



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

February 5, 1997

MEMORANDUM TO: Richard L. Bangart, Director
Office of State Programs

FROM: Kathleen N. Schneider *Kathleen N. Schneider*
Senior Project Manager
Office of State Programs

SUBJECT: 1994 UTAH RADIATION PROGRAM REVIEW

In 1994, I was the team leader for the Utah Agreement State Program Review conducted in accordance with the 1992 NRC Policy Statement "Guidelines for NRC Review of Agreement State Radiation Control Programs." This review was conducted in connection with the pilot Integrated Materials Performance Evaluation Program (IMPEP), however the findings of record for this review are those in accordance with the 1992 Policy Statement. The review was held during the week of June 13-17, 1994 in Salt Lake City, Utah and audited the State's actions during the period of April 12, 1992 to June 13, 1994. In a letter dated December 6, 1994, the Utah program was found to be adequate to protect public health and safety and compatible with the regulatory programs of the NRC.

As a result of the recent information about payments made by Mr. Semnani, owner of Envirocare of Utah (Envirocare) to Mr. Anderson, former radiation control program director, I was asked to review the 1994 Utah assessment and to meet with the members of my team who audited the low-level radioactive waste portion of the Utah agreement programs to determine if there were any areas in the 1994 Utah Radiation Program Review where the team relied on statements or information from Mr. Anderson which needed further examination or review by NRC. Early 1993, Mr. Anderson was replaced as the Radiation Program Director. More broadly, in light of the Semnani to Anderson payments, I was also requested to evaluate whether there is a need to perform additional near-term Utah program review activities for any reason associated with my evaluation of the 1994 Utah program review.

James Kennedy, Division of Waste Management, NMSS, assisted during the week of June 13, 1994, with those portions of the review dealing with the low-level radioactive waste regulatory program. Fred Ross, Division of Waste Management, NMSS, reviewed and discussed outstanding issues from the previous review and letters dated December 24, 1992, June 28, 1993, and March 31, 1994 on the Envirocare license with Utah staff on June 14-15, 1994. As team leader, I coordinated the team members' activities and also reviewed the status of the legal authority for the program with special emphasis on the 1992 amendment which established the Radiation Control Board.

I met on January 14, 1997 with James Kennedy and Fred Ross and we reviewed and discussed the findings of the 1994 Review and our recollection of the audit we performed. In 1993, Mr. William Sinclair had been appointed to replace Mr. Anderson and was the

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Radiation Control Program Director during the review. My recollection and that of the team members was that Mr. Sinclair appeared to be both dedicated to assuring public health and safety and objective in his program implementation. Our interactions with the staff in the low-level radioactive waste area and the other program areas were professional and we did not have any concerns that the reviewed information and the interactions that occurred in 1994 were biased or otherwise inaccurate as a result of the alleged payments made when Mr. Anderson was program director. There were differing opinions between NRC and the Utah staff on several technical and administrative issues in the materials area, but these issues were discussed and either resolved or were included in the comments on the program.

Eleven comments had been identified during the 1992 review of the Utah program under the indicator of Technical Quality of Licensing that were applicable to Utah's review of Envirocare's license application. The land ownership exemption was an issue addressed separately from the 1992 review in SECY-93-136, "Update on the Resolution of the Utah Land Ownership Issue" dated May 18, 1993. The Commission agreed with the staff's recommendation to find the exemption acceptable and a letter was sent to Utah on June 28, 1993 transmitting this finding. The team performed confirmatory reviews on several items associated with the land ownership exemption, such as updates of the Trust Agreement and revisions to supporting calculations to remove inconsistencies previously noted by NRC staff and the comment was closed. Eight comments on operating procedures, waste averaging, placement of waste, definition of lift, leachate collection system, engineering inspection during construction, hydraulic conductivity of clay liner and disposal of heavy metals in the low-level radioactive waste cell were closed, during the 1994 review. Our determinations were based on examination of records and actions taken by the State. The review team verified actions taken by the State such as verifying Utah's policy and Envirocare's procedures were consistent with NRC guidance on waste averaging and hiring staff by the State of Utah with civil engineering/construction experience. Our determination of the satisfactory resolution of these comments is not under question based on the present knowledge of the activities between Mr. Anderson and Envirocare.

Two issues from the 1992 review were not closed during the 1994 review and they are as follows:

Completion of the Safety Evaluation Report (SER)
Air Pathways Analysis in support of Envirocare amendment for additional radionuclides.

The completion of the SER, to include the ground water discharge permit statement of basis, was considered partially addressed, but not closed at the time of the review. The State was in the process of ongoing licensing actions and preparation of a draft revised ground water discharge permit. The report stated that NRC would continue to monitor Utah's continual actions with regard to the inclusion of the ground water discharge permit statement of basis in the SER and that NRC requested a copy of Utah's draft permit for comment when issued. Fred Ross has received information from the Utah staff during the past year, however, there has been no formal request for the State to submit the draft

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permit and no document in Office of State Programs' files indicated that the State requested an NRC review of the draft permit. I believe that NRC should request this information now. NRC recommended a pathway analysis to include C-14 and tritium. In response to NRC comments, the State required Envirocare to perform the analysis. The State supplied the results in the response to the review of the methodology used by the licensee and the results for C-14. When I evaluated the response to this item, I did not realize that tritium had not been addressed in the response. This item should also be followed up and should be included in a written request to the State.

