



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
REGION IV

611 RYAN PLAZA DRIVE, SUITE 400  
ARLINGTON, TEXAS 76011-8064

CAL 97-001

JUN 12 1997

Charles A. Judd, President  
Envirocare of Utah, Inc.  
American Towers Commercial  
46 West Broadway, Suite 240  
Salt Lake City, Utah 84101

SUBJECT: CONFIRMATORY ACTION LETTER

Dear Mr. Judd:

This refers to our inspection at your facility near Clive, Utah, on June 9-10, 1997, during which we reviewed your possession of special nuclear material (SNM) in regard to the provisions of 10 CFR 150.10 and 10 CFR 150.11. The inspection revealed that you have received and have been in possession of SNM in excess of the limit defined by the formula in 10 CFR 150.11 in that you received and possessed more than 350 grams of uranium-235 in waste materials that had not been placed in a disposal cell at your site. At the conclusion of the inspection, we estimated that you had in excess of 2,400 grams of uranium-235 in your possession which had not been disposed of.

Pursuant to a telephone conversation between you and Ms. Linda Howell of this office on June 11, 1997, it is our understanding that you will take the following actions:

1. Effective June 11, 1997, Envirocare will discontinue receipt of SNM at its facility, except as described below, until such time as Envirocare has disposed of sufficient quantities of SNM material presently at the site such that it is able to accept additional material without exceeding the limit in its Agreement State license and 10 CFR 150.11. This applies to mixed and non-mixed waste containing SNM.
2. For shipments of SNM currently enroute to the Envirocare facility, those which are already in transit may be received at the facility.
3. Envirocare will submit to the Region IV office for approval, by June 16, 1997, a written plan for the removal from, or disposal at, your site waste materials containing SNM to the end that the sum of all SNM at the site not placed in the disposal cell will not exceed the formula quantity prescribed by 10 CFR 150.11 and your Agreement State license. The plan will specify the sum of SNM currently on site and will be calculated to include all waste materials that have been offloaded from vehicles that delivered the materials to the site and material which remains on vehicles at the site but which is under Envirocare's control and within the restricted area. The plan will include provisions to ensure that further receipt of waste materials at the site will not result in your possession of SNM in excess of the formula quantity at any time. This plan will include a timetable providing for completion of these actions no later than June 25, 1997.

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

9706230305 970612  
PDR STPRG ESGQEN  
PDR

Charles A. Judd

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The NRC Region IV Office will review the plan upon receipt and will notify you in writing if the plan is approved.

4. Envirocare will submit to the Region IV office, by June 25, 1997, written confirmation that the actions prescribed by the approved plan have been completed.

Pursuant to Section 182 of the Atomic Energy Act, 42 U.S.C. 2232, you are required to:

1. Notify me immediately if your understanding differs from that set forth above;
2. Notify me if for any reason you cannot complete the actions within the proposed schedule and advise me in writing of your modified schedule in advance of the change; and
3. Notify me in writing when you have completed the actions addressed in this Confirmatory Action Letter.

Issuance of this Confirmatory Action Letter does not preclude issuance of an order formalizing the above commitments or requiring you to take other actions; nor does it preclude the NRC from taking enforcement action for violations of NRC requirements that may have prompted the issuance of this letter. In addition, failure to take the actions addressed in this Confirmatory Action Letter may result in enforcement action.

The responses directed by this letter are not subject to the clearance procedures of the Office of Management and Budget as required by the Paperwork Reduction Act of 1980, Pub. L. No. 96-511.

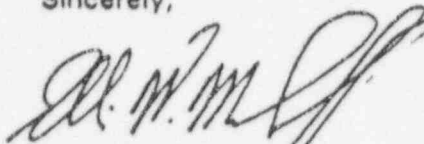
In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter, and your response will be placed in the NRC Public Document Room (PDR). To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR without redaction. However, if you find it necessary to include such information, you should clearly indicate the specific information that you desire not to be placed in the PDR, and provide the legal basis to support your request for withholding the information from the public.

Charles A. Judd

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Should you have any questions concerning this letter, please contact Mr. Ross Scarano of my staff at (817) 860-8106.

Sincerely,

A handwritten signature in dark ink, appearing to read "Ellis W. Merschoff". The signature is fluid and cursive, with the first and last names being more prominent.

