

**ENVIROCARE** OF UTAH, INC.  
THE SAFE ALTERNATIVE

February 26, 1997

U.S. Nuclear Regulatory Commission  
ATTN: Document Control Desk  
Washington, DC 20555

Re: Reply to Notice of Violation dated January 28, 1997, Docket: 40-8989; License: SMC-1559

The Notice of Violation cited above states: "although the licensee confirmed that exceedences of the baseline/background levels for mercury, selenium, and uranium had occurred, and notified the NRC of the exceedences by facsimile on October 4, 1996, and letter dated October 24, 1996, standards were not developed and implemented for mercury, selenium, and uranium within 30 days. Also, a compliance monitoring plan for arsenic was not developed within the 30 days following its original confirmation of exceedence of the baseline/background value in 1995." Envirocare admits to this violation.

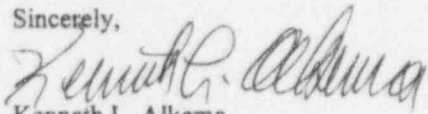
On November 20, 1997, in a letter to Mr. Joseph J. Holonich, Envirocare proposed to establish site specific standards for the exceedences identified in the October 24, 1996, Envirocare letter. The delay in establishing the standards was a result of Envirocare's determination that the measured values were part of background and do not represent real exceedences. However, after careful review of the license, we concluded that the license requires that site specific standards be established if any apparent exceedence of Table S-1 values occurs. Therefore, the standards were established in the November 20, 1996, letter. Further, although not specifically stated in the June 7, 1995, letter requesting a change to the background concentration for arsenic in GW-57, compliance monitoring for GW-57 was established as the normal quarterly monitoring. A copy of the June 7, 1995, letter is attached.

As noted in the November 20, 1996, letter from Envirocare to NRC, Envirocare plans to submit a report and Request for Modification for modification to the Envirocare Radioactive Material License by March 1, 1997. (Please note that the meeting held between Envirocare and NRC on February 18, 1997, resulted in the determination that additional information would be helpful for the March 1, 1997, submittal.) It is Envirocare's plan to request two to three additional weeks to provide the information currently scheduled for March 1, 1997. (We are awaiting a firm schedule from our consultant.) Envirocare procedures will ensure that proper notifications, site specific standards, and compliance monitoring based on sampling results from all laboratory analyses are made.

Interim procedures are currently in place. Formal procedures will be established and implemented by March 31, 1997.

Please let me know if NRC needs any other information.

Sincerely,

  
Kenneth L. Alkema  
Director of Government Affairs

9703030207 970226  
PDR ADOCK 04008989  
C PDR

Enclosure

030043

CC: Loren Morton, Bill Sinclair (Utah DRC)  
Regional Administrator, Region IV  
611 Ryan Plaza Drive, Suite 400, Arlington, TX 76011

NL10 1/1



**ENVIROCARE** OF UTAH, INC.  
THE SAFE ALTERNATIVE

June 7, 1995

Mr. Joseph J. Holonich, Chief  
High Level Waste and Uranium Recovery Projects Branch  
United States Nuclear Regulatory Commission  
Washington, D.C. 20555

Subject: Request For Revised Background Concentration  
Arsenic, GW-57 Compliance Well  
License No. SMC-1559

Dear Mr. Holonich:

On May 17, 1995, Envirocare of Utah, Inc. ("Envirocare") notified the Nuclear Regulatory Commission (the "NRC") pursuant to License Condition 12.2 that the background concentration for arsenic for GW-57 was exceeded for the January 1995 sampling event. Pursuant to License Condition 11.1, Envirocare is required to establish and submit for NRC approval within 30 days from receipt of the analysis results a compliance monitoring plan and site specific concentration standards for the detected constituent, arsenic. Envirocare has reviewed the analytical data for GW-57 and has determined that the arsenic detected at GW-57 is attributable to arsenic native to the soils and ground water in the area. Therefore, Envirocare requests that the NRC amend the background concentration for GW-57 to 0.032 mg/l arsenic. This value is equivalent to the mean plus two (2) standard deviations for all analytical results for this well, a summary of the data is attached.