In addition to the items from the 1992 review, the team evaluated the Radiation Control Board, that provides direction for the Radiation Control Program. The Board was established in 1992 with further revisions in 1994. The Executive Secretary of the Radiation Control Board is the Radiation Control Program Director (presently Mr. Sinclair) who carries out the day-to-day responsibilities for the program. The team was concerned with the Board due to the four licensees serving as members of the 11 member Board. I discussed with staff existing procedures for handling conflicts of interest, interviewed the Assistant Attorney General knowledgeable on State ethics laws and requirements for the various Division Boards, and examined meeting minutes for the Radiation Control Board. Mr. Semnani, Envirocare, was a member of the Board during the period of Board activities I reviewed; Mr. Anderson served as Executive Secretary until his retirement in 1993. The team made a recommendation under the Legal Authority Indicator that the Radiation Control Board establish a written policy consistent with policies of other Divisions to recuse themselves from discussions on particular items or issues that create conflict of interest for them. In my review of the Board minutes, I did not find any incidence of Mr. Semnani, Envirocare, influencing the Board in discussions or decisions concerning the Envirocare license. The State did adopt and send to NRC written procedures addressing conflict of interest that were consistent with the other Divisions in response to this comment.

A recommendation was offered under Contractual Assistance that the State should have procedures in place to avoid the selection of contractors associated with the development or operation of the site. Only one contractor was involved in the specific instance and we accepted the Utah response that no conflict was involved. Utah committed to modify their procedures as appropriate. The team did not recall the name of the contractor involved nor was it documented. For completion, the name of the contractor involved should be obtained, the modified procedure should be reviewed, and the Utah contractors supporting the review of the Envirocare license renewal application should be evaluated to assure no conflict of interest is present.

In addition, we made one recommendation for the State to fill the funded vacancy in the low-level radioactive waste area. The State response was that funded positions would likely not be filled, but that management intended to use available trained staff to supplement when needed in appropriate areas.

Although there are three areas that NRC could gather further information, based on my review, no information evaluated by the team suggested that any of the State of Utah's

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actions regarding Envirocare during the 1992 to 1994 period were inappropriately influenced by Mr. Anderson or resulted in a biased regulation of Envirocare.

I also reviewed the 1992 program review report and the 1993 review visit report, although I did not participate in either review. In addition to the ~~comments~~ previously discussed that were developed during the 1992 review, two inspections conducted by the State of Utah resulted in \$8,500 and \$5,000 civil penalties against Envirocare. Based on the information in these two reports, there did not appear to be any signs of biased regulation.

In hindsight, I would not have reviewed or directed the team to review any additional areas or reviewed the same areas differently during the 1994 review, in light of the knowledge of Samnani's payments to Anderson. I do not recommend any additional review at this time based on my review, in advance of obtaining more information from Utah's investigation, the Utah Radiation Control program, or the NRC evaluation efforts that would call for additional review. I do recommend that a letter be sent to Utah requesting information on the above three areas to complete NRC's assessment.



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

February 7, 1997

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MEMORANDUM TO:

Carl J. Paperiello, Director
Office of Nuclear Material Safety and Safeguards

James Lieberman, Director
Office of Enforcement

Guy P. Caputo, Director
Office of Investigations

Francis X. Cameron, Deputy Assistant General Counsel
and Special Counsel for Public Liaison and Agreement
State Programs
Office of the General Counsel

Ross A. Scarano, Director
Division of Nuclear Material Safety
Region IV

FROM:

Richard L. Bangart, Director
Office of State Programs

Richard L. Bangart

SUBJECT:

CHRONOLOGY OF OFFICE OF STATE PROGRAMS' FILES ON
ENVIROCARE AND UTAH

Per discussion with EDO, attached is a listing of Office of State Programs' documents on the Utah program for the amended Agreement for low-level waste disposal, Utah Radiation Control Program reviews, and Envirocare. Files containing these documents, except those which address allegations, are consolidated in O3-H20 for review and copies of specific documents can be obtained from Kathaleen Kerr at 415-3340.

