



State of Utah

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Governor

GREG BELL  
Lieutenant Governor

Department of  
Environmental Quality

Amanda Smith  
Executive Director

DIVISION OF RADIATION CONTROL  
Rusty Lundberg  
Director

March 22, 2012

RE: Manifest Requirements for Low-Level Radioactive Waste (LLRW) Processors

To Whom It May Concern:

It has come to the attention of the Utah Department of Environmental Quality, Division of Radiation Control (DRC) that some Generator Site Access Permittees (GSAPs) have been describing LLRW, which has been processed in an incinerator or other thermally treated processes, as residual waste. The DRC has researched the rationale for this practice and has determined that this practice and description is not appropriate.

Some GSAPs reference Volume 60 of the Federal Register (FR) 3<sup>rd</sup> column of page 15,652, where the Nuclear Regulatory Commission (NRC) states: "contaminated ash should be considered residual waste assigned to the processor." However, the next sentence further clarifies this statement: "If this interpretation is agreed to by the appropriate State or Compact authorities." The State of Utah does not agree with the interpretation offered by the NRC. Moreover, the practice is explicitly prohibited in our Generator Site Access rules Utah Admin. Code R313-26-4(4), which state:

A Waste Collector, Waste Processor, or Waste Generator shall ensure all radioactive waste contained within a shipment for disposal at a land disposal facility in the state is traceable to the original generators and states, regardless of whether the waste is shipped directly from the point of generation to the disposal facility.

In addition, 10 CFR 20 Appendix G *Requirements for Transfers of Low-Level Radioactive Waste Intended for Disposal at Licensed Land Disposal Facilities and Manifests*, Section E *Multi-Generator Disposal Containers*, Subsection 1 states:

"For homogeneous mixtures of waste, such as incinerator ash, provide the waste description applicable to the mixture and the volume of waste attributed to each generator." (Vol. 60 FR, page 15,665)

Therefore, GSA Permittees that are processors shall manifest and describe LLRW shipments to be disposed in the State of Utah, that has been processed in an incinerator or other thermally treated processes according to the rules stated above.

Furthermore, the DRC acknowledges that incidental waste from decontamination and maintenance activities between distinct batches that cannot be attributed to a single generator shall be attributed to the Processor. De minimis waste from previous shipments does not have to be described or attributed. This is consistent with the Northwest Compact's interpretation of this issue. GSAPs may still dispose of incinerated and thermally treated waste at the EnergySolutions' Clive, Utah facility; however, GSAPs will need to describe LLRW accordingly and attribute the waste as described in 10 CFR 20 Appendix G - Section E, Subsection 1 from this point forward. If you have any questions or comments regarding this

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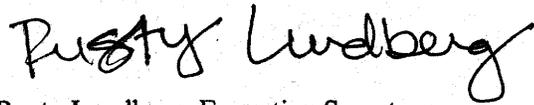
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issue please contact Phil Goble or Ryan Johnson at (801) 536-4250.

UTAH RADIATION CONTROL BOARD

A handwritten signature in black ink that reads "Rusty Lundberg". The signature is written in a cursive, slightly slanted style.

Rusty Lundberg, Executive Secretary

RL/RJ:rj

CC: Mike Garner, Northwest Interstate Compact