

ENVIROCARE OF UTAH, INC.
THE SAFE ALTERNATIVE

October 21, 1996

Administrator
U.S. Nuclear Regulatory Commission
Region IV
Material Radiation Protection Section
611 Ryan Plaza Drive, Suite 1000
Arlington, TX 76011

Re: Reply to a Notice of Violation; License No. SMC-1559

Envirocare of Utah, Inc., (Envirocare) has carefully considered the circumstances surrounding the notice of violation dated August 13, 1996 and admits to the violation.

The reason for the violation was the considered opinion, at the time, that the set of duplicate samples collected as the first resampling event following the identification of a possible exceedence demonstrated a value equal to the established background. The one duplicate sample which was greater than background was considered to be a statistical outlier and not representative of uranium concentrations in the ground water. The bases for the opinion were: (1) the large discrepancy between two duplicate sample analyses, one of which was at background and one which was approximately 50 percent higher, (2) the fact that during the background monitoring period measured uranium concentrations in five wells (8.3 percent of the measurements), including one from this well, were greater than the backgrounds which were ultimately established for the wells and had apparently been discarded as outliers, and (3) ground water transport modeling which showed that the ground water could not have been contaminated as a result of disposal operations. That opinion was confirmed when the second re-sample result for uranium was well below the established background. However, Envirocare has reconsidered its original conclusion and agrees that, although there has been no contamination of the ground water, the conservative position would have been to consider the higher value as being a confirmation of the exceedence and to have reported it as such.

In order to prevent such a violation from occurring in the future, Envirocare has discussed the reason for this violation

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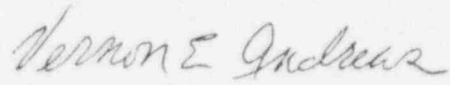
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internally with all staff involved with ground water monitoring and with our consultant firm who performs the data review. Because this violation resulted from a conclusion based on several items of data, rather than from a flaw in the reporting process, the internal review and discussions regarding data evaluation are deemed to be sufficient to prevent a reoccurrence.

As guidance for future data evaluation, Envirocare's operating procedure for ground water monitoring will be revised to provide additional assurance that such situations do not arise. The revised procedure will be completed by November 15, 1996.

The notice of violation was for a failure to notify the NRC of an exceedence. Confirmation of an exceedence requires submittal of the notification as well as a site-specific plan for ground water protection and a compliance monitoring plan. Even though this well is only in non-compliance due to a normal variation in naturally-occurring uranium concentrations, Envirocare will submit to NRC on October 25, 1996 the formal notice of exceedence and required plans. The compliance monitoring plan will Therefore, full compliance will be achieved on November 15, 1996.

Sincerely,



Vernon E. Andrews
Corporate RSO

cc: Harold Lefevre, NRC