

CF per H.E. Lefevre

FAX

40-8989

DATE: 1/13/97

TIME:

PAGES: 13 + Cover

TO: Harold LeFevre

FROM: Loren Martin

RECEIVED
FEB 2 1997
REGIONAL



State of Utah

Department of Environmental Quality
Division of Radiation Control

168 North 1950 West

Salt Lake City, Utah 84116

(801) 536-4250 VOX

(801) 533-4097 FAX

(801) 536-4414 TDD

Michael O. Leavitt
Governor
Dianne R. Johnson, Ph.D.
Executive Director
William J. Sinclair
Director

SUBJ: Enviro case: Preliminary State Results from 11/96 Sampling

COMMENTS

Harold,

Here's preliminary groundwater sampling results from
the State Health Laboratory - for our 11/96 split
sampling event at H.C.2 facility. Please call me if
you have any questions.

Loren Martin

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DRAFTUTAH STATE HEALTH DEPARTMENT
DIVISION OF LABORATORY SERVICES
Environmental Chemistry Analysis ReportUDEQ - DRC
ATTN: Loren Morton
168 N 1950 W BLDG 2
PO BOX 144850
SLC

UT 84114-4850

536-4250

Lab Number: 9610771 Sample Type: 11 Cost Code: 342
Description: ENVIROCORE GW 57
-----Site ID: Source No: 02 Organic Review: 12/10/96
Sample Date: 11/19/96 Time: 09:45 Inorganic Review: 12/10/96
Radiochemistry Review:
Microbiology Review:
Tot. Cations: 15614 mg/l 706.9 me/l
Tot. Anions: 28845 mg/l 782.2 me/l
Grand Total: 44459 mg/l SD = 10.1

Laboratory Analyses: -----

L-pH *	7.71	T. Sus. Sol	14.4 mg/l
NO2+NO3, N	0.46 mg/l	T.O.C.	2.94 mg/l
Cyanide	<0.05 mg/l	D-Arsenic	60.0 ug/l
D-Barium	28.0 ug/l	D-Cadmium	<3.0 ug/l
D-Calcium	710 mg/l	D-Chromium	<10.0 ug/l
D-Copper	<20.0 ug/l	D-Iron	25.7 ug/l
D-Lead	<4.0 ug/l	D-Magnesium	820 mg/l
D-Mangan	<5.0 ug/l	D-Nickel	<30.0 ug/l
D-Potassium	484 mg/l	D-Selenium	42.0 ug/l
D-Silver	<2.0 ug/l	D-Sodium	13600.0 mg/l
D-Zinc	<30.0 ug/l	Bicarbonate	149 mg/l
Carb. Diox	5 mg/l	Carbonate	0 mg/l
Chloride	24500 mg/l	Fluoride	0.86 mg/l
Hydroxide	0 mg/l	Sulfate	4271.7 mg/l
Tot. Alk.	122 mg/l	T. Hardns.	5145.3 mg/l
Turbidity *	0.217 NTU	L-Sp. Cond	58700 umhos
TDS @ 180C	43998 mg/l	D-Aluminum	<30.0 ug/l
D-Beryllium	<9.0 ug/l	D-Molybdenum	460.0 ug/l
D-Mercury	<0.2 ug/l	CO3 Solids	73 mg/l

Comments on test results:

Turbidity...Holding time was exceeded before analysis was completed.
L-pH.....pH should be performed as a field test.-----
END OF REPORT

DRAFT

UTAH STATE HEALTH DEPARTMENT
DIVISION OF LABORATORY SERVICES
Environmental Chemistry Analysis Report

UDEQ - DRC

ATTN: Loren Morton

168 N 1950 W BLDG 2

PO BOX 144850

SLC

UT

84114-4850

536 4250

Lab Number:	9610772	Sample Type:	04	Cost Code:	342
Description:	ENVIROCARE CW 28				
Site ID:		Source No:	02	Organic Review:	12/10/96
Sample Date:	11/19/96	Time:	11:45	Inorganic Review:	12/10/96
				Radiochemistry Review:	
				Microbiology Review:	
Tot. Cations:	16051 mg/l	720.4 me/l			
Tot. Anions:	32170 mg/l	681.2 me/l			
Grand Total:	48221 mg/l	BD = 20.1			

Laboratory Analyses

L-pH *	7.79	T. Sus. Sol	12.8 mg/l
NO2+NO3, N	0.33 mg/l	T.O.C.	2.7 mg/l
Cyanide	<0.05 mg/l	D-Arsenic	66.0 ug/l
D-Barium	19.4 ug/l	D-Cadmium	<3.0 ug/l
D-Calcium	448 mg/l	D-Chromium	<10.0 ug/l
D-Copper	<20.0 ug/l	D-Iron	<20.0 ug/l
D-Lead	<4.0 ug/l	D-Magnesium	721 mg/l
D-Mangan	<5.0 ug/l	D-Nickel	<30.0 ug/l
D-Potassium	482 mg/l	D-Selenium	70.0 ug/l
D-Silver	<2.0 ug/l	D-Sodium	14400.0 mg/l
D-Zinc	<30.0 ug/l	Bicarbonate	182 mg/l
Carb. Diox	5 mg/l	Carbonate	0 mg/l
Chloride	28500 mg/l	Fluoride	0.95 mg/l
Hydroxide	0 mg/l	Sulfate	3580.4 mg/l
Tot. Alk.	149 mg/l	T. Hardns.	4084.3 mg/l
Turbidity *	0.226 NTU	L-Sp. Cond	60/60 umhos
TDS @ 180C	44322 mg/l	D-Aluminum	<30.0 ug/l
D-Beryllium	<9.0 ug/l	D-Molybdenum	300.0 ug/l
D-Mercury	<0.2 ug/l	CO3 Solids	90 mg/l

Comments on test results:

Turbidity...Holding time was exceeded before analysis was completed.
L-pH.....pH should be performed as a field test.

END OF REPORT

DRAFT

UTAH STATE HEALTH DEPARTMENT
DIVISION OF LABORATORY SERVICES
Environmental Chemistry Analysis Report

UDEQ - DRC

ATTN: Loren Morton
168 N 1950 W BLDG 2
PO BOX 144850
SLC

UT 84114-4850

536-4250

Lab Number:	9610773	Sample Type:	04	Cost Code:	342
Description:	ENVIROCARE	GW	5A		
Site ID:		Source No:	02	Organic Review:	12/10/96
Sample Date:	11/19/96	Time:	12:30	Inorganic Review:	12/10/96
				Radiochemistry Review:	
				Microbiology Review:	
Tot. Cations:	14940 mg/l	670.1 mo/l			
Tot. Anions:	30558 mg/l	840.2 me/l			
Grand Total:	45498 mg/l	8D = 22.0			

Laboratory Analysis

L-pH *	7.83	T. Susp. Sol	14.6 mg/l
NO2+NO3, N	0.59 mg/l	T.O.C.	2.22 mg/l
Cyanide	<0.05 mg/l	D-Arsenic	155.0 ug/l
D-Barium	32.0 ug/l	D-Cadmium	<3.0 ug/l
D-Calcium	428 mg/l	D-Chromium	<10.0 ug/l
D-Copper	<20.0 ug/l	D-Iron	<20.0 ug/l
D-Lead	<4.0 ug/l	D-Magnesium	659 mg/l
D-Mangan	<5.0 ug/l	D-Nickel	<30.0 ug/l
D-Potassium	453 mg/l	D-Selenium	36.0 ug/l
D-Silver	<2.0 ug/l	D-Sodium	13400.0 mg/l
D-Zinc	<10.0 ug/l	Bicarbonate	168 mg/l
Carb. Diox	4 mg/l	Carbonate	0 mg/l
Chloride	27500 mg/l	Fluoride	0.957 mg/l
Hydroxide	0 mg/l	Sulfate	2975.4 mg/l
Tot. Alk.	138 mg/l	T. Hardn.	3779.3 mg/l
Turbidity *	0.123 NTU	L-Sp. Cond	57450 umhos
TDS @ 180C	41032 mg/l	D-Aluminum	<30.0 ug/l
D-Beryllium	<9.0 ug/l	D-Molybdenum	300.0 ug/l
D-Mercury	<0.2 ug/l	CO3 Solids	83 mg/l

Comments on test results:

Turbidity...Holding time was exceeded before analysis was completed.
L-pH.....pH should be performed as a field test.

END OF REPORT

DRAFT

UTAH STATE HEALTH DEPARTMENT
DIVISION OF LABORATORY SERVICES
Environmental Chemistry Analysis Report

UDEQ - DRC
ATTN: Loren Morton
168 N 1950 W BLDG 2
PO BOX 144850
ELC

UT 04114-4830

536-6250

Lab Number: 9610774 Sample Type: 04 Cost Code: 342
Description: ENVIROCARE GW 26

Site ID:	Source No:	01	Organic Review:	12/10/96
Sample Date: 11/18/96	Time:	12:40	Inorganic Review:	12/10/96
			Radiochemistry Review:	
			Microbiology Review:	
Tot. Cations:	16714 mg/l	757.6 me/l		
Tot. Anions:	43395 mg/l	1221.6 me/l		
Grand Total:	60109 mg/l	RD = 46.9		

Laboratory Analyses

L-pH *	7.79	T. Sub. Sol	13.2 mg/l
NO2+NO3, N	0.7 mg/l	T.O.C.	3.21 mg/l
Cyanide	<0.05 mg/l	D-Arsenic	240.0 ug/l
D-Barium	20.0 ug/l	D-Cadmium	<3.0 ug/l
D-Calcium	627 mg/l	D-Chromium	<10.0 ug/l
D-Copper	<20.0 ug/l	D-Iron	<20.0 ug/l
D-Lead	<4.0 ug/l	D-Magnesium	906 mg/l
D-Mangan	5.8 ug/l	D-Nickel	<30.0 ug/l
D-Potassium	481 mg/l	D-Selenium	42.0 ug/l
D-Silver	<2.0 ug/l	D-Sodium	14700.0 mg/l
D-Zinc	<30.0 ug/l	Bicarbonate	133 mg/l
Carb. Diox	3 mg/l	Carbonate	0 mg/l
Chloride	43000 mg/l	Fluoride	0.772 mg/l
Hydroxide	0 mg/l	Sulfate	329.2 mg/l
Tot. Alk.	109 mg/l	T. Hardns.	5297.1 mg/l
Turbidity *	0.205 NTU	L-Sp. Cond	62800 umhos
TDS @ 180C	46946 mg/l	D-Aluminum	<30.0 ug/l
D-Beryllium	<9.0 ug/l	D-Molybdenum	600.0 ug/l
D-Mercury	<0.2 ug/l	CO3 Solids	66 mg/l

Comments on test results:

Turbidity... Holding time was exceeded before analysis was completed.
L-pH..... pH should be performed as a field test.

