chief  
Uranium Recovery and Low-Level  
Radioactive Waste Branch  
Division of Waste Management  
Office of Nuclear Material Safety  
and Safeguards

Enclosure: January 4, 2000, letter to  
Mr. Greg Johnson, USACE

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Enclosure: January 4, 2000, letter to  
Mr. Greg Johnson, USACE

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**\*See previous concurrence**

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<b>DATE</b>	1/12/00		1/21/00		1/24/00				

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(Initials) (Date)