

## DON, HILLER &amp; GALLEHER

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

1737 GAYLORD STREET

DENVER, COLORADO 80206

TELEPHONE 303/572-1666  
FACSIMILE 303/572-0900SHELLEY B. DON  
DAVID L. HILLER  
WATSON W. GALLEHER  
OF COUNSEL  
EARL S. WYDEN

January 25, 1993

BY TELEFAX AND U.S. MAIL

Robert M. Bernero, Director  
Office of Nuclear Materials Safety  
and Safeguards  
United States Nuclear Regulatory Commission  
Washington, D.C. 20555


Re: Envirocare of Utah, Inc.

Dear Mr. Bernero:

At the request of Mr. Semnani, I have prepared the enclosed Summary of our meeting at your offices on December 21, 1992. This Summary was prepared from my notes of the meeting. I am confident of the accuracy of the information included in this Summary, but I must confess that there may have been some incidental matters discussed which were not recorded in my notes and do not appear in the Summary.

I hope this is helpful to you. It was a pleasure to meet with you and your colleagues on December 21.

Very truly yours,



David L. Hiller

DLH:

Enclosure

Copy: Envirocare

## MEETING SUMMARY

NAME OF LICENSEE: Envirocare of Utah, Inc. (ENV)  
NAME OF FACILITY: Envirocare  
DOCKET NO.: 40-8989  
DATE OF MEETING: December 21, 1992  
PURPOSE OF MEETING: At Request of Envirocare, to Discuss  
November 25, 1992, Letter from Robert  
Bernero to Khosrow Semnani  
ATTENDEES: See attached list

## SUMMARY:

Mr. Bernero commenced the meeting, acknowledging the stern tone of the November 25, 1992, letter and expressing the concern of NRC Staff with certain aspects of the ENV application and difficulties in communication with ENV staff. Mr. Semnani expressed his thanks for the opportunity to meet with NRC representatives to discuss the letter, which had come as a surprise to ENV and which was being used for political purposes by ENV's competitors and adversaries. ENV's understanding was that many of the problems identified in the November 25, 1992, letter had already been resolved. Mr. Semnani distributed a letter to all present in response to Mr. Bernero's November 25, 1992, letter.

Ms. Wastler was asked to summarize and give examples of the areas of concern of NRC. She discussed past problems with incomplete information regarding geomorphology and the organization of the materials presented. She also indicated that ENV had made reference to technical information without showing its relevance to the ENV application, such as the Superconductor-Supercollider study. Finally, Ms. Wastler discussed the problems in technical communication between NRC and ENV, and the fact that ENV had taken little advantage of NRC's invitation to meet with ENV's technical staff to work out problems and questions.

NRC's introductory comments closed with the recognition that the ENV site was a good site and that the issues which arose under the application concerned monitoring of the proposed 11e.(2) facility.

Mr. Semnani stated that ENV was not taking the licensing process lightly. He noted that the licensing of ENV to receive 11e.(2) materials was an issue of national significance, and ENV had received calls from many governmental officials since the release of the November 25, 1992, letter wondering what was going on. He said that ENV does not want to be caught in a political battle between those who want a commercial 11e.(2) site and those who do not.

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Mr. Judd then discussed ENV's response to the specific issues identified in the November 25, 1992, letter and Ms. Wastler's comments. ENV thought that the problems in communication had been remedied at the meeting of April, 1992, and that communications had been much better since that time. In April, ENV was told to focus on the Environmental Report, which it did, and additional materials were submitted in July and November. ENV understood from comments of NRC that the ER was now considered complete, that the DEIS was in the works and that the license application was in good shape. ENV was surprised because it had received no notice prior to the November 25, 1992, letter that NRC thought there were still concerns. ENV and its consultants had been told that any remaining concerns would be handled as "open issues" as the draft SER was prepared. Specifically, ENV thought that the geomorphology questions had been answered and that the point of compliance issues were very close to resolution. Technical communication had improved after the April, 1992 meeting.

The discussion then turned to the schedule for licensing action. Mr. Taylor stated that one year ago it had been indicated to Congress that the license was scheduled to be issued in early 1993. Mr. Surmeier stated that, based on past performance, NRC now anticipated issuance in November, 1993. ENV stated that it hoped the license could be issued in August, 1993. Both NRC and ENV committed to better communication and efforts to speed up the time line, with the goal of earlier license issuance.

Mr. Taylor stressed that the licensing decision was not a political decision, but a technical one, based on a stringent review. Mr. Bernero pointed out the problem with ENV's draft radiological assessment. Mr. Judd explained that the draft was only a working draft prepared on preliminary assumptions. This draft was provided to NRC at NRC's own request, and was known by both parties to be preliminary. ENV thought that NRC had agreed with the use of the assumptions. The radiological assessment was revised using proper assumptions in order to demonstrate compliance with the NRC rules.

Mr. Surmeier suggested that most of the past problems indicated that ENV's technical staff was good, but that ENV needed more licensing or regulatory expertise. In many instances, ENV's problems, as perceived by NRC, were more with communication and presentation than with technical competence and substance. Mr. Surmeier stressed that ENV needed expert assistance in approaching the licensing process, including the documentation of information to demonstrate regulatory compliance and proper communication with NRC staff.

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Mr Semnani stated that he was happy to hear that the licensing process was not a political process, but he repeated that the November 25, 1992, letter had been used for political purposes by those who didn't want ENV to receive an 11e.(2) license. He also stated that ENV was in the process of hiring a consultant specifically for the purpose of providing the kind of regulatory expertise which NRC was suggesting. There was some discussion regarding the fact that there was no precedent for the precise kind of license which ENV had applied for, and that this lack of precedent had caused problems and delays for both NRC and ENV.

Mr. Bernero again stressed that it was ENV's burden to prove compliance with the licensing standards. Mr. Bernero and Mr. Taylor agreed that the November 25, 1992, letter should be characterized as a "call to action." Mr. Semnani noted that, unfortunately, the public perception of that letter was more negative and unfair. He pointed to a recent audit of ENV's operations by the Utah legislature as evidence of ENV's abilities and quality performance.

Again, both NRC and ENV indicated that there had been significant improvement in the communication between them, and that both were dedicated to expediting the process. Many of the issues previously raised by NRC had already been resolved. Ms. Wastler said that there were still open issues for resolution in the draft SER, to be issued near the end of January. The list of open issues would be reviewed by the NRC staff by January 8 and could be provided to ENV after that date. ENV would have 60 days to respond to those issues. Ms. Wastler encouraged ENV to communicate directly with the NRC staff on those issues.

Mr. Bernero emphasized that the ENV license application was getting priority attention. Mr. Semnani asked if DOE had agreed to accept ownership of the 11e.(2) materials after closure, and Ms. Wastler said that DOE had agreed to that by letter many months earlier. A copy of that letter should have been provided to ENV and would be provided immediately after the meeting.



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State/Local Government Mailing:

Paul J. Merges, Ph.D  
New York Department of  
Environmental Conservation  
50 Wolf Road  
Albany, NY 12233