END OF REPORT

DRAFTUTAH STATE HEALTH DEPARTMENT
DIVISION OF LABORATORY SERVICES
Environmental Chemistry Analysis ReportUDEQ - DRC
ATTN: Loren Morton
168 N 1950 W BLDG 2
PO BOX 144850
SLC

UT R4114-4850

536-4250

Lab Number: 9610775 Sample Type: ve Cost Code: 342
Description: ENVIROCARE GW 27

Site ID: Source No: 02 Organic Review: 12/10/96
Sample Date: 11/18/96 Time: 15:00 Inorganic Review: 12/10/96
Radiochemistry Review:
Microbiology Review:

Tot. Cations: 17688 mg/l 803.1 me/l
Tot. Anions: 47790 mg/l 1346.7 me/l
Grand Total: 65478 mg/l TD - 50.6

Laboratory Analyses

L-pH *	7.73	T.Sus.Sol	8.8 mg/l
NO2+NO3, N	0.08 mg/l	T.O.C.	3.65 mg/l
Cyanide	<0.05 mg/l	D-Arsenic	110.0 ug/l
D-Barium	30.0 ug/l	D-Cadmium	<3.0 ug/l
D-Calcium	663 mg/l	D-Chromium	<10.0 ug/l
D-Copper	<20.0 ug/l	D-Iron	23.4 ug/l
D-Lead	<4.0 ug/l	D-Magnesium	1000 mg/l
D-Mangan	58.0 ug/l	D-Nickel	<30.0 ug/l
D-Potassium	525 mg/l	D-Selenium	38.0 ug/l
D-Silver	<2.0 ug/l	D-Sodium	15500.0 mg/l
D-Zinc	<30.0 ug/l	Bicarbonate	185 mg/l
Carb. Diox	5 mg/l	Carbonate	0 mg/l
Chloride	47500 mg/l	Fluoride	0.969 mg/l
Hydroxide	0 mg/l	Sulfate	199.4 mg/l
Tot. Alk.	151 mg/l	T. Hardnes.	5768.7 mg/l
Turbidity *	0.532 NTU	L-Sp. Cond	65450 umhos
TDS @ 180C	49986 mg/l	D-Aluminum	<30.0 ug/l
D-Beryllium	<9.0 ug/l	D-Molybdenum	760.0 ug/l
D-Mercury	<0.2 ug/l	CO3 Solids	91 mg/l

Comments on test results:

Turbidity...Holding time was exceeded before analysis was completed.
L-pH.....pH should be performed as a field test.-----
END OF REPORT

DRAFTUTAH STATE HEALTH DEPARTMENT
DIVISION OF LABORATORY SERVICES
Environmental Chemistry Analysis Report

UDEQ - DRC

ATTN: Loren Morton
168 N 1950 W BLDG 2
PO BOX 144850
SLC

UT 84114 4850

536-4250

Lab Number: 9610776 Sample Type: 04 Test Code: 342
Description: ENVIROCARE GW 25
-----Site ID: 1 Source No: 02 Organic Review: 12/10/96
Sample Date: 11/10/96 Time: 11:40 Inorganic Review: 12/10/96
Radiochemistry Review:
Microbiology Review:
Tot. Cations: 17847 mg/l 803.2 me/l
Tot. Anions: 31775 mg/l 895.5 me/l
Grand Total: 49622 mg/l RD - 10.9

Laboratory Analyses

L-pH *	7.72	T.Sus.Sol	15.2 mg/l
NO2+NO3, N	0.06 mg/l	T.O.C.	2.9 mg/l
Cyanide	<0.05 mg/l	D-Arsenic	132.0 ug/l
D-Barium	22.0 ug/l	D-Cadmium	<3.0 ug/l
D-Calcium	542 mg/l	D-Chromium	<10.0 ug/l
D-Copper	<20.0 ug/l	D-Iron	<20.0 ug/l
D-Lead	<4.0 ug/l	D-Magnesium	856 mg/l
D-Mangan	<5.0 ug/l	D-Nickel	<30.0 ug/l
D-Potassium	549 mg/l	D-Selenium	38.0 ug/l
D-Silver	<2.0 ug/l	D-Sodium	15900.0 mg/l
D-Zinc	<30.0 ug/l	Bicarbonate	238 mg/l
Carb. Diox	7 mg/l	Carbonate	0 mg/l
Chloride	31500 mg/l	Fluoride	0.926 mg/l
Hydroxide	0 mg/l	Sulfate	157.6 mg/l
Tot. Alk.	195 mg/l	T. Hardns.	4874.3 mg/l
Turbidity *	0.756 NTU	L-Sp. Cond	66300 umhos
TDS @ 180C	49950 mg/l	D-Aluminum	<30.0 ug/l
D-Beryllium	<9.0 ug/l	D-Molybdenum	320.0 ug/l
D-Mercury	<0.2 ug/l	CO3 Solids	117 mg/l

Comments on test results:

Turbidity...Holding time was exceeded before analysis was completed.
L-pH.....pH should be performed as a field test.-----
END OF REPORT

UTAH STATE HEALTH DEPARTMENT
DIVISION OF LABORATORY SERVICES
Environmental Chemistry Analysis Report

536-4250

Site ID:	Source No:	02	Organic Review:	12/10/96
Sample Date:- 11/20/96	Time:	13:00	Inorganic Review:	12/10/96
			Radiochemistry Review:	
			Microbiology Review:	
Tot. Cations:	15199 mg/l	682.3 me/l		
Tot. Anions:	27809 mg/l	783.1 mc/l		
Grand Total:	43008 mg/l	ND = 13.8		

L-pH *	7.83	T. Sus. Sol	16.0 mg/l
NO ₂ +NO ₃ , N	2.38 mg/l	T.O.C.	2.73 mg/l
Cyanide	<0.05 mg/l	D-Arsenic	102.0 ug/l
D-Barium	22.0 ug/l	D-Cadmium	<3.0 ug/l
D-Calcium	472 mg/l	D-Chromium	<10.0 ug/l
D-Copper	<20.0 ug/l	D-Iron	<20.0 ug/l
D-Lead	<4.0 ug/l	D-Magnesium	676 mg/l
D-Manganese	<5.0 ug/l	D-Nickel	<30.0 ug/l
D-Potassium	451 mg/l	D-Selenium	47.0 ug/l
D-Silver	<2.0 ug/l	D-Sodium	13600.0 mg/l
D-Zinc	<30.0 ug/l	Bicarbonate	188 mg/l
Carb. Diox	4 mg/l	Carbonate	0 mg/l
Chloride	27500 mg/l	Fluoride	0.648 mg/l
Hydroxide	0 mg/l	Sulfate	215.9 mg/l
Tot. Alk.	154 mg/l	T. Hardne.	3959.0 mg/l
Turbidity	1.36 NTU	L-Sp. Cond	58200 unho
TDS @ 180C	42528 mg/l	D-Aluminum	<30.0 ug/l
D-Beryllium	<9.0 ug/l	D-Molybdenum	360.0 ug/l
D-Mercury	<0.2 ug/l	CO ₃ Solids	93 mg/l

L-pH.....pH should be performed as a field test.

END OF REPORT

DRAFT

UTAH STATE HEALTH DEPARTMENT
DIVISION OF LABORATORY SERVICES
Environmental Chemistry Analysis Report

UDEQ - DRC

ATTN: Loren Morton
168 N 1950 W BLDG 2
PO BOX 144850
SLC UT 84114-4850

536-4250

Lab Number: 9610778 Sample Type: 04 Cost Code: 342
Description: ENVIROCARE P-3 POND

Site ID: Source No: 02
Sample Date: 11/21/96 Time: 10:30

Organic Review: 12/10/96
Inorganic Review: 12/10/96
Radiochemistry Review:
Microbiology Review:

Tot. Cations: 16483 mg/l 748.1 me/l
Tot. Anions: 27675 mg/l 780.2 me/l
Grand Total: 44158 mg/l SD = 4.2

Laboratory Analytes

L-pH *	8.54	T. Sus. Sol	35.6 mg/l
NO2+NO3, N	0.08 mg/l	T.O.C.	34.5 mg/l
Cyanide	<0.05 mg/l	D-Arsenic	44.0 ug/l
D-Barium	280.0 ug/l	D-Cadmium	22.0 ug/l
D-Calcium	829 mg/l	D-Chromium	<10.0 ug/l
D-Copper	46.0 ug/l	D Iron	<20.0 ug/l
D-Lead	<4.0 ug/l	D-Magnesium	850 mg/l
D-Mangan	1360.0 ug/l	D-Nickel	60.0 ug/l
D-Potassium	404 mg/l	D-Selenium	38.0 ug/l
D-Silver	<2.0 ug/l	D-Sodium	14400.0 mg/l
D-Zinc	<30.0 ug/l	Bicarbonate	170 mg/l
Carb. Diox	1 mg/l	Carbonate	0 mg/l
Chloride	27500 mg/l	Fluoride	2.98 mg/l
Hydroxide	0 mg/l	Sulfate	90.8 mg/l
Tot. Alk.	139 mg/l	T. Hardns.	5565.7 mg/l
Turbidity	13.4 NTU	L-Sp. Cond	63370 umhos
TDS @ 180C	45922 mg/l	D Aluminum	<30.0 ug/l
D-Beryllium	<9.0 ug/l	D-Molybdenum	110.0 ug/l
D-Mercury	<0.2 ug/l	CO3 Solids	84 mg/l

Comments on test results:

L-pH.....pH should be performed as a field test.

