



State of Utah

DEPARTMENT OF ENVIRONMENTAL QUALITY DIVISION OF RADIATION CONTROL

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December 14, 1999

Paul Lohaus, Director
Office of State Programs
Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Mr. Lohaus:

The purpose of this correspondence is to consult with the Nuclear Regulatory Commission (NRC) regarding the issue of continuation of the private land ownership policy allowed by state rule exemption for Envirocare. As you are aware, on November 1, 1999, Envirocare submitted a license amendment application to receive and dispose of containerized Class A, B, and C wastes for all nuclides. It is my understanding that the some individuals within the NRC have been briefed on the license modification request recently by Envirocare

Section 9.4.1 of the license amendment request (enclosed) indicates that:

"In accordance with a letter dated November 18, 1987, from the Director of the Bureau of Radiation Control, and in accordance with R313-25-9(2) an exemption was granted, allowing for Envirocare's disposal activities on privately owned land."

"Therefore, Envirocare will retain ownership of the land, and will be responsible for site closure as well as the long-term maintenance and monitoring of the disposal site."

Currently, one unit (the Vitro disposal cell) has been transferred to the U.S. Department of Energy (DOE) for perpetual care and another unit, the uranium and thorium mill tailings area licensed by the NRC is destined for future transfer to DOE. The State of Utah requests NRC's opinion on continuation of private land ownership in lieu of government ownership as indicated in the Utah Radiation Control Rules under R313-25-28 (1).

The change of Envirocare's intentions from a "market niche" facility for large volume, low activity materials to a "full-service" facility in our opinion warrants a re-review of this question. If private land ownership for a "full-service" facility could be a potential problem area for the NRC, we would appreciate acknowledgment as such to give us the maximum opportunity to resolve the issue at the front end of the licensing process.

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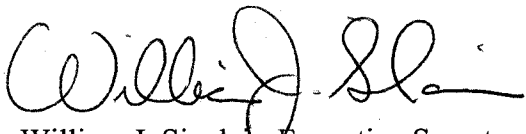
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Thank you for your attention to this matter. If you have any questions, please do not hesitate to contact Dane Finerfrock or myself.

UTAH RADIATION CONTROL BOARD

A handwritten signature in cursive script, appearing to read "William J. Sinclair".

William J. Sinclair, Executive Secretary

cc: Dianne Nielson, Ph.D., Executive Director, UDEQ
Myron Bateman, E.H.S., M.P.A., Health Officer/Department Director, Tooele County Health
Department
Fred Nelson, Utah Attorney General's Office
Ken Alkema, Envirocare of Utah, Inc.
John Greeves, Director, NRC Division of Waste Management
Charles Hackney, NRC Region IV
Milt Lammering, EPA Region VIII

- b. Subsidence, settling, cracks, etc.
- c. Deterioration of cover.
- 5. Slopes.
 - a. Settlement, sliding.
 - b. Animal and/or plant intrusion.
 - c. Vandalism.
- 6. Periphery.
- 7. Diversion Channels.
 - a. Functional.
 - b. Erosion, sediment.
 - c. Vegetation, blockage.
- 8. Photography

Envirocare supplements visual inspection with the construction of settlement plates (devices installed as the embankment is constructed for monitoring future settlement) as construction of the embankment and final cover is completed.

In addition to the scheduled surveillance, Envirocare will provide unscheduled inspections following unusual events (e.g. tornadoes, extremely high winds, extended or high periods of precipitation, floods, earthquakes, or human events such as vandalism, inadvertent intrusion in to the fenced area, or threats).

9.4 Institutional Controls

9.4.1 Land Ownership

In accordance with a letter dated November 18, 1987, from the Director of the Bureau of Radiation Control, and in accordance with R313-25-9(2) an exemption was granted, allowing for Envirocare's disposal activities on privately owned land.

Therefore, Envirocare will retain ownership of the land, and will be responsible for site closure, as well as the long-term maintenance and monitoring of the disposal site.

It is anticipated that the State of Utah will retain a function in the post-closure activities at the site, in an oversight role.

Funds for the closure, remediation and long term surveillance of the facility have been provided, as detailed in Section 10 of this Application. Funds are maintained in trust for the benefit of the State of Utah with Zions First National Bank and Trust.

9.4.2 Records Compilation and Transfer

Envirocare will maintain records of waste disposed at the facility, records of decontamination and records certifying closure of the facility. Copies of these records will be maintained by Envirocare throughout the period of long term surveillance and will be made available to the State for inspection, as required. A summary of these records will be submitted to the DRC upon closure of the facility. All permanent records may be found at the following location:

Envirocare of Utah, Inc.
Salt Lake Corporate Office
46 W. Broadway, Suite 240
Salt Lake City, Utah 84101
Phone (801) 532-1330
Fax (801) 537-7345