



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

January 24, 1997

Hugh L. Thompson, Jr.
Acting Executive Director for Operations
Nuclear Regulatory Commission
11555 Rockville Pike
Rockville, Maryland 20555

Dear Mr. Thompson:

I am writing in connection with recent issues which have surfaced involving the regulatory licenses for the Envirocare of Utah facility and, in particular, correspondence addressed to you from the Natural Resources Defense Council (NRDC) requesting the revocation of all such licenses issued to Envirocare for the disposal of low-level radiological waste materials.

Let me first say that the U.S. Environmental Protection Agency (EPA) is also very disturbed about reported events surrounding payments made to a representative of the Utah Bureau of Radiation Control. Such payments were clearly inappropriate and the matter should be investigated fully and appropriate action taken.

Notwithstanding the above, we are concerned about any action by the Nuclear Regulatory Commission (NRC) which would lead to the revocation of Envirocare's licenses before the facts in the matter are fully known. As you may be aware, Envirocare is the only facility in the United States permitted to receive large quantities of low-level radiological waste. Although we understand that other facilities may be pursuing such permits, none has as yet received one.

EPA, through the U.S. Army Corps of Engineers, has a long-term contract with Envirocare providing for the disposal of low-level radiological waste. EPA initially entered into the contractual arrangement to ensure that it could safely and effectively clean up radiological contamination at sites across the country being addressed under the Superfund program. At the current time, we in this regional office are transporting radium-contaminated soil from hundreds of residential properties in New Jersey to the Envirocare facility for disposal. Without Envirocare, this cleanup will be forced to stop as will numerous others around the country.

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This agency in no way is condoning the events surrounding the issuance of Envirocare's permit and if it is found that the facility owner committed an illegal act, he should be punished accordingly. However, before taking immediate action to shut down the facility as requested by NRDC, consideration should be given to the people who would be most hurt. Leaving radiological contamination on residential properties and exposing children and adults to unacceptable health risks could be the consequence of such an action. This would not be in the best interests of the public. As we understand it, the Utah facility is operating properly and in compliance with applicable requirements at the present time.

We trust you will give serious consideration to this matter. Do not hesitate to contact us with any questions.

Sincerely yours,

John S. Frisco

John S. Frisco
Superfund Remedy Manager
Emergency and Remedial Response Division