END OF REPORT

DRAFT

UTAH STATE HEALTH DEPARTMENT
DIVISION OF LABORATORY SERVICES
Environmental Chemistry Analysis Report

UDEQ - DRC

ATTN: Loren Morton
168 N 1950 W BLDG 2
PO BOX 144850
SLC UT 84114-4850

536-4250

Lab Number:	9610779	Sample Type:	04	Cost Code:	342
Description:	ENVIROCARE	GW	CO		
Site ID:		Source No:	02	Organic Review:	12/10/96
Sample Date:	11/20/96	Time:	09:30	Inorganic Review:	12/10/96
				Radiochemistry Review:	
				Microbiology Review:	
Tot. Cations:	13957 mg/l	625.5 me/l			
Tot. Anions:	25287 mg/l	712.3 me/l			
Grand Total:	39244 mg/l	RD = 13.0			

Laboratory Analyses

L-pH *	7.87	T. Sus. Sol	15.2 mg/l
NO2+NO3, N	0.41 mg/l	T.O.C.	2.22 mg/l
Cyanide	<0.05 mg/l	D-Arsenic	48.0 ug/l
D-Barium	20.0 ug/l	D-Cadmium	<3.0 ug/l
D-Calcium	430 mg/l	D-Chromium	<10.0 ug/l
D-Copper	<20.0 ug/l	D-Iron	<20.0 ug/l
D-Lead	<4.0 ug/l	D-Magnesium	600 mg/l
D-Mangan	<5.0 ug/l	D-Nickel	<30.0 ug/l
D-Potassium	427 mg/l	D-Selenium	44.0 ug/l
D-Silver	<2.0 ug/l	D-Sodium	12500.0 mg/l
D-Zinc	<30.0 ug/l	Dicarbonate	240 mg/l
Carb. Diox	5 mg/l	Carbonate	0 mg/l
Chloride	25000 mg/l	Fluoride	0.759 mg/l
Hydroxide	0 mg/l	Sulfate	178.8 mg/l
Tot. Alk.	180 mg/l	T. Hardns.	3541.6 mg/l
Turbidity	0.237 NTU	h. Sp. Cond	55310 umhos
TDS @ 180C	39434 mg/l	D-Aluminum	<30.0 ug/l
D-Beryllium	<9.0 ug/l	D-Molybdenum	260.0 ug/l
D-Mercury	<0.2 ug/l	CO3 Solids	108 mg/l

Comments on test results:

1. pH.....pH should be performed as a field test.

END OF REPORT

DRAFT

UTAH STATE HEALTH DEPARTMENT
DIVISION OF LABORATORY SERVICES
Environmental Chemistry Analysis Report

UDEC - DRC

ATTN: Loren Morton

168 N 1950 W BLDG 2

PO BOX 144850

SLC

UT

84114 4850

536-4250

Lab Number: 9610780 Sample Type: 04 Cost Code: 342
Description: ENVIROCAKE GW 63

Site ID: Source No: 02
Sample Date: 11/20/96 Time: 10:40

Organic Review: 12/10/96
Inorganic Review: 12/10/96
Radiochemistry Review:
Microbiology Review:

Tot. Cations: 13166 mg/l 590.7 mg/l
Tot. Anions: 25289 mg/l 712.1 mg/l
Grand Total: 38455 mg/l TD = 18.6

Laboratory Analyses

L-pH *	7.96	T. Sus. Sol	14.4 mg/l
NO2+NO3, N	0.24 mg/l	T.O.C.	2.24 mg/l
Cyanide	<0.05 mg/l	D-Arsenic	54.0 ug/l
D-Barium	36.0 ug/l	D-Cadmium	<3.0 ug/l
D-Calcium	372 mg/l	D-Chromium	<10.0 ug/l
D-Copper	<20.0 ug/l	D-Iron	44.7 ug/l
D-Lead	<4.0 ug/l	D-Magnesium	589 mg/l
D-Mangan	<5.0 ug/l	D-Nickel	46.0 ug/l
D-Potassium	405 mg/l	D-Selenium	46.0 ug/l
D-Silver	<2.0 ug/l	D-Sodium	11800.0 mg/l
D-Zinc	<30.0 ug/l	Bicarbonate	183 mg/l
Carb. Diox	3 mg/l	Carbonate	0 mg/l
Chloride	25000 mg/l	Fluoride	0.795 mg/l
Hydroxide	0 mg/l	Sulfate	198.5 mg/l
Tot. Alk.	150 mg/l	T. Hardns.	3351.6 mg/l
Turbidity	0.956 NTU	L-Sp. Cond	51998 umhos
TDS @ 180C	36402 mg/l	D-Aluminum	52.0 ug/l
D-Beryllium	<9.0 ug/l	D-Molybdenum	260.0 ug/l
D-Mercury	<0.2 ug/l	CO3 Solids	90 mg/l

Comments on test results:

L-pH.....pH should be performed as a field test.

END OF REPORT

DRAFT

UTAH STATE HEALTH DEPARTMENT
DIVISION OF LABORATORY SERVICES
Environmental Chemistry Analysis Report

UDEQ - DRC
ATTN: Loren Morton
168 N 1950 W BLDG 2
PO BOX 144850
SLC

UT 84114-4850

536-4220

Lab Number:	9610781	Sample Type:	04	Cost Code:	342
Description:	ENVIROCARE	GW 19A			
Site ID:		Source No:	02	Organic Review:	12/10/96
Sample Date:	11/20/96	Time:	11:45	Inorganic Review:	12/23/96
				Radiochemistry Review:	
				Microbiology Review:	
Tot. Cations:	18638 mg/l	854.9 me/l			
Tot. Anions:	35199 mg/l	992.3 mg/l			
Grand Total:	53837 mg/l	TD - 14.9			

Laboratory Analysis

L-pH *	7.74	T. Sub. Sol	16.8 mg/l
NO ₂ +NO ₃ , N	<0.02 mg/l	T.O.C.	4.17 mg/l
Cyanide	<0.05 mg/l	D-Arsenic	60.0 ug/l
D-Barium	22.0 ug/l	D-Cadmium	<3.0 ug/l
D-Calcium	862 mg/l	D-Chromium	<10.0 ug/l
D-Copper	<20.0 ug/l	D-Iron	43.8 ug/l
D-Lead	<4.0 ug/l	D-Magnesium	1210 mg/l
D-Mangan	52.0 ug/l	D-Nickel	32.0 ug/l
D-Potassium	466 mg/l	D-Selenium	20.0 ug/l
D-Silver	<2.0 ug/l	D-Sodium	16100.0 mg/l
D-Zinc	<30.0 ug/l	Bicarbonate	186 mg/l
Carb. Diox	5 mg/l	Carbonate	0 mg/l
Chloride	35000 mg/l	Fluoride	1.1 mg/l
Hydroxide	0 mg/l	Sulfate	107.1 mg/l
Tot. Alk.	153 mg/l	T. Hardns.	7129.2 mg/l
Turbidity	2.44 NTU	L-Sp. Cond	68900 umhos
TDS @ 180C	53594 mg/l	D-Aluminum	<30.0 ug/l
D-Beryllium	<9.0 ug/l	D-Molybdenum	720.0 ug/l
D-Mercury	<0.2 ug/l	CO ₃ Solids	92 mg/l

Comments on test results:

L-pH.....pH should be performed as a field test.