Attachment:
As stated

cc:
RRaspa, OIG

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UTAH
Chronology

- 4/11/84 Federal Register Notice (49 FR 14461), Utah becomes an agreement state effective 3/29/84 (elected not to include 11(e)2 byproduct material or low-level radioactive waste disposal facilities).
- 11/28/84 Memorandum to D. Nussbaumer, SP, from R. Heyer, RIV, Report and Evaluation of Utah Radiation Control Program for the Period 4/1/84 to 10/19/84.
- 7/11/86 Memorandum to D. Nussbaumer, SP, from R. Doda, RIV, Report and Evaluation of Utah Radiation Control Program for the Period 10/19/84 to 4/11/86.
- 1/14/88 Letter to S. Dandoy, Utah, from R. Martin, RIV, scheduling the 1988 review of Utah program.
- 2/4/88 Memorandum to Utah file from D. Mackenzie, SLITP, regarding status of Envirocare NORM waste disposal site.
- 3/11/88 Letter to S. Dandoy, Utah, from C. Kammerer, SLITP, results of 1988 Utah program review.
- 4/18/88 Letter to C. Kammerer, SLITP, from L. Anderson, Utah, response to 1988 Utah review.
- 4/22/88 Letter to C. Kammerer, SLITP, from L. Anderson, Utah, regarding disposal of depleted uranium waste under Envirocare's NORM license.
- 5/27/88 Letter to L. Anderson, Utah, from C. Kammerer, SLITP, response to 4/22/88 letter on disposal of low-level depleted uranium waste under Envirocare license.
- 6/9/88 Letter to L. Anderson, Utah, from R. Doda, RIV, transmitting information for amendment to the Utah agreement.
- 7/14/88 Memorandum to the Utah file from K. Schneider, SLITP, on Utah's proposed amended agreement for LLW disposal.
- 7/22/88 Letter to L. Anderson, Utah from C. Kammerer, SLITP, acknowledgement to response to review letter.
- 8/31/88 Memorandum to D. Nussbaumer, SLITP, from R. Doda, RIV, Report and Staff Evaluation of Utah Radiation Control Program for the Period of April 11, 1986 to January 29, 1988.
- 9/1/88 Letter to L. Anderson, Utah, from R. Doda, RIV, transmitting Utah 1988 report (no enclosure).

9/6/88 Memorandum to H. Thompson, NMSS, E. Beckjord, RES, T. Murley, NRR, W. Parler, OGC, R. Martin, RIV, requesting review of draft proposal from Utah for amended section 274 b Agreement for disposal of source material.

9/16/88 Memorandum to C. Kammerer, SLITP, from F. Gillespie, NRR, comments on draft package.

9/23/88 Memorandum to K. Schneider, SLITP, from R. Fonner, OGC, regarding amendment of Utah's agreement and land ownership of llw sites.

3/8/89 Letter to C. Kammerer, SLITP, from L. Anderson, Utah, draft Utah proposal to amend agreement for low-level waste.

4/7/89 Memorandum to E. Beckjord, RES, R. Bernero, NMSS, R. Martin, RIV, T. Murley, NRR, W. Parler, OGC, requesting review and comments on draft proposed amendment to Utah's agreement.

4/21/89 Letter to L. Anderson, Utah, from C. Kammerer, SLITP, regarding status of review of proposed amendment.

5/7/89 Memorandum to C. Kammerer, SLITP, from S. Treby, OGC, comments on draft proposal from Utah for amended agreement.

5/12/89 Memorandum to C. Kammerer, SLITP, from R. Bernero, NMSS, comments on draft proposal from Utah for amended agreement.

5/16/89 Memorandum to C. Kammerer, SLITP, from E. Beckjord, RES no comment on draft proposal from Utah for amended agreement.

6/30/89 Memorandum to V. Miller, SLITP, from R. Doda, RIV regarding Utah/NRC meeting held 6/27/89 regarding source material for uranium mill processing and recommendations for revisions to amendment to agreement for low-level waste.

7/7/89 Letter to L. Anderson, Utah, from C. Kammerer, SLITP, transmitting NRC comments on draft agreement package.

7/11/89 Letter to Chairman Carr, NRC, from R. Van Dam, Attorney General, Utah, regarding legislation for amended agreement for Utah.

7/17/89 Letter to Chairman Carr, NRC, from Governor N. Bangerter, Utah, requesting amendment to Section 274b Agreement to be able to dispose of certain LLW (still did not include 11(e)2 material).

7/19/89 Letter to L. Anderson, Utah, from C. Kammerer, SLITP, regarding transmittal of final amendment package and resolution of NRC comments in 7/7/89 letter.