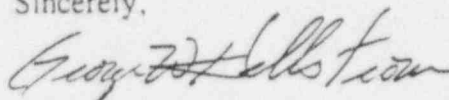
Envirocare has enclosed a potentiometric map of freshwater equivalent head for October 1994, with the Table S-1 values for arsenic hand written on the map. This shows that many of the wells are close to or above the EPA ground water protection limit of 0.05 mg/l. It is also evident that GW-57 is down gradient from several wells that have background concentrations greater than 0.05. Envirocare has also noted a trend that arsenic levels in ground water samples have been increasing over the past two (2) years throughout the site. This corresponds to an increase in the elevation of the ground water, as shown on the accompanying graph. Arsenic, along with several other constituents, such as fluorine (fluoride), are common in soils such as are encountered at Envirocare. When the water table increases, the constituents are dissolved from the soil and enter solution, increasing the background concentration. Due to the high concentration of these constituents throughout the site, Envirocare proposes to review the arsenic and fluorine concentrations and proposes setting triggering and reporting action levels for these constituents, as recommended by the NRC's Technical Position Paper on *Environmental Monitoring of Low-Level Radioactive Waste Disposal Facilities*. These levels will be submitted by Envirocare in a separate request for license amendment.

ENVIROCARE

Joseph J. Holonich  
June 7, 1995  
Page 2

If you have any questions regarding this matter, please contact George Hellstrom at (801) 532-0920.

Sincerely,

A handwritten signature in cursive script, appearing to read "George W. Hellstrom".

George W. Hellstrom  
Envirocare of Utah, Inc.