END OF REPORT

DRAFT

UTAH STATE HEALTH DEPARTMENT
DIVISION OF LABORATORY SERVICES
Environmental Chemistry Analysis Report

UDEQ - DRC
ATTN: Loren Morton
168 N 1950 W BLDG 2
PO BOX 144850
SLC

UT 84114-4850

536-4250

Lab Number: 9610782 Sample Type: 04 Cost Code: 342
Description: ENVIROCARE GW 36

Site ID: 1-	Source No: 02	Organic Review: 12/10/96
Sample Date: 11/19/96	Time: 13:30	Inorganic Review: 12/10/96
		Radiochemistry Review:
		Microbiology Review:

Tot. Cations:	14288 mg/l	640.4 me/l
Tot. Anions:	25735 mg/l	725.1 me/l
Grand Total:	40023 mg/l	BD = 12.4

Laboratory Analyses

L-pH *	7.82	T. Sus. Sol	20.4 mg/l
NO2+NO3, N	0.82 mg/l	T.O.C.	2.05 mg/l
Cyanide	<0.05 mg/l	D-Arsenic	78.0 ug/l
D-Barium	26.0 ug/l	D-Cadmium	<3.0 ug/l
D-Calcium	444 mg/l	D-Chromium	<10.0 ug/l
D-Copper	<20.0 ug/l	D-Iron	<20.0 ug/l
D-Lead	<4.0 ug/l	D-Magnesium	612 mg/l
D-Mangan	<5.0 ug/l	D-Nickel	<30.0 ug/l
D-Potassium	432 mg/l	D-Selenium	36.0 ug/l
D-Silver	<2.0 ug/l	D-Sodium	12800.0 mg/l
D-Zinc	<30.0 ug/l	Bicarbonate	182 mg/l
Carb. Diox	4 mg/l	Carbonate	0 mg/l
Chloride	25500 mg/l	Fluoride	0.812 mg/l
Hydroxide	0 mg/l	Sulfate	144.5 mg/l
Tot. Alk.	150 mg/l	T. Hardns.	3625.9 mg/l
Turbidity *	3.03 NTU	L-Sp. Cond	55598 umhos
TDS @ 180C	39788 mg/l	D-Aluminum	<30.0 ug/l
D-Beryllium	<9.0 ug/l	D-Molybdenum	280.0 ug/l
D-Mercury	<0.2 ug/l	CO3 Solids	90 mg/l

Comments on test results:

Turbidity...Holding time was exceeded before analysis was completed.
L-pH.....pH should be performed as a field test.

END OF REPORT

DRAFTUTAH STATE HEALTH DEPARTMENT
DIVISION OF LABORATORY SERVICES
Environmental Chemistry Analysis ReportUDEQ - DRC
ATTN: Loren Morton
168 N 1950 W BLDG 2
PO BOX 144850
SLC

UT R4114-4850

536-4250

Lab Number: 9610783 Sample Type: 04 Cost Code: 342
Description: ENVIROCARB GW 37

Site ID: Source No: 02 Organic Review: 12/10/96
Sample Date: 11/19/96 Time: 15:00 Inorganic Review: 12/10/96
Radiochemistry Review:
Microbiology Review:

Tot. Cations: 16501 mg/l 741.3 me/l
Tot. Anions: 34152 mg/l 963.0 mc/l
Grand Total: 50653 mg/l ED = 26.0

Laboratory Analyses

L-pH *	7.8	T. Sus. Sol	14.4 mg/l
NO2+NO3, N	0.48 mg/l	T.O.C.	2.61 mg/l
Cyanide	<0.05 mg/l	D-Arsenic	74.0 ug/l
D-Barium	26.0 ug/l	D-Cadmium	<3.0 ug/l
D-Calcium	483 mg/l	D-Chromium	<10.0 ug/l
D-Copper	<20.0 ug/l	D-Iron	<20.0 ug/l
D-Lead	<4.0 ug/l	D-Magnesium	745 mg/l
D-Mangan	<5.0 ug/l	D-Nickel	<30.0 ug/l
D-Potassium	473 mg/l	D-Selenium	40.0 ug/l
D-Silver	<2.0 ug/l	D-Sodium	14800.0 mg/l
D-Zinc	<30.0 ug/l	Bicarbonate	163 mg/l
Carb. Diox	4 mg/l	Carbonate	0 mg/l
Chloride	34000 mg/l	Fluoride	0.56 mg/l
Hydroxide	0 mg/l	Sulfate	71.6 mg/l
Tot. Alk.	134 mg/l	T. Hardn.	4270.4 mg/l
Turbidity *	0.413 NTU	L-Sp. Cond	63400 umhos
TDS @ 180C	46742 mg/l	D-Aluminum	<30.0 ug/l
D-Beryllium	<9.0 ug/l	D-Molybdenum	320.0 ug/l
D-Mercury	<0.2 ug/l	CO3 Solids	80 mg/l

Comments on test results:

Turbidity...Holding time was exceeded before analysis was completed.
L-pH.....pH should be performed as a field test.-----
END OF REPORT

News Flash

7:00 P.M. EST January 14, 1997

by facsimile transmission to Forum Participants/Alternates, Federal Liaisons/Alternates

Anderson v. Semnani

Suit Against Envirocare Sparks Investigations Formal Petition Filed with NRC

On October 18, 1996, Larry Anderson and Lavicka, Inc. filed a lawsuit in the Third Judicial District Court of Salt Lake County, Utah, against Khosrow Semnani and Envirocare of Utah. The suit alleges that the defendants owe to the plaintiffs in excess of \$5 million for site application and consulting services related to the licensing and operation of the Envirocare low-level radioactive waste disposal facility. Semnani and Envirocare filed an answer and counterclaim in early November stating that Semnani personally gave to Anderson cash, gold coins, and real property totaling approximately \$600,000 in value over an eight-year period, but denying that such payments were for consulting services. Instead, the defendants allege that the payments were made in response to Anderson's ongoing practice of using his official position with the State of Utah to extort moneys from Semnani.

On January 2, 1997, Semnani took a two-month "leave of absence" from the Utah Radiation Control Board, which oversees the state's Division of Radiation Control. Meanwhile, the Utah Attorney General's Office is conducting a criminal investigation into the charges and counter-charges, and the Natural Resources Defense Council has filed a formal petition with the U.S. Nuclear Regulatory Commission asking that it revoke Envirocare's licenses, permanently bar the company and its owner from future operations anywhere in the United States, and suspend the State of Utah's status as an NRC Agreement State.

The Complaint

Alleged Course of Events The plaintiffs contend that in 1987, while serving as Director of the Utah Bureau of Radiation Control, Anderson recognized the need for a low-level radioactive waste disposal facility in the State of Utah. After incorporating Lavicka, Inc. "for the express purpose of developing a plan for siting such a facility," the plaintiffs claim that Anderson approached Semnani to see if he was interested in undertaking the siting procedures. Plaintiffs allege that thereafter the parties agreed to enter into a business relationship wherein Anderson—through Lavicka, Inc.—would provide Semnani with site application and consulting services in return for an advance consulting fee of \$100,000 and an ongoing remuneration of five percent of all direct and indirect revenues realized by the facility, should siting prove successful. According to the plaintiffs, although Anderson has provided the agreed upon services—including information and expertise necessary for the facility license application process and a business plan for operations of the facility—the defendants have to date only paid a portion of the advance consulting fee and ongoing remuneration.

Page 1 of 8

LLW Forum c/o Afton Associates, Inc. • 403 East Capitol Street • Washington, D.C. 20003
(202)547-2620 • FAX (202)547-1688 • E-MAIL llwforum@afton.com • INTERNET <http://www.afton.com/llwforum>

5/10

Causes of Action The complaint states several causes of action against the defendants, including the following:

- **Breach of Contract** The plaintiffs claim that the defendants have breached an oral contract made between Anderson and Semnani. "Although Anderson made several attempts to embody this agreement in writing, Defendant Semnani refused to execute such written agreement, not because there was no agreement between the parties, but for the express reason that he did not desire to have any paperwork which could later be held against him or his operation."
- **Quasi-Contract (Unjust Enrichment)** Even if the court were to determine that a valid contract did not exist between the parties, the plaintiffs claim that they are entitled to compensation because it would be unjust for the defendants to have received the benefits of plaintiffs' information and specialized knowledge without having provided them with adequate compensation.
- **Quantum Meruit (Contract Implied in Fact)** The plaintiffs also invoke the equitable doctrine of quantum meruit, which states that even absent a specific contract, the law may imply a promise to pay a reasonable amount for services rendered. The plaintiffs claim to have acted in good faith towards the defendants, providing them with the requested work—including information and knowledge necessary for the grant of the NORM license—with the expectation of reasonable compensation. They allege that the defendants knew that compensation was expected and that they have acknowledged that fact by paying a portion.
- **Fraud** The plaintiffs allege that Semnani committed fraud by making representations to the plaintiffs that he would pay the agreed-upon compensation when he had no intention of doing so and by making such representations for the sole purpose of inducing Anderson to provide certain skills and knowledge. "Plaintiff Anderson reasonably and innocently relied on the representations made by Semnani, provided the requisite information, knowledge and skill, and in so doing foreclosed for him any other possible avenues to develop a site, inasmuch as a license for a facility of this type would be granted to another only after the showing there was still an unfilled need."

Demand for Relief The plaintiffs' prayer for judgment against the defendants include demands for

- \$5,000,000, plus interest, in past unpaid compensation owed to the defendants, together with an order directing the defendants to continue with such compensation as they realize revenues;
- \$2,500,000, plus interest, in exemplary and punitive damages for the egregious conduct of the defendants; and
- costs, expenses, and such other relief as the court deems just and proper.

The Answer

Semnani and Envirocare filed a joint answer and counterclaim in early November. Envirocare denies having paid or owing money to the plaintiffs. Semnani, on the other hand, states in official court documents that he personally gave Anderson cash, gold coins, and real property totaling \$600,000 in value over an eight-year period. Semnani denies, however, that the payments were for consulting services and instead alleges that they were made in response to Anderson's ongoing practice of using his official position with the State of Utah to extort moneys from him.

In response to the allegations raised in the suit, the defendants argue as follows:

- **Failure to State a Cause of Action** The complaint fails to state a cause of action against the defendants upon which relief may be granted.
- **Lack of a Valid Contract** There is not now and never has been a valid agreement between either of the plaintiffs and either of the defendants.
- **Absence of Consideration** Lavicka has not provided anything of value to either of the defendants and the only value, if any, provided by Anderson was limited to information that he was otherwise required by law to provide to the general public by virtue of his duties as an officer and employee of the State of Utah.