- 8/16/89 Letter to Governor N. Bangerter, Utah, from Chairman Carr, NRC, acknowledging receipt of proposed amendment to Utah's agreement.
- 10/6/89 Memorandum for E. Beckjord, RES, R. Bernero, NMSS, R. Martin, RIV, T. Murley, NRR, W. Parler, OGC, from C. Kammerer, SLITP, requesting concurrence on prepublication Federal Register Notice on proposed amended Agreement with Utah.
- 10/22/89 Memorandum to C. Kammerer, SLITP, from R. Bernero, NMSS, regarding concurrence on the proposed amended agreement.
- 10/24/89 Memorandum to C. Kammerer, SLITP, from R. Martin, RIV, regarding Utah's expected action after the agreement is signed.
- 11/13/89 Letters sent to J. Breux, M. Udall, P. Sharp, T. Bevill, J. Johnston, (members of Congress) from D. Rathbun, NRC, on proposed amended agreement with Utah.
- 11/15/89 Federal Register Notice (54 FR47617) on the Staff Assessment of Proposed Amended Agreement Between the NRC and the State of Utah.
- 11/20/89 All Agreement and Non-Agreement State Letter on publication of proposed amendment to Utah's Agreement.
- 11/24/89 Memorandum to S. Treby, OGC, and R. Bangart, NMSS, requesting comments on Region IV concerns on proposed amendment with Utah.
- 11/29/89 NRC Press Release on Proposed Amendment to Agreement with State of Utah.
- 12/4/89 Letter to Secretary, NRC, from D. Flater, Iowa, supporting Utah's amended agreement.
- 12/5/89 Letter to Secretary, NRC, from D. Culberson, Babcock & Wilcox supporting Utah's amended agreement.
- 12/7/89 Memorandum to C. Kammerer, SLITP, from R. Fonner, OGC, in response to Region IV comments on the proposed amended agreement with Utah.
- 12/11/89 Letter to Secretary, NRC, from D. Kremmer, Rhone-Poulenc supporting Utah's amended agreement.
- 12/26/89 Memorandum to C. Kammerer, SLITP, from R. Bangart, NMSS, on likely Utah actions under proposed amended agreement.
- 1/10/90 Note to R. Bangart, NMSS, from C. Kammerer, SLITP, regarding Region IV's comments on Utah's request for amended Agreement.

- 2/26/90 Letter to L. Anderson, Utah, from V. Miller, SLITP, on Utah's current authority under their agreement to license 11e.2 material.
- 3/5/90 **SECY-90-073 RECOMMENDS COMMISSION APPROVE AMENDMENT TO SECTION 274B AGREEMENT FOR UTAH.**
- 3/5/90 Memorandum to V. Miller, SP, from R. Doda, RIV, Report and Staff Evaluation of the Utah Radiation Control Program for the Period of January 29, 1988 to February 9, 1990.
- 3/19/90 Memorandum to H. Denton, GPA, from S. Chilk, SECY, regarding questions raised by Commissioner Curtiss on SECY-90-073.
- 3/28/90 Memorandum to S. Chilk, SECY, from H. Denton regarding staff response to Commissioner Curtiss' questions.
- 4/11/90 Staff responds to Commissioner Curtiss' questions on SECY-90-073, corrected staff response.
- 4/11/90 Letter to Suzanne Dandoy, Utah, from C. Kammerer, SLITP, on the 1990 review of Utah Agreement Program.
- 4/30/90 Memorandum for H. Denton, GPA, from S. Chilk, SECY, on approval of the Utah amended agreement.
- 5/90 Literature from Envirocare on the site.
- 5/2/90 Note for A. Vietti-Cook, OCM, from C. Kammerer, SLITP, regarding background information on Utah for Chairman Carr's trip to Utah to sign Amended Agreement.
- 5/4/90 Letter from Chairman Carr, NRC, to Governor Norman Bangerter on approval of amended agreement.
- 5/9/90 NRC press release on amended Agreement.
- 5/9/90 Memorandum to C. Kammerer, SLITP, from R. Bangart, NMSS, regarding LLWM staff comments resulting from participation in Utah's 1990 Agreement State program review.
- 5/17/90 All Agreement and Non-Agreement State Letter (SP-90-88) on approval of amendment to Utah's Agreement.
- 5/17/90 Letter to Frank Frodyma, Department of Labor, from C. Kammerer, SP, copy of final amended agreement with Utah.
- 5/21/90 Memorandum to S. Chilk, SECY, from C. Kammerer, SLITP, requesting publication of final agreement (no attachment).

5/24/90 Letter to J. Lubenau, SLITP, from Khosrow Semnani, Envirocare, regarding their meeting during a May 1990 site visit.

5/31/90 Federal Register Notice (55 FR 22113), Notice of amended agreement with the State of Utah.

7/12/90 Letter to C. Kammerer, SP, from L. Anderson, Utah, response to 1990 review of program including Utah's policy on source material storage at Envirocare.

7/25/90 Letter to L. Anderson, Utah, from C. Kammerer, SP, regarding response to review of program and storage of source material at Envirocare.

8/10/90 Memorandum to Utah files from K. Schneider, SP, regarding Utah Senate Bill 255 and status of Envirocare application.

8/15/90 Letter to L. Anderson, Utah, from S. Carpenter, US Ecology, on the proposed amendment to Envirocare's license.

9/20/90 Letter to L. Anderson, Utah, from R. Doda, RIV, transmitting LLWM report (see 5/9/90 memorandum from R. Bangart to C. Kammerer).

11/19/90 Memorandum to Utah files from K. Schneider, SLITP, regarding amendment request from Envirocare of Utah to the State of Utah.

11/28/90 Memorandum to S. Treby, OGC, from V. Miller, SLITP, requesting OGC review of Utah's draft legislation affecting the Radiation Control Act which would create a Radiation Control Board.

12/26/90 Memorandum to V. Miller, SP, from S. Treby, OGC, comments on Utah's draft legislation affecting the Radiation Control Act (see 1/23/91 memo for enclosure).