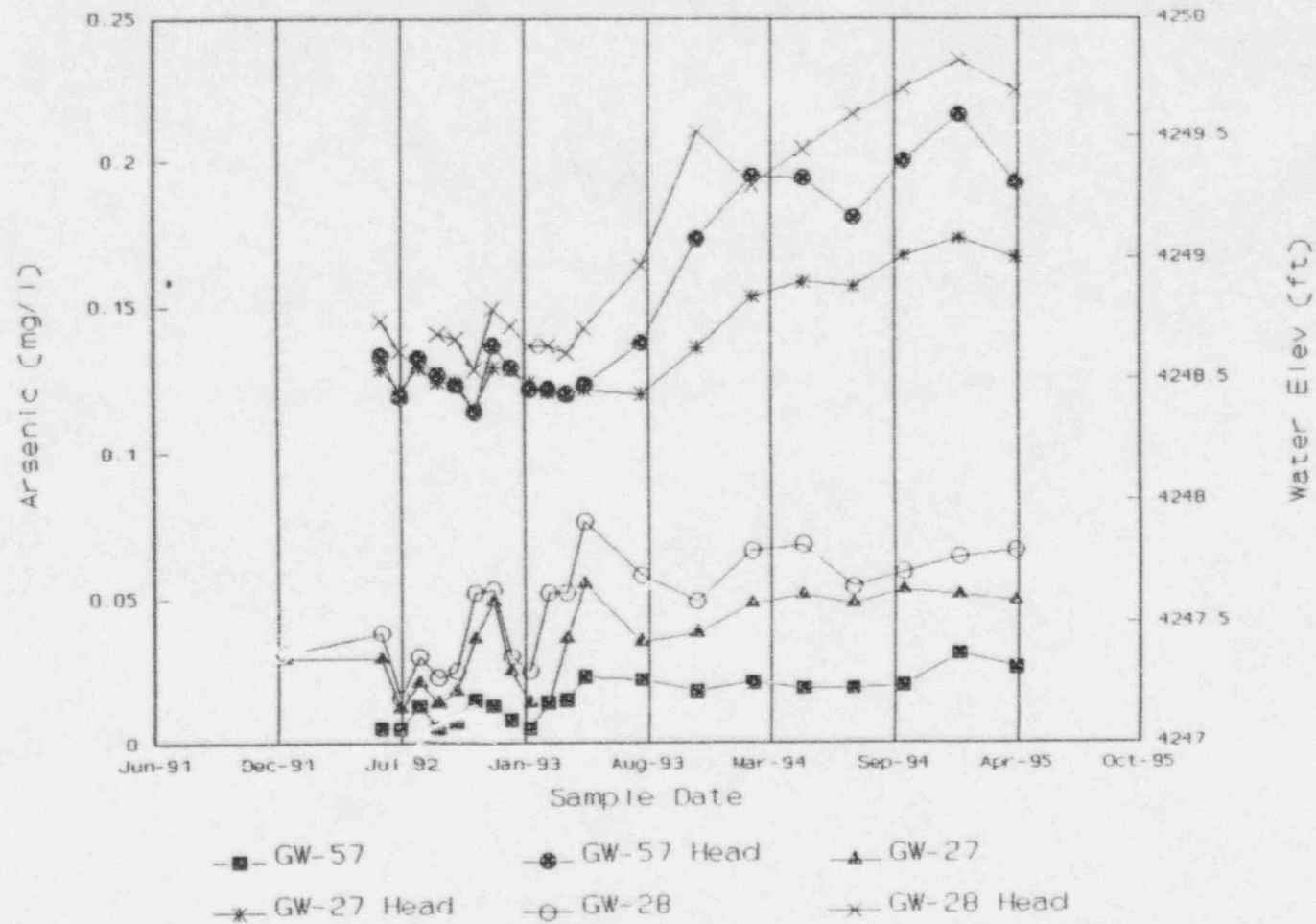
Enclosures

cc: Robert Carlson  
NRC Region IV  
Utah Division of Radiation Control

## Attachment 1 - Sampling Data, GW-57, Arsenic.

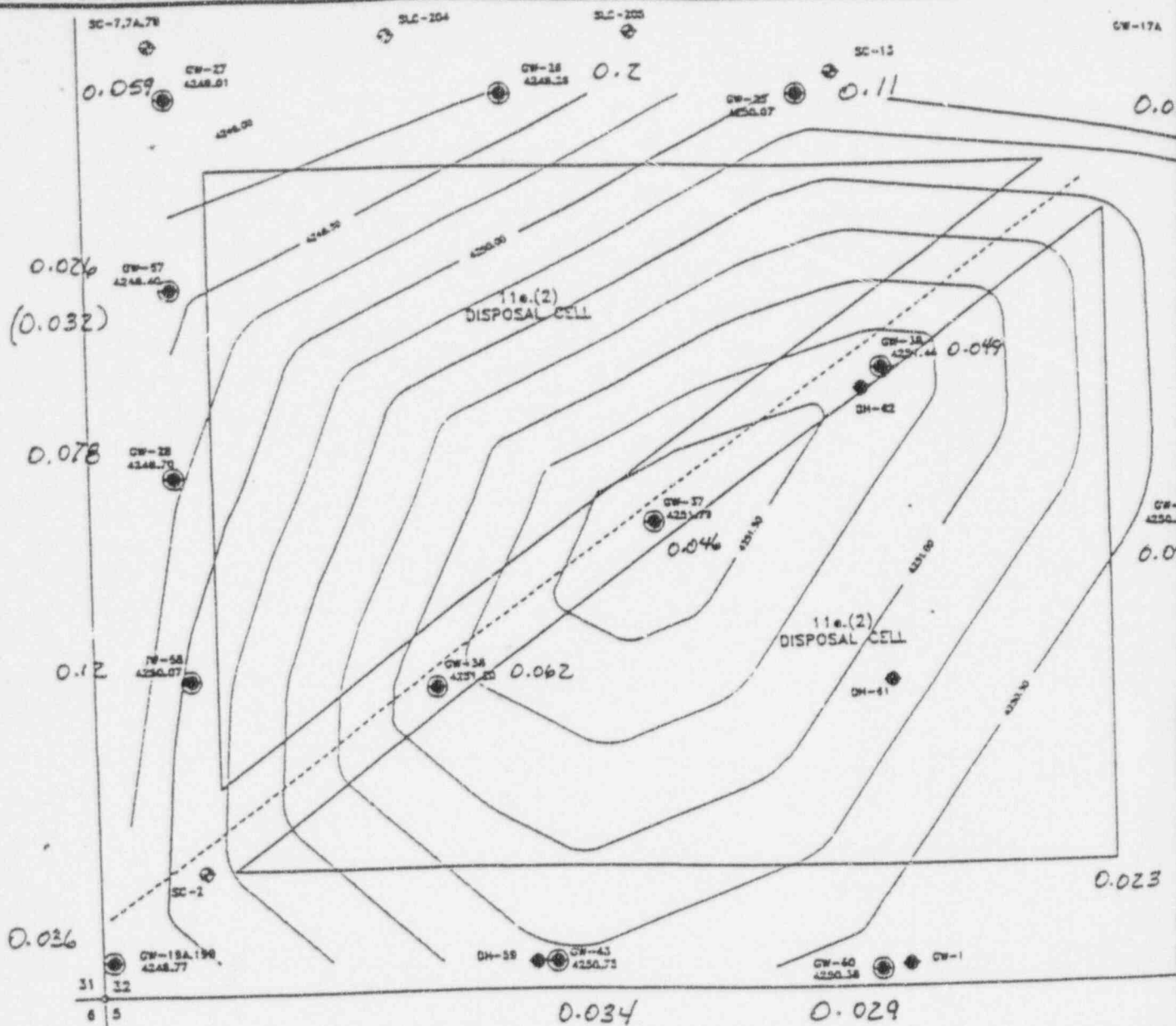
<u>Date</u>	<u>Arsenic (mg/l)</u>	<u>GW Elev. (ft)</u>
Jun-92	0.005	4248.6
Jul-92	0.005	4248.4
Aug-92	0.013	4248.6
Sep-92	0.005	4248.5
Oct-92	0.007	4248.5
Nov-92	0.015	4248.4
Dec-92	0.013	4248.6
Jan-93	0.008	4248.6
Feb-93	0.005	4248.5
Mar-93	0.014	4248.5
Apr-93	0.015	4248.4
May-93	0.023	4248.5
Aug-93	0.022	4248.7
Nov-93	0.018	4249.1
Feb-94	0.021	4249.3
Apr-94	0.019	4249.3
Jul-94	0.019	4249.2
Oct-94	0.020	4249.4
Jan-95	0.031	4249.6
Apr-95	0.026	4249.3
Resample	0.029	
Mean	0.016	
Std	0.008	
Mean + 2std	0.032	

# Attachment 2 - Arsenic Concentrations and Freshwater Equivalent Head.









EPA GW Protection Limit = 0.05 mg/l  
 (0.032) = Proposed background concentration GW-57