- **Extortion** The demands made by Anderson constituted an ongoing felonious practice of extortion of moneys from Semnani. As such, neither of the plaintiffs could have reasonably understood that they were legally entitled to any payment from either of the defendants.
- **No Entitlement** The demands made by Anderson were illegal and unlawful. Accordingly, he was not entitled to rely on statements made to him by Semnani in response to the demands.
- **Violation of Public Policy** As a state employee and Director of the bureau responsible for processing, review, and determination of Semnani's license application, Anderson was duty bound to provide accurate, fair, and unbiased information and services to members of the general public whose business interests fell within the bureau's purview. He was precluded by law from requesting, demanding or accepting payment—other than his salary—for his services as a state officer and employee. As such, his requests from Semnani were illegal, and any contract he alleges to have made with Semnani was illegal and void as against public policy.
- **Duress** Semnani's statements and payments to Anderson were done upon his reasonable understanding and belief that failure to do so would result in Anderson's use of his official state position to deny Semnani's application a fair consideration, review, hearing and determination thereby causing the facility either not to be licensed or, if licensed, to be subject to an unfair and biased oversight and supervision of its operations.
- **Waiver** Anderson has waived any right to pursue his claims because his conduct was illegal and contrary to law and known by him to be so.
- **Statute of Frauds** The alleged verbal agreement is barred by Utah law, which states that any contract for the payment of moneys for a term in excess of one year must be in writing.
- **No Implied Contract** No services were provided to or received by the defendants, and there was no contract, implied either in law or fact, that will support a claim for quantum meruit or unjust enrichment.

The Counterclaim

Alleged Course of Events Simultaneously with their answer, Semnani and Envirocare filed a counterclaim. In this document, they allege that while Semnani's license application was pending, Anderson sought and received loans from Semnani for the stated purpose of paying medical expenses incurred by his mother. They also allege that Anderson approached Semnani "unexpected and unannounced," while the application was pending, and requested that Semnani make payment to him of \$100,000, plus \$5 per ton for all waste material received at the disposal facility should the license be approved. Semnani paid the \$100,000 and, on a number of occasions over subsequent years, made other payments to Anderson.

In 1989, Anderson is alleged to have requested that Semnani purchase for him a condominium unit. Semnani purchased the unit in his own name, executing and delivering a quitclaim deed to Anderson on the same day that Semnani received from Anderson the first of two promissory notes—totaling greater than \$300,000—for repayment of the amount paid for purchase of the condominium. Semnani alleges that Anderson had agreed to hold and not record the deed until a mutually agreeable date, but then went ahead and recorded it anyway.

Anderson's employment with the State of Utah ended in 1993, but he is alleged to have continued to demand payments thereafter. Semnani made payments until January of 1995, at which time he advised Anderson that no further payments would be made. Semnani alleges that Anderson threatened legal action unless Semnani paid him \$5 million. On October 18, 1996, the referenced lawsuit was filed.

Claims for Relief Semnani seeks the return of all moneys paid to Anderson as a result of his allegedly unlawful actions, reconveyance of the condominium unit and any other property delivered to Anderson; and \$1.8 million in punitive damages for what he characterizes as Anderson's willful and malicious actions to deprive him of money and property with reckless disregard for his rights, entitlements, and interests.

Semnani and Envirocare together claim that the plaintiffs' legal action is precluded under state law, is a felonious attempt to extort moneys from them, is made without merit, and is neither brought nor asserted in good faith. Accordingly, both defendants seek an award of attorneys' fees.

Related Issues

Status of Envirocare's License Renewal

State officials are in the midst of a regularly scheduled review of Envirocare's operating license, which comes up for renewal every five years. A March 27, 1996 letter from Envirocare Executive Vice-President Charles Judd states that the application includes ten "significant changes since approval of the original license request and subsequent amendments ..." Most of these changes involve procedural matters, such as expanded waste characterization, consolidation of radiation safety plans, use of a uniform cover design, and so forth. (See *LLW Notes*, April 1996, p. 4.)

Dianne Nielson, Executive Director of the Utah Department of Environmental Quality, sent Judd a letter on January 7, 1997, "to provide a current statement relating to the status of Envirocare of Utah." The letter states:

Envirocare currently has a radioactive materials license from the Division of Radiation Control and is authorized to receive waste under the conditions of that license. Pursuant to State rules, the license is undergoing review for a five-year renewal. A license renewal application was submitted to the Division of Radiation Control on January 29, 1996 by Envirocare. The Division of Radiation Control continues to inspect and monitor the Envirocare site.

According to William Sinclair, who replaced Anderson as Director of the Division of Radiation Control, the state is currently reviewing responses to the first set of interrogatories on the application. Sinclair is uncertain how long the entire license review will take. During the review process, the license—which was set to expire on February 28, 1996—remains in effect under a timely renewal provision.

Utah AG Initiates Criminal Investigation

According to Sinclair, the Utah Department of Environmental Quality conducted an internal investigation into the relationship between Semnani and Anderson several years ago. The investigation, however, did not turn up any improprieties. The Utah Attorney General's Office is now conducting a criminal investigation into the matter. The investigation is expected to "take a period of months" and will involve the review of much paperwork and of many financial transactions.

In his complaint, Anderson claims to have obtained "informal advice" from the Attorney General's Office prior to incorporating Lavicka, the corporate plaintiff. The nature of that advice, however, is not clear. A staff member of the Attorney General's office was recently quoted as saying: "Nobody in our office advised him this arrangement was appropriate ... Conflict-of-interest laws make clear you can't be involved in a business you're regulating as a state official."

Utah's ethics laws prescribe that

no public officer or public employee shall knowingly receive, accept, take, seek, or solicit, directly or indirectly, any gift, compensation, or loan, for himself or another if: (a) it tends to influence him in the discharge of his official duties; or (b) he recently has been, or is now, or in the near future may be involved in any government action directly affecting the donor or lender ...

Semnani Takes Leave of Absence from the Board of Radiation Control

On January 2, Semnani took a two-month "leave of absence" from the Utah Radiation Control Board. This entity, which was established pursuant to state law in 1991 and is comprised of eleven individuals representing various interests, oversees the state's Division of Radiation Control. (See box for additional information on Utah's regulatory structure.) Semnani, who has been widely reported in the news to be a large political contributor in the state, was one of the original members of the Board. He is in his second term on the Board which is set to expire July 1, 2000.

Statement of Support Offered by Tooele County Commission

The Envirocare facility is located in Tooele County, Utah. Recently, the Tooele County Commission issued a press statement emphasizing that it considers Envirocare to be "a responsible corporate citizen ... [that] provides jobs, purchases materials and services, pays property taxes and also pays millions of dollars in mitigation fees to Tooele County." The commission states that it wants to see this matter resolved quickly, but cautions that "it needs to be decided by a court of law or by some other appropriate method."

All three commission members—Teryl Hunsaker, Gary Griffith, and Lois McArthur—signed the statement. Hunsaker, who serves as Commission Chair, is also a member of the state's Radiation Control Board.

—Todd Lovinger

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Background: Anderson v. Semnani

Licensing of Envirocare

NORM License Envirocare of Utah, which is owned by Khosrow Semnani, was incorporated on December 4, 1987. Prior to its incorporation, the company had submitted an application to the Utah Bureau of Radiation Control for a naturally-occurring radioactive materials (NORM) license. At the time, Larry Anderson served as the bureau's Director. On February 2, 1988, the bureau issued a NORM license to Envirocare, and the company commenced operations shortly thereafter. The initial license allowed Envirocare to accept only materials having a radium content of up to two nanocuries per gram. No sealed sources or mixed wastes were accepted.

License Amendment During Anderson's tenure as director of the Bureau of Radiation Control, Envirocare's license was amended to increase the storage capacity for waste on site that is not yet under final cover from approximately 17,000 cubic yards to 300,000 cubic yards. In addition, on March 21, 1991, the bureau granted an amendment to Envirocare's license authorizing the storage of low concentrations of licensed by-product and special

nuclear material. This amendment, which was signed by Anderson, significantly expanded the types of radioactive waste that the facility could receive. After Envirocare satisfied certain conditions contained within its groundwater permit, disposal operations began for byproduct and special nuclear material.

Other Licenses Envirocare of Utah has several additional licenses and permits that allow them to carry out their daily operations. Among the major ones are

- a hazardous waste permit from the Utah Department of Environmental Quality and a Hazardous and Solid Waste Act (HSWA) permit from EPA Region VIII, Denver which allows Envirocare to treat and dispose of mixed waste;
- a groundwater discharge permit from the Utah Division of Water Quality; and
- a uranium/thorium mill tailings license from NRC.

Northwest Compact Resolution and Order re Envirocare

Original Resolution

In December 1991, in response to a request by the State of Utah, the compact committee of the Northwest Interstate Compact on Low-Level Radioactive Waste Management adopted a resolution and order allowing access to the Envirocare site for certain radioactive wastes from outside the compact region. (See *LLW Notes*, January 1992, p. 4.) Larry Anderson was Utah's committee member through mid-1993.

The resolution authorized access for

- "[l]ow-level radioactive non-reactor mixed waste as defined in federal and/or State law," and
- specific "large volume non-reactor bulk media from a single site slightly contaminated with low-level radioactive waste" as defined in federal law and as allowed under Envirocare's state radioactive material license. The specific media allowed were soils, process sludge and rubble from decontamination, decommissioning, construction and demolition.

In terms of procedures and regulations, the resolution states that

- Utah retains the right to approve each disposal arrangement involving compact-authorized material,
- all federal and state environmental and other laws and regulations shall be complied with,
- no low-level radioactive waste from states that have been denied access to sited states' facilities shall be accepted at the Envirocare site without specific approval of the Northwest Compact,
- Envirocare shall provide the compact Executive Director with a record of all shipments of the compact-approved waste, and
- the compact retains the right to modify or rescind the authorization at any time.