1/23/91 Letter to L. Anderson, Utah, from V. Miller, SP, transmitting OGC comments on Utah's draft legislation including 8/9/82 memo to J. Collins, RIV, from J. Axelrod, OELD, on "Review of Utah's Statutory Authority regarding Agreement State Status" and 5/9/89 "Detailed NRC comments on Utah's draft proposal for Amended 274b Agreement, Enclosure A to memorandum to C. Kammerer, SLITP, from S. Treby, OGC.

1/25/91 Letter to C. Kammerer, SP, from L. Anderson, Utah, regarding telephone conversation of 1/24/91 and preparation of an environmental assessment by the State of Utah.

1/30/91 Memorandum to R. Bangart, NMSS, from C. Kammerer, SP, requesting comments on draft SER dated 1/23/91 and license for Envirocare.

2/14/91 Letter to L. Anderson, Utah, from C. Kammerer, SP, regarding special review of Utah's program to be conducted 2/19-22/91.

3/14/91 Letter to L. Anderson, Utah, from C. Kammerer, SP, on the review meeting in 2/91 and telephone conversation of 3/13/91.

3/15/91 Letter to C. Kammerer, SP, from L. Anderson, Utah, transmitting Utah's environmental report.

3/20/91 Letter to C. Kammerer, SP, from L. Anderson, Utah, on the Utah's environmental report for Envirocare.

3/21/91 Memorandum to R. Bangart, NMSS, from V. Miller, SLITP, requesting comments on the Utah's environmental statement for Envirocare.

3/25/91 Memorandum to R. Bangart, NMSS, from V. Miller, SP, requesting comments on Utah's SER and license amendments for Envirocare.

3/27/91 Note to C. Kammerer, SP, from M. Tokar, NMSS, regarding potential allegation on Envirocare's disposal of source material.

4/9/91 Letter to L. Anderson, Utah, from C. Kammerer, SP, on Envirocare allegation.

4/12/91 Memorandum to H. Denton, GPA, from C. Kammerer, SP, on Relationship of Envirocare to the State of Utah and the NRC.

4/18/91 Memorandum to C. Kammerer, SP, from R. Bangart, NMSS, on LLWM concerns associated with Utah's recent LLW license amendment.

4/23/91 Letter to S. Dandoy, Utah, from C. Kammerer, SP, on special review of LLW program.

5/10/91 Letter to C. Kammerer, SP, from L. Anderson, Utah, on Envirocare allegation and Utah staff resolution.

5/29/91 Letter to L. Anderson from C. Kammerer, SP, on NRC's review of Envirocare, SER, ES and license.

6/21/91 Letter to C. Kammerer, SP, from K. Alkema, Utah, in response to 4/23/91 letter and the issuance of a conditional permit.

7/19/91 Letter to C. Kammerer, SP, from L. Anderson, Utah, confirming 9/12/91 meeting.

7/9/91 Memorandum to R. O'Connell, NMSS, from R. Bangart, NMSS, on status of Envirocare allegation on burying source material.

7/12/91 Memorandum to V. Miller, SP, from R. O'Connell, NMSS, regarding Envirocare allegation.

8/8/91 Memorandum to R. O'Connell, NMSS from V. Miller, SP, on Envirocare allegation.

8/19/91 Letter to L. Anderson, Utah, from C. Kammerer, SP, regarding meeting on 9/12-13/91 and additional concerns about environmental assessment performed.

8/30/91 Letter to C. Kammerer, SP, from L. Anderson, Utah, regarding Utah's rationale for limiting concentrations at Envirocare.

9/11/91 Briefing notebook for NRC meeting with State of Utah officials on Envirocare, including a site visit to Envirocare.

9/11/91 Letter to M. Gibson, Firm of Hill and Knowlton from D. Solienberger, SP, containing redacted copies of correspondence from NRC files on the Envirocare allegation.

9/19/91 Note to File from Kitty Dragonette, OCM/JC, on Tour of Envirocare Waste Site at Clive, Utah.

10/7/91 Memorandum to D. Rathbun, Gail Marcus, J. Scarborough, J. Guttman, B. Doolittle, R. Bolye, OCM, from J. Gray, OCM, on Trip Report of Visit to Envirocare Waste Site.

10/9/91 Letter to Chairman Selin, NRC, from Congressman Wayne Owen, Utah, regarding concerns with Envirocare operation and State of Utah.

10/10/91 Letter to K. Alkema, Utah, from C. Kammerer, SP, regarding the issues discussed at 9/13/91 meeting.

10/17/91 Memorandum to P. Lohaus, NMSS, from J. Kane, NMSS, regarding telephone conversation with State of Utah on Envirocare following 9/12-13/91 meeting.

10/17/91 Letter to C. Kammerer, SP, from L. Anderson providing responses to Utah's Congressman Wayne Owen's inquiry to the NRC about Utah and Envirocare.

10/21/91 Memorandum to H. Denton, GPA, from V. Miller, SP, on Congressman Owen's letter regarding concerns at Envirocare.

10/22/91 Letter to V. Miller, SP, from L. Anderson, Utah, on concerns Envirocare.