Ellis W. Merschoff  
Regional Administrator

cc:

NRC Public Document Room

Utah Radiation Control Program Director

## &lt; TRANSACTION REPORT &gt;

06-13-1997(FRI) 20:06

## [ BROADCAST ]

NO.	DATE	TIME	DESTINATION STATION	PG.	DURATION	MODE	RESULT
32693	6-13	19:17	701 328 5200	4	0° 01' 44"	NORM.E	OK
32694		19:20	503 731 4081	4	0° 01' 43"	NORM.E	OK
32695		19:22	401 277 2456	4	0° 03' 00"	NORM.E	OK
32696		19:25	8037377412	4	0° 01' 49"	NORM.E	OK
32697		19:27	615 532 7938	4	0° 01' 50"	NORM.E	OK
32698		19:29	5128346708	4	0° 01' 51"	NORM.E	OK
32699		19:31	801 533 4097	4	0° 02' 09"	NORM.E	OK
32700		19:34	360 753 1496	4	0° 01' 43"	NORM.E	OK
32701		19:36	518 457 2225	4	0° 01' 49"	NORM.E	OK
32702		19:38	518 457 5545	4	0° 01' 59"	NORM.E	OK
32703		19:40	NEW YORK CITY	4	0° 01' 50"	NORM.E	OK
32704		19:43	502 227 7862	4	0° 02' 06"	NORMAL	OK
32705		19:45	AECB (613) 995-5086	4	0° 01' 57"	NORMAL	OK
32706		19:47	WASHINGTON DC	4	0° 01' 44"	NORM.E	OK
32707		19:50	7996726	4	0° 01' 47"	NORM.E	OK
32708		19:52	217 782 1328	4	0° 02' 09"	NORM.E	OK
32709		19:54	512 239 6362	4	0° 01' 53"	NORM.E	OK
32710		19:56	4024714840	4	0° 02' 38"	NORMAL	OK
32711		19:59	912 262 3143	4	0° 02' 05"	NORMAL	OK
32712		20:04	6024370705	4	0° 02' 33"	NORMAL	OK
				80	0° 40' 19"		

## &lt; TRANSACTION REPORT &gt;

06-13-1997(FRI) 19:17

## [ BROADCAST ]

NO.	DATE	TIME	DESTINATION STATION	PG.	DURATION	MODE	RESULT
32668	6-13	18:15	610 337 5324	4	0° 01' 47"	NORM.E	OK
32669		18:17	404 562 4955	4	0° 01' 51"	NORM.E	OK
32670		18:19	7085151096	4	0° 03' 22"	NORM.E	OK
32671		18:23	817 860 8122	4	0° 01' 43"	NORM.E	OK
32672		18:25	5109750381	4	0° 02' 03"	NORM.E	OK
32673		18:27	334 613 5387	4	0° 03' 11"	NORM.E	OK
32674		18:32	5016612468	4	0° 02' 01"	NORM.E	OK
32675		18:34	0111916 3243610	4	0° 01' 46"	NORM.E	OK
32676		18:36	303 343 3697	4	0° 01' 59"	NORM.E	OK
32677		18:39	904 487 0435	4	0° 02' 01"	NORM.E	OK
32678		18:41	404 362 2653	4	0° 01' 46"	NORM.E	OK
32679		18:43	217 524 4724	4	0° 01' 52"	NORM.E	OK
32680		18:45	515 242 6284	4	0° 01' 47"	NORM.E	OK
32681		18:47	913 296 0984	4	0° 02' 02"	NORM.E	OK
32682		18:50	502 564 6533	4	0° 01' 45"	NORM.E	OK
32683		18:52	LOUISIANA	4	0° 01' 56"	NORM.E	OK
32684		18:54	MAINE	4	0° 02' 41"	NORMAL	OK
32685		18:57	410 631 3198	4	0° 02' 02"	NORMAL	OK
32686		18:59	601+354+6167	4	0° 02' 40"	NORMAL	OK
32687		19:02	402 471 9449	4	0° 01' 45"	NORM.E	OK
32688		19:05	7026875751	4	0° 02' 42"	NORMAL	OK
32689		19:08	603 225 2325	4	0° 01' 52"	NORM.E	OK
32690		19:10	5058271544	4	0° 02' 37"	NORMAL	OK
32691		19:13	518 458 6434	4	0° 01' 50"	NORM.E	OK
32692		19:15	919 571 4148	4	0° 01' 50"	NORM.E	OK
				100	0° 52' 51"		

DCD 03  
PDR-YES

U. S. NUCLEAR REGULATORY COMMISSION  
OFFICE OF STATE PROGRAMS

DIR RF

OFFICE OF STATE PROGRAMS FAX: (301) 415-3502

NUMBER OF PAGES: 4 including this page

DATE: June 13, 1997

TO: RADIATION CONTROL PROGRAM DIRECTORS IN  
AGREEMENT STATES  
OHIO, OKLAHOMA, PENNSYLVANIA

FROM: PAUL H. LOHAUS, DEPUTY DIRECTOR  
OFFICE OF STATE PROGRAMS

SUBJECT: ATTACHED FOR YOUR INFORMATION IS A  
CONFIRMATORY ACTION LETTER RECENTLY  
ISSUED TO ENVIROCARE OF UTAH

230037

VERIFICATION - 415-3340

NRC FILE CENTER COPY

SP-A-4