Subsequent Amendments

The resolution was subsequently amended in May 1992—to delete the qualifier "non-reactor" from the provision allowing access for low-level radioactive mixed waste—and again in April 1995. (See *LLW Notes*, May/June 1992, p. 9 and April/May 1995, p. 6.) The 1995 amendment, among other things,

- deleted the previous language allowing access for large volume non-reactor bulk media from a single site, and
- substituted language allowing "large volume soil or soil like materials or debris slightly contaminated with low-level radioactive waste" as defined in the Low-Level Radioactive Waste Policy Amendments Act of 1985 and as allowed by Utah.

The amended policy declares the compact committee's intent "that only those wastes approved by the compact of origin (including the Northwest Compact) be allowed. For states unaffiliated with a compact, state approval for the export is required to the extent states can exercise such approval." The amended policy also establishes a three-year review cycle to evaluate compact/state siting progress with regard to access to Envirocare.

Subject to these conditions, the net effect of the policy is to allow access for any of the following that are consistent with Envirocare's license:

- mixed low-level radioactive wastes; and
- large volume, slightly contaminated low-level radioactive waste, including reactor wastes.

Utah's Regulatory Structure

Development of the State's Regulatory Structure

Prior to 1991, license applications for radioactive waste management and disposal facilities in the State of Utah had to be filed with the Utah Bureau of Radiation Control. The bureau, which operated under the jurisdiction of the state Department of Health, was charged with processing, reviewing, and making a determination on such license applications.

In 1991, the Utah legislature created a state Department of Environmental Quality. Kenneth Alkema, who now serves as Envirocare's Director of Governmental Affairs, was appointed as the department's original Director. In addition, the legislature upgraded the Bureau of Radiation Control to a division and transferred it to the jurisdiction of the new Department of Environmental Quality. Larry Anderson became the Director of the Utah Division of Radiation Control at the time of its creation, having served as director of the bureau since 1986.

As the legislation was being considered, the legislature undertook a review of the statutory boards that act as rulemaking bodies for the various state agencies. As no such board existed for radiation control, the legislature determined to create one. The authority and composition of the Utah Radiation Control Board is set forth in the state's Radiation Control Act.

The State Radiation Control Board

Membership The Radiation Control Act provides that the board is to be comprised of 11 members, one of whom shall be the Department of Environmental Quality's Executive Director, or his/her designee, with the remainder to be appointed by the Governor with the advice and consent of the Senate.

The act further requires that the board be constituted as follows:

- one physician;
- one dentist;
- one health physicist or other professional employed in the field of radiation safety;
- two representatives of regulated industry, at least one of whom represents the radioactive waste management industry;
- one person from academia having an x-ray machine or license to use radioactive materials;
- one representative of a local health department;
- one elected county official; and
- two members of the general public, at least one representing organized environmental interests.

Dianne Nielson is the current Executive Director. With the board's approval, she has appointed William Sinclair, Director of the Utah Division of Radiation Control, to serve as the board's Executive Secretary. Khosrow Semnani has served as a member since the board's inception.

Authority The board is authorized, among other things, to establish criteria for siting commercial low-level radioactive waste treatment or disposal facilities. Its Executive Secretary is authorized to receive, process, and make determinations on facility license applications. Appeals on license applications are heard by the board itself. The Division of Radiation Control serves as staff for the board.

All members of the state Radiation Control Board are required by law to fill out a conflict-of-interest statement. The board's conflict-of-interest policy states that board members should abstain from voting on motions in which they have an actual conflict of interest.

ENVIROCARE OF UTAH, INC.
THE SAFE ALTERNATIVE

January 3, 1997

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

Re: Safety and Environmental Review Panel (SERP) Administrative Procedure, License
Number SMC-1559

Dear Mr. Evans:

Enclosed is a copy of the SERP Administrative Procedure as you requested during the
phone conversation of December 18, 1996.

If you have any questions or comments regarding this Administrative Procedure prior to
your next visit, please contact Alan Kiggins by telephone at (801) 521-9619.

Sincerely,



Alan Kiggins
Quality Assurance Officer

Enclosure SERP Administrative Procedure

ENVIROCARE OF UTAH, INC.

**SAFETY AND ENVIRONMENTAL
REVIEW PANEL
ADMINISTRATIVE PROCEDURE**

9702200110

SAFETY AND ENVIRONMENTAL REVIEW PANEL

Envirocare of Utah, Inc. (Envirocare) 11e.(2) License, SMC-1559, Amendment #7, allows Envirocare to amend areas of operation without obtaining a formal license amendment, as long as the proposed change meets certain internal review criteria of the Safety and Environmental Review Panel (SERP).

The areas of operation identified for a proposed change will be reviewed by the SERP to determine if the change can be approved by Envirocare or if the change needs to be submitted to NRC as a formal license amendment. The proposed changes and applicable information will be submitted to the SERP members via the Document Control Officer and will include the following information:

1. Docket Number - this number will consist of three sections. 11e.(2) to identify the area of operation, the last two digits of the year, and a three digit sequential number (e.g. 11e.(2)-96-001). This number will be controlled by the Document Control Officer.
2. Proposed Change - description of change.
3. Short explanation - reason for change.
4. Supplemental Information - all information necessary to support the change.

Envirocare's determinations concerning proposed changes shall be made by the SERP. The SERP shall consist of a minimum of three permanent members. One member of the SERP shall have expertise in management and shall be responsible for managerial and financial approval changes; one member shall have expertise in operations and/or construction and shall have expertise in implementation of any operational changes; and, one member shall be the Corporate Radiation Safety Officer (CRSO) or equivalent, with the responsibility of assuring changes conform to radiation safety and environmental requirements. Members of the SERP shall be appointed by Envirocare's President or Executive Vice President, designated by title, and shall be changed when necessary. The following Envirocare positions are hereby designated as permanent members of the SERP:

Executive Vice President
Director of Operations
CRSO

Substitute members may be designated and documented in the SERP file. Substitute members will meet the same requirements of the position they will be filling. Temporary members may be included in the SERP, as appropriate, to address technical aspects such as health physics, groundwater hydrology, surface-water hydrology, specific earth sciences, and other technical disciplines. Temporary members may also be consultants. The SERP will convene as necessary to address proposed changes. The panel may reconvene as necessary to address all aspects of a proposed change.

Envirocare may, without prior NRC approval, subject to the provisions of this procedure, the 11e.(2) License Condition 9.4, and any other applicable references:

1. Make changes in the 11e.(2) facility or process, as presented in the application.
2. Make changes in the procedures presented in the application.
3. Conduct tests or experiments not presented in the application.

To determine if changes can be authorized by the SERP, the following items shall be discussed:

1. Determining that the change, test or experiment does not conflict with any requirement specifically stated in the 11e.(2) License (excluding material referenced in License Condition 9.3), or impair Envirocare's ability to meet all applicable NRC regulations.
2. Determining that there is no degradation in the essential safety or environmental commitments in the license application, or provided by the approved reclamation plan.
3. Determining that the change, test or experiment is consistent with the conclusions of actions analyzed and selected in the site Environmental Impact Statement (NUREG-1476) dated August 1993, and the Safety Evaluation Report (NUREG-1486) dated January 1994.

Once the SERP has determined that the provisions of this procedure have been met for the proposed change, a unanimous vote from the permanent members will approve the change.

The change will be forwarded to the Document Control Officer for dissemination to all controlled document holders. The document change will be in the form of a memo and shall include:

1. Date and SERP docket numbers;
2. From: SERP
3. To: Document Control Officer and file;
4. the section to be changed, by reference; and
5. the section as it will be incorporated after the change.

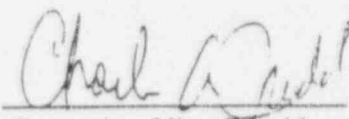
All other documentation from the SERP will be sent to the Document Control Officer to file as permanent records. These records will include, at a minimum, statements for all items listed earlier in this procedure.

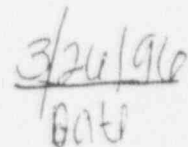
Envirocare shall maintain records of any changes made, pursuant to this condition, until license termination. These records shall include written safety and environmental evaluations made by the SERP that provide the basis for determining changes are in compliance with the requirements referred to above, and in Envirocare's 11e.(2) License, Condition 9.4. Records from the SERP will be maintained in accordance with Envirocare's Operating Procedure ADMIN-3 and Quality Assurance Manual.

Envirocare shall furnish, in an annual report to NRC, a description of the changes, tests, or experiments, including a summary of the safety and environmental evaluation of each. In addition, Envirocare shall submit to the NRC changed pages in the Operations Plan and Reclamation Plan of the approved license application reflecting changes made under this condition. These items are required to be sent to the NRC prior to the end of each calendar year.

This procedure may be reviewed annually for accuracy and completeness. This procedure will be revised after review, a change to the permanent SERP members, or as designated by the Quality Assurance Officer.

Approval:


Executive Vice President
Charles Judd


3/20/96
GAT

Envirocare submitted a license renewal application to the state of Utah in January 1996 for its radioactive materials license. For almost one year that license has been undergoing a renewal review by the Utah Division of Radiation Control. On January 28, 1997, the current Director of the Division reported to the Director of the Utah Department of Environmental Quality that his staff had conducted a review of past licensing actions of Envirocare, and "we have not identified any major problems associated with past licensing actions accomplished by the Division." Attached is a copy of that memorandum from Bill Sinclair to Dianne Nielson which includes a listing of all licensing actions that are being reviewed pursuant to the renewal process. Exhibit No. 2.