11/7/91 Letter to Congressman W. Owen, Utah, from Chairman Selin in response to 10/9/91 letter on Envirocare operations and State of Utah.

11/13/91 Memorandum to D. Griggs, GPA, from C. Kammerer, SP, FOIA request from J. Faught for six categories of records regarding Envirocare (FOIA-91-394).

- 11/14/91 Letter to E. Carlin, Northwest Compact, WA, from R. Bangart, NMSS, responding to request for information on Envirocare.
- 12/10/91 Letter to C. Kammerer, SP, from K. Alkema, Utah, responding to 10/10/91 letter to concerns about licensing.
- 1/21/92 Letter to C. Jones, Utah, from R. Doda, RIV, acknowledging receipt of low-level waste regulations for NRC review.
- 1/21/92 Background Briefing information for G. dePlanque visit to Envirocare on 1/24/92.
- 2/16/92 Public Notice from Utah Department of Environmental Quality to amend the Envirocare license.
- 3/16/92 Letter to K. Semnani, Envirocare, from L. Anderson, Utah, transmitting Envirocare license amended in its entirety.
- 3/20/92 Memorandum to R. Doda, RIV, from V. Miller, SP, concerning allegations from US Ecology about Envirocare.
- 3/26/92 Memorandum to R. Doda, RIV, from V. Miller, SP, regarding comments on Utah's low-level waste disposal regulations.
- 4/2/92 Letter to L. Anderson, Utah, from R. Doda, RIV, transmitting US Ecology's allegations against Envirocare.
- 4/3/92 Memorandum to V. Miller, SP, from R. Doda, RIV, informing SP of actions regarding US Ecology's allegations against Envirocare.
- 4/17/92 Report and Staff Evaluation of the Utah Radiation Control Program for the Period of February 9, 1990 to April 17, 1992.
- 4/24/92 Memorandum to R. Bangart, NMSS, from C. Kammerer, SP, appreciation for NMSS assistance in 1992 review.
- 6/4/92 Briefing notes on Envirocare of Utah's license for low-level waste disposal, prepared by R. Doda, RIV.
- 6/9/92 Letter to Senator John Glenn, Ohio, from J. Taylor, EDO, on Envirocare and Utah.
- 6/12/92 Memorandum to R. Doda, RIV, from V. Miller, SP, on a potential allegation from US Ecology regarding classification and disposal of LLW wasted at Envirocare (includes 3/19/92 letter from US Ecology).
- 7/17/92 Memorandum to the Commission from J. Taylor, EDO, on the Utah Agreement State Program review conducted in 1992 and the land ownership issue.

7/20/92 Letter to K. Semnani, Envirocare, from L. Anderson, Utah, requesting revision to license amendment application and trust agreement.

7/28/92 Memo from Bangart to Kammerer: Utah has not provided sufficient rationale for exemption.

8/7/92 Memorandum to J. Taylor, EDO, from J. Curtiss, OCM, on Utah Agreement State Program review and land ownership issue.

8/12/92 Memorandum to J. Taylor, EDO, from G. de Planque, OCM, on Utah Agreement State Program review, supporting J. Curtiss 8/7/92 memorandum.

8/13/92 Memorandum to R. Bangart, NMSS, from C. Kammerer, SP, on additional information supporting the land ownership exemption and the 7/20/92 Utah letter for review.

9/2/92 Letter to K. Alkema, Utah, from C. Kammerer, SP, on fifth program review for the period 2/9/90-4/17/92. Staff finds Utah's program is adequate to protect public health and safety and compatible pending resolution of significant comments relating to the licensing actions for the Envirocare license. Comments made included exemption granted by Utah on land ownership, completion of the safety evaluation report, operating procedures, averaging of waste concentration and other specific comments regarding the licensing of a low-level waste facility.

9/17/92 Memorandum to C. Kammerer, SP, from R. Bangart, NMSS, transmitting comments on additional information supporting the land ownership exemption for Envirocare.

9/18/92 Memorandum to C. Kammerer, SP, from S. Treby, OGC, regarding re-evaluation of the generic exemption authority in 10 CFR 61.6 by Agreement States.

9/21/92 Letter to U.S. Ecology from Anthony J. Thompson submitting 2.206 petition and exhibits.

9/21/92 US Ecology files 2.206 petition with NRC.

10/6/92 Memorandum to G. dePlanque, OCM, from J. Taylor, EDO, on re-evaluation of generic exemption authority in 10 CFR 61.6 by Agreement State.

10/26/92 Letter to A. Thompson, Counsel for US Ecology from C. Kammerer, SP, acknowledging 2.206 petition on Utah.

11/13/92 Federal Register Notice (57 FR 53941) on receipt on 2.206 petition on Utah.

12/8/92 Letter to U.S. Ecology from Anthony J. Thompson submitting a supplemental legal analysis in support of that petition.

12/24/92 Letter to K. Alkema, Utah from C. Kammerer, SP, regarding landownership issue.

1/25/93 Memorandum to G. de Planque, OCM, from J. Taylor, EDO, status report on re-evaluation of the generic exemption authority in 10 CFR 61.6 by Agreement States.