### LEGEND

- 4248.25 — Freshwater Equivalent Head (OCTOBER 3-7, 1994)  
 Freshwater Equivalent Head Elevation Included Adjacent to Well I.D.
- GW-16 Through GW-68: Monitor Wells—Bingham Environmental (1991-1994)
  - DH-30 Through DH-63: Exploratory Holes / Piezometers—Bingham Environmental (1991-1993)
  - 1 and other GW's: Delta Geotechnical Consultants (1988, 1990)
  - SLC- Jacobs Engineering Group, Inc. (1984)
  - SC- Dames & Moore (1981-1982)
  - Monitor Wells Included in Network
  - Suction Lyimeters To Be Installed in Network

### SOIL SAMPLING CODE

- Continuous Soil Sampling Hole
- Discontinuous Soil Sampling Hole

### COMPLIANCE MONITOR

#### EXISTING LARW CELL:

#### COMPLIANCE MONITOR WELLS

1-2-30	GW-23	GW-5
GW-16R	GW-24	GW-6
GW-20	GW-25	GW-6
GW-22	GW-28	

#### SUCTION LYIMETERS

- SL-1
- SL-2
- SL-3

### NOTES

1. GW-17A TO MONITOR DISPOSAL CELL. THIS BE A COMPLIANCE M
2. DH- DESIGNATES EX NOT COMPLETED AS DH-33 AND DH-34