Envirocare's Director of Operations, Greg Copeland, is responsible for ensuring the company's compliance with all applicable health and safety and environmental laws and regulations. Envirocare has an extensive internal environmental auditing program that addresses the full range of environmental and health and safety issues associated with its operations. In 1993 all of Envirocare's auditing procedures were extensively reviewed and revised to ensure Envirocare's compliance with applicable laws, regulations, licenses and permits. Envirocare's site operations are governed by the procedures outlined in its Quality Assurance Manual, Internal Procedures Manual, and Operations Manual. Please let us know if you would like copies of these manuals.

External audits of Envirocare's site operations were conducted by the Nuclear Regulatory Commission in August of 1994 and in July and November of 1996. Audits were conducted by the Environmental Protection Agency in September 1994 and January 1996 and by the Department of Energy in March 1994, October 1995 and July 1996. These audits have not been fully reviewed, but we do not believe they identify any significant environmental or health and safety concerns relative to Envirocare's operations. The state of Utah performs an annual audit of all of Envirocare's operations, and state officials are on-site almost every day performing routine inspections. Notices of violations have been issued by various regulatory agencies with authority over Envirocare's operations. At this juncture we do not believe that any of those violations are significant, and all of them have been resolved or are being resolved. Attached are copies of a news article from last Friday's Salt Lake Tribune and a press release that discuss the most recent external audit of Envirocare's facility. Exhibit No. 3.

In 1992 the Utah Legislative Auditor General's Office reviewed the Utah Department of Environmental Quality's regulation of commercial waste disposal facilities. The audit found, in part, that the Division of Radiation Control's "compliance inspection program appears to adequately compel Envirocare to meet all regulations established by the Legislature and the NRC." Please let us know if you would like copies of any of these audits.

At this juncture, we have not identified any evidence that Mr. Semnani's payments to Mr. Anderson had any affect on environmental compliance and regulatory oversight by state or federal agencies. We have not discovered any documents that identify any significant

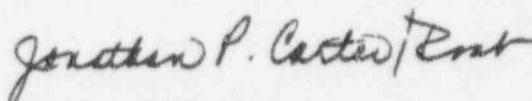
health and safety or environmental problems associated with Envirocare's facility. In particular, we have not identified any inappropriate licensing or regulatory actions of the Utah Division of Radiation Control with respect to Envirocare.

Based on our investigation to date, no basis exists for granting any of the relief requested by the NRDC. The NRDC petition fails to establish any supporting facts of health and safety or environmental problems related to Envirocare's operations.

In addition to the materials referenced hereinabove as attachments, we will provide you with copies of audit reports, licenses, permits, audit manuals, and other documents you may require relative to your inquiry into this matter. I trust you will find this information helpful as you consider these matters on behalf of the NRC. Envirocare intends to fully cooperate with the NRC and any other federal agency interested in these issues. We look forward to meeting with you at your convenience to more fully discuss these matters and answer any questions you may have.

Thank you.

Very truly yours,



Jonathan P. Carter

Enclosures

cc: William Sinclair w/enclosures
Harold LeFevre w/enclosures
Craig Thorley w/enclosures

JPC:rmb

REGULATORY SUMMARY FOR ENVIROCARE OF UTAH, INC.

RCRA Permit – Issued by the Utah Division of Solid and Hazardous Waste as a EPA RCRA Authorized State pursuant to the Utah Solid and Hazardous Waste Act, 26-14-1, Utah Code Annotated, 1953, as amended, and the Utah Administrative Code R315-1 through R315-13 and R315-50. The RCRA Permit was also issued under the Resource Conservation and Recovery Act (RCRA) and Title 40 Code of Federal Regulations 260 through 268, 270 and 124.

HSWA Permit – Issued by Region VIII of the Environmental Protection Agency under the provisions of the Hazardous and Solid Waste Amendments of 1984 (HSWA) of the Resource Conservation and Recovery Act (RCRA) and Title 40 Code of Federal Regulations 260 through 268, 270 and 124.

Ground Water Quality Discharge Permit – Issued by Utah Division of Water Quality under Utah Water Quality Act, Title 19, Chapter 5, Utah Code Annotated 1953, as amended.

Radioactive Materials License – Issued by Utah Division of Radiation Control as an NRC Agreement State under the Atomic Energy Act of 1954; under Section 19-3-104 of the Utah Code Annotated 1953, as amended; and under the Utah Department of Environmental Quality Rules for the Control of Ionizing Radiation.

11e.(2) Materials License – Issued by the Nuclear Regulatory Commission pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974 (Public Law 93-438), and Title 10 Code of Federal Regulations, Chapter I, Parts 30, 31, 32, 33, 34, 35, 39, 40, and 70.

Air Discharge Approval Order – Issued by the Utah Division of Air Quality under the Utah Air Conservation Regulations pursuant to the Utah Air Conservation Act and under authority of the Utah Administrative Code 1953, as amended, Code 307.

Also regulated by Utah Tax Code, Utah Occupational Safety and Health Rules, subject to zoning ordinances, etc.



Michael O. Leavitt
Governor

Nancy R. Nielson, Ph.D.
Executive Director

William J. Sinclair
Director

166 North 1950 West
P.O. Box 144850
Salt Lake City, Utah 84114-4850
(801) 536-4250 Voice
(801) 533-4097 Fax
(801) 536-4414 T.D.D.

State of Utah

DEPARTMENT OF ENVIRONMENTAL QUALITY DIVISION OF RADIATION CONTROL

MEMORANDUM

TO: Dianne R. Nielson, Ph.D.
Executive Director
Utah Department of Environmental Quality

FROM: Bill Sinclair, Director BS
Division of Radiation Control
Utah Department of Environmental Quality

SUBJECT: Review of Envirocare licensing actions

DATE: January 28, 1997

Staff members of the Division of Radiation Control have reviewed all licensing/permitting actions commencing with the submission of the application for NORM waste by Envirocare on October 12, 1987. Attached is a compilation of past licensing actions. This chronology commences with a status report of all Envirocare licenses. Items 7-10 of the review focus on disposal fees audits and the Northwest Interstate Compact Resolution and Order. The next area of focus is in regards to the original NORM license and all twenty-two subsequent amendments. Finally, other actions affecting the license are noted.

From our review of these various actions, we have not identified any major problems associated with past licensing actions accomplished by the Division. However, these licensing actions will be reviewed during the license renewal review process currently underway. This chronology outlines which licensing actions are currently undergoing review as a result of the license renewal process. We continue to encourage everyone with questions to contact us so their issue(s) may be resolved in a timely manner.

We will maintain this license chronology from this point forward. If you have any questions, do not hesitate to contact me.



1/28/97

Envirocare Permits/Licenses Chronology									
Line No.	Permit Action	Submittal Date	Approval Date	Expiration Date	Reviewed By	Approved By	Public Participation Provided?	Will Issue	Re-visited Re-licens Action?
1	1 Naturally Occurring Radioactive Materials License	10/12/87	2/28/88	2/28/93	DRC	LFA	No	Yes	
2	Combined with the Low-Level Radioactive Materials License on 3/21/91								
3									
4	2 Low-Level Radioactive Materials License	7/27/90	3/21/91	2/28/96	DRC	LFA	No	Yes	
5									
6	3 Groundwater Discharge Permit	10/1/90	3/21/90	9/10/98	DWQ	DAO	Yes	Yes, re-	
7	Permit expiration was extended during major permit modification #3 of							license will	
8	9/10/93							require	
9								permit mod	
10								ification	
11									
12	4 Mixed Waste Permit	4/21/89	11/30/90	11/30/00	DS/HW	ORD	Yes	Yes - under	
13								going 5 year	
14								review. Clas	
15								3 modificati	
16								submitted.	
17									
18	5 Uranium and thorium mill tailings (11e.(2) License)	12/23/91	11/30/93	11/30/03	NRC	NRC	Yes	No	
19									
20	6 Hazardous and Solid Waste Amendments (HSWA) permit	8/95	10/3/96	10/3/01		EPA	Yes	No - just	
21						Region		recently re-	
22						VIII		issued	
23									
24	7 Audit of radioactive waste disposal fees, to ensure State is being paid the							No	
25	appropriate amount of fees.								
26	Financial audit to be conducted by the Office of Support Services, DEQ								
27	Estimated 2/97.								
28									
29	8 Northwest Interstate Compact - Resolution and Order - Superseded by		1991		LFA, KA,	LFA,	Yes -	No	
30	5/2/94 R & O				FN	NWIC	Compact		
31	a) Original R & O in which Utah reserved the right to approve each disposal						meetings are		
32	arrangement involving compact-authorized material, all federal and						open to		
33	state laws must be complied with, no low-level waste from states that						public and		
34	have been denied access to sited states facilities could accepted						have		
35	without specific approval from NWIC. Compact reserves the right to						designated		
36	modify or rescind the authorization at any time.						public		
37							comment		
38							times during		
39							meeting.		
40							Meeting was		

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Envirocare Permits/Licenses Chronology