2/10/93 Note to K. Stablein, OEDO, from C. Kammerer, SP, transmitting eight copies of Utah legislative audit titled, "A Performance Audit of Utah Department of Environmental Quality," dated December 1992, to forward to the Commissioners.

2/12/93 Letter to C. Kammerer, SP, from D. Nielson, Utah, partial response to December 24, 1992 letter on the State's rationale for its granting an exemption to Envirocare from the site ownership requirements.

2/19/93 Memorandum to C. Kammerer, SP, from J. Blaha regarding request from Cm. Curtiss for a Briefing on trip to Utah on land ownership issue.

3/17/93 Memorandum to S. Treby and R. Bangart from C. Kammerer, SP, on two letters from Utah responding to NRC letters and meeting. This package included:

9/2/92 Letter to K. Alkema from C. Kammerer, SP, on program review

12/24/92 Letter to K. Alkema from C. Kammerer, SP, on concerns and questions on State's rationale for its exemption of Envirocare.

11/13/93 Federal Register on Receipt of Petition, 2,206 from U. S. Ecology.

3/17/93 Memorandum to Utah file from K. Schneider, Trip Report on February 16-17, meeting with Utah officials.

2/12/93 Letter to C. Kammerer, SP, from P. Nielson listed earlier.

3/17/93 Briefing materials for J. Curtiss, OCM, on the Utah Land ownership.

3/17/93 Letter to C. Kammerer, SP, from D. Nielson, Utah, provide 3 responses to NRC comments from the program review and subsequent questions.

3/29/93 Letter to J. Curtiss, OCM, from K. Semnani, Envirocare, thank you for visiting the Clive site.

5/18/93 Press release, William J. Sinclair named as new Director for the Division of Radiation Control.

5/18/93 SECY-93-136, "UPDATE ON THE RESOLUTION OF THE UTAH LAND OWNERSHIP ISSUE."

6/28/93 Memorandum to J. Taylor, EDO, from S. Chilk, SECY, on the SRM for SECY-93-136- UPDATE ON RESOLUTION OF THE UTAH LAND OWNERSHIP ISSUE.

6/28/93 Letter to D. Nielson, Utah, from C. Kammerer, SP, transmitting the final finding of the Commission on the land ownership issue.

6/30/93 Letter to C. Kammerer, SP, from L. Anderson, Utah, transmitting the executed Restrictive Covenants between Envirocare and Utah DEQ.

8/16/93 Routing slip to P. Lohaus, NMSS, from J. Surmeier, SP, transmitting August 5, 1993, letter from W. Sinclair, Utah, with licensing documents for amendment of Envirocare license which added 14 radionuclides.

8/27/93 Letter to D. Mount, North Dakota, from S. Romano, U.S. Ecology, discusses perceived deficiencies in the evaluation of the Envirocare site licensing record. Included letter to W. Sinclair, Utah, from R. Raynor which discussed the same issues.

9/8/93 Letter to J. Surmeier, SP from W. Sinclair, Utah, thank you for visit and interest in pursuing and MOU for certain activities pertaining to Envirocare.

10/6/93 Memorandum to M. Bell, NMSS, from J. Surmeier, SP, on the Envirocare license amendment review by the State of Utah.

10/27/93 Memorandum to J. Surmeier, SP, from R. Blanton on Utah Review Visit conducted August 30-September 2, 1993.

11/10/93 Letter to R. Bangart, SP, from W. Sinclair, Utah, providing comments on IMPEP.

11/19/93 Note to C. Cameron, D. Gauch, S. Fonner, R. Ulack, P. Sollenberger from S. Draggitis, draft of proposed Director's decision on U. S. Ecology 2.206 petition.

11/23/93 Letter to W. Sinclair, Utah, from R. Bangart, SP, acknowledging receipt of comments on IMPEP in response to November 10, 1993, letter.

12/29/93 Memorandum to J. Greeves from J. Surmeier requesting review and comment of Utah Radioactive Waste Management Plan.

1/14/94 Letter to D. Nielson from C. Blumenfeld requesting information on Envirocare Compliance History and the legislative audit.

1/24/94 Letter to C. Blunfeld from D. Nielson providing information on Envirocare's compliance history and other information.

2/9/94 Letter to C. Hackney from K. Semnani providing change of correspondence contact to C. Judd, Exec. V.P.

- 2/10/94 Letter to W. Sinclair, Utah, from R. Bangart, SP, providing comments on Utah's draft Radioactive Waste Management Plan.
- 3/31/94 Letter to W. Sinclair, Utah, from R. Bangart, SP, on outstanding issues to be covered in program review.
- 6/8/94 Letter to D. Nielson from K. Schneider requesting an exit meeting for the pilot IMPEP review.
- 6/17/94 Report and Staff Evaluation of the Utah Radiation Control Program for the Period of April 12, 1992 to June 13, 1994.
- 6/27/94 Letter to C. Judd from W. Sinclair, Utah, discussing 350g limit and other waste testing issues.
- 8/5/94 Letter to D. Nielson from R. Bangart, SP, requesting additional information on offsite clean-up in the event of releases from Envirocare in response to 2.206 petitions.
- 8/26/94 Letter to D. Nielson from P. Lohaus transmitting draft Pilot IMPEP report for Utah review.
- 9/6/94 Letter to R. Bangart, SP, from D. Nielson response to August 5 letter on liability for remediation in the event of an off-site release at Envirocare.
- 9/12/94 Letter to D. Nielson from R. Bangart, SP, regarding the MRB meeting on the Pilot IMPEP review of Utah program.
- 9/13/94 Letter to P. Lohaus from W. Sinclair, Utah, regarding records provided by Utah on shipment of waste to Envirocare.
- 9/21/94 Letter to P. Lohaus from W. Sinclair, Utah, providing comments on the draft IMPEP report.
- 9/30/94 Memorandum to P. Eastvold/D. Tefft from K. Schneider on MRB meeting on Utah Pilot IMPEP review.
- 9/30/94 Memorandum to V. Thorpe from D. Sollenberger regarding release of records for Envirocare.
- 11/7/94 Letter to R. Bangart, SP, to W. Sinclair, Utah, requesting NRC to look into the possibility of a partial 11e(2) limited agreement for regulatory jurisdiction of Envirocare.
- 10/12/94 Memorandum to H. Larson from P. Lohaus providing supplemental information on hand ownership of LLW sites.

- 11/15/94 Letter to R. Bangart, SP, from W. Sinclair, Utah, providing comments on the IMPEP process and relationship of NRC to Agreement States.
- 11/18/94 Memorandum to F. Cameron from P. Lohaus requesting legal analysis of Utah request for a partial 11e(2) limited agreement Envirocare.
- 12/5/94 Memorandum to R. Bangart, SP from F.X. Cameron on Utah request for 274b agreement limited to Envirocare.
- 12/6/94 Letter to D. Nielson from R. Bangart, SP, presenting the program review report for June program review.
- 12/20/94 Letter to R. Bangart, SP, from W. Sinclair, Utah, response to June program review.
- 1/10/95 Letter to W. Sinclair, Utah, from R. Bangart, SP, in response to December 10, 1994, letter on NRC's review of Utah RCP.
- 1/25/95 Letter to V. Colten-Broadley from D. Finerfrock providing information on volumes of waste disposed of at Envirocare.
- 1/26/95 Letter to A. Thompson from R. Bangart, SP, regarding 2.206 petition.
- 1/27/95 Letter to W. Sinclair, Utah, from R. Bangart, SP, on IMPEP process and funding for Agreement States in response to November 15, 1994, letter.
- 2/16/95 Letter to W. Sinclair, Utah, from R. Bangart, SP, on partial Agreement on U m's.
- 3/9/95 Letter to R. Bangart, SP, from W. Sinclair, Utah, providing statistical data on the State's RCP.
- 3/17/95 Letter to R. Bangart, SP, from W. Sinclair, Utah, addressing recommendations from program review.
- 4/27/95 Letter to J. Taylor from D. Nielson discussing relief on SNM possession limit for Envirocare.
- 5/5/95 Letter to W. Sinclair, Utah, from R. Bangart, SP, on evaluation of responses to recommendations from program review.
- 10/25/95 Letter to R. Bangart, SP, from D. Nielson on SS&D authority in the State of Utah.
- 12/4/95 Letter to D. Nielson from R. Bangart, SP, on SS&D authority in Utah.
- 2/15/96 Letter to Governor Leavitt from Chairman Jackson on his request to return SS&D authority (interim response).

- 3/15/96 E-mail to NMSS staff member on Envirocare exemption with enclosure of marked-up paper.
- 4/1/96 Letter to W. Sinclair, Utah, from R. Bangart, SP, on SS&D request and NRC work in progress.
- 5/4/96 Letter to Governor Leavitt from Chairman Jackson on return of SS&D authority to NRC.
- 5/8/96 Letter to W. Sinclair, Utah, from R. Bangart, SP, on return of SS&D authority to NRC.
- 10/1/96 Memorandum to Envirocare Ground Water Permit file from L. Morton, Utah, to document State of Utah staff findings on "Shallow Aquifer Permeability of Envirocare LARW, 11e(2) and Mixed Waste Disposal Facility, Clive, Utah.



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

DRAFT

2/11/97

Carol S. Marcus, Ph.D., M.D.
President, California Chapter
American College of Nuclear Physicians
P. O. Box 31
Los Altos, CA 94023

Dear Dr. Marcus:

This is in response to your letter dated January 21, 1997, requesting NRC to conduct a timely review of Utah's Agreement State Program with respect to issues raised in your letter to Mr. Robert Hoffman, Chairman, Utah Radiation Control Board. NRC is presently requesting information from the State of Utah on the issues you raised. We will inform you of our decision whether to conduct a review of the Utah program. If you have any questions, please contact me at 301-415-3340.

Sincerely,

15/

Richard L. Bangart, Director
Office of State Programs

cc: Mr. R. J. Hoffman, UT
Mr. W. J. Sinclair, UT

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