Line No.	Permit Action Description	Submittal Date	Approval Date	Expiration Date	Reviewed By	Approved By	Public Participation Provided?	Will Issue Re-visited Re-licen- Action?
41								
42								
43								
44	9 Northwest Interstate Compact - Resolution and Order - Superseded by							
45	4/20/95 R & O		5/2/94		BS, FN,	WJS,	Yes - same	No
46	a) Amendments to the term "reactor".				BCB,	NWIC	as above.	
47	b) Clarification that resolution was intended for cleanup and not operational				DRN		Meeting was	
48	wastes.						In Seattle,	
49	c) Approval by compact or state of origin required (policed by NWIC)						WA.	
50								
51	10 Northwest Interstate Compact - Resolution and Order							
52	a) Deferred receipt of material to Utah RML.		4/20/95		BS, FN,	WJS,	Yes - same	Yes - Look
53	b) Utah license condition added that requires State/Compact export approval.				BCB,	NWIC	as above.	license
54	c) Review of R & O on a three year basis by NWIC.				DRN		Meeting was	definitions c
55	d) Contract notifications are reviewed by DRC staff for appropriate export						In Seattle,	soil, soil-like
56	approval Volumes, per R & O, changes are reported at each Compact						WA.	debris. Loc
57	meeting by Envirocare.							at mandatin
58								Compact
59								submission
60								DRC.
61								Consider
62								requiring
63								copy of
64								NWIC sub-
65								mission to
66								DRC.
67								

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Envirocare Radioactive Materials License Chronology

Line No.	Permit No.	Action Description	Submission Date	Approval Date	Reviewed By	Approved By	Public Participation Provided?	Will Issue b	Re-visited b	Re-license Action?
1	1	Submission of NORM Application	10/12/87	2/2/88	DF, CJ,	LFA	No		Yes	
2					JF, GG,					
3					BS, MD					
4										
5	2	Amendment #1 - Adoption of Quality Assurance Program	2/17/88	2/25/88	DF, CJ,	LFA	No		Yes	
6					JF, GG,					
7					BS, MD					
8										
9	3	Amendment #2 - Letter/Phone Call - Addition of Conditions	8/1/88	8/11/88	DF, CJ,	LFA	No		Yes	
10	a)	Cond 38 - Requirement for Annual Monitoring Report			JF, GG,					
11	b)	Cond 39 - Requirement for Annual Waste Disposal Report			BS, MD					
12										
13	4	Amendment #3 - Instrument Calibration Requirements		10/13/88	CJ, DF,	LFA	No		Yes	
14	a)	Letter dated 9/21/88 - Quarterly to 6 months	9/21/88		RN, JH					
15	b)	Letter dated 10/8/88 - Stagger Calibration Date	10/8/88							
16										
17	5	Amendment #4 - 300,000 cubic yards Possession Limit	1/6/89	1/12/89	CJ, DF,	LFA	No		Yes	
18		(Revised from 17,000 cubic yards)	1/11/89		RN, JH					
19										
20	6	Amendment #5 - Administrative Amendment- Specified Changes Allowed	1/8/89	1/18/89	DF	LFA	No		Yes	
21		Without Invoking Amendment Process								
22										
23	7	Amendment #6 - Administrative Amendment - Addition of Conditions		2/24/89	DF, JH,	LFA	No		Yes	
24	a)	Generator to Certify Waste Concentration			RN, CJ,					
25	b)	Concentration Limits Defined			LM, DWQ					
26	c)	Receipt of Waste for Storage								
27										
28	8	Amendment #7 - Change of Address Letter	1/26/90	1/26/90	DF	LFA	No		Yes	
29										
30	9	Amendment #8 - Request to delete Air Monitoring Station A-3	6/28/90	7/28/90	DF, JH,	LFA	No		Yes	
31					RN, CJ					
32										
33	10	Amendment #9 - NORM Mixed Waste Approval	12/3/90	12/3/90	DSHW,	LFA	Yes - DSHW		Yes	
34					DRC,					
35					DWQ					
36										
37	11	Amendment #10 - Low Level Waste Disposal Amendment	7/27/90	3/21/91	DF, RN,	LFA	Yes - DSHW		Yes	
38	a)	LARW, Mixed/LARW			CJ, JH,					
39	b)	Release Procedures			LM, DWQ					
40	c)	RAE Performance Assessment Report			DSHW					

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Envirocare Radioactive Materials License Chronology

Line No.	Permit No.	Action Description	Submittal Date	Approval Date	Reviewed By	Approved By	Public Participation Provided?	Will Issue be Re-visited by Re-license Action?
41								
42	12	Amendment #11 - New Conditions						
43			9/20/90	3/16/92	DF, RN,	LFA	Yes - DWQ/	Yes
44					LM, JH,		No	
45					DSHW			
46		a) Exempt from Land Ownership			DWQ			
47					DF, RN,		No	Yes
48		b) U-235 Poss Limit			LM, JH			
49		c) Define Decontaminated Debris for Disposal			DRC		No	Yes
50		d) Notify DRC of Lift Completion in writing			DRC		No	Yes
51		e) Paint Filter Liquid Test			DRC		No	Yes
52					DWQ,		Yes - DWQ	Yes
53					CC, LM,			
54		f) Change As-Built Submission Date			DF			
55					DWQ,		Yes - DWQ	Yes
56					CC, LM,			
57		g) QA-QC Program requirement			RN, DF			
58					DWQ,		Yes - DWQ	Yes
59					CC, LM,			
60		h) Compaction Test Adjacent to Debris			RN, DF			
61					DWQ,		Yes - DWQ	Yes
62					DSHW,			
63		i) Debris Limits for Lifts			CC, LM,			
64					DWQ,		Yes - DWQ	Yes
65					DSHW,			
66		j) Placement Volume Limits			CC, LM,			
67					DWQ,		Yes - DWQ	Yes
68					DSHW,			
69		k) ID Chelating Agents			CC, LM,			
70					DWQ,		Yes - DWQ	Yes
71					DSHW,			
72					CC, LM,			
73	13	Amendment #12 - Release Criteria for Equipment	10/27/92	11/20/92	DF, RN,	LFA	No	Yes
74					JH			
75								
76	14	Amendment #13 - Change of Address	5/14/93	5/24/93	DF	LFA	No	Yes
77								
78	15	Amendment #14 - Entirety	5/15/93	9/10/93	RAE, DF,	WJS	Yes	Yes
79					LM			
80		a) Fourteen Radioactive Isotopes Approved for Disposal			RAE, DF,		Yes	Yes

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Envirocare Radioactive Materials License Chronology

Line No.	Permit Action Description	Submittal Date	Approval Date	Reviewed By	Approved By	Public Participation Provided?	Will Issue be Re-visited by Re-license Action?
81				LM, DWQ	I		
82				DSHW			
83	b) Transuranic Addressed			RAE, DF, LM		Yes	Yes
84				RAE, DF, LM		Yes	Yes
85	c) Re-write Release Criteria			RAE, DF, LM		Yes	Yes
86				RAE, DF, LM		Yes	Yes
87	d) Mixed Waste Storage			RAE, DF, LM, DWQ		Yes	Yes
88				DSHW			
89				RAE, DF, LM, DWQ		Yes	Yes
90	e) Additional Clay Liner Protection			DSHW			
91				RAE, DF, LM, DWQ		Yes	Yes
92				DSHW			
93				DF, LM, RAE	WJS	Yes	Yes
94	16 Amendment #15 - Twenty-Three Radioactive Isotopes Approved for Disposal	9/30/93	2/22/94	DF, LM, RAE	WJS	Yes	Yes
95							
96							
97	17 Amendment #16 - Approval by Compact for Out of State Waste to E.C.	5/17/94	8/10/94	DF	WJS	Yes	Yes
98							
99	18 Amendment #17 - Oversize Debris/CLSM Option	6/21/94	8/26/94	DF, LM, SH	WJS	No	Yes
100							
101	a) Oversize Debris Acceptance						
102	b) Use of Flowable Flow (CLSM)						
103							
104	19 Amendment #18 - Eliminate Wildlife Sampling		9/30/94	DF, JH, LM, RN	WJS	No	Yes
105							
106	a) Amend Environmental Monitor Plan	9/8/94					
107		8/31/93					
108							
109	20 Amendment #19 - (Executive Secretary Initiated) - Revised Conditions	8/19/94	11/9/94	DF	WJS	No	Yes
110	a) Require Waste Manifest (E-100)						
111	b) Require Comply w/ R313-15-1006, (New CFR) 20						
112	c) Re-write Conditions 6,7,8						
113							
114	21 Amendment #20 - Re-write Entirety		8/28/95	DF, LM, RN, JH	WJS	Yes	Yes
115							
116	a) As-Built Requirements						
117	b) Comply with new R313-15 changes						
118	c) Reduce some Radionuclide Concentrations						
119							
120	22 Amendment #21 - Five New Nuclides Added	8/5/95	11/15/95	DF, LM	WJS	Yes	Yes

1/28/97									
Envirocare Radioactive Materials License Chronology									
Line	No.	Permit Actio 1	Submittal	Approval	Reviewed	Approved	Public	Will Issue be	
No.	No.	Description	Date	Date	By	By	Participation	Re-visited by	
							Provided?	Re-license	
								Action?	
121					RAE	I			
122		a) Bismath 207							
123		b) Smarium 151							
124		c) Tantalum 182							
125		d) YT 183							
126		e) TI 204							
127									
128	23	Amendment #22 - Wind Blown Litter		6/18/96	RN, DF,	WJS	No	Yes	
129		(Executive Secretary Initiated)			JH, LM				
130									
131	24	Ion Exchange Resin		5/7/96	DF, RAE	WJS	Yes	Yes	
132		a) Notice of New Contract, letter from Envirocare to DRC, Contains Resin Bead	9/11/95		DF, LM,				
133		Material			JR, RN,				
134					RAE				
135		b) DRC Request for Information, letter sent 9/11/95	9/21/95		RAE				
136		1) Actual Procedure							
137		2) Break down							
138		3) Mixing/Blending							
139		c) Submittal of letter from Envirocare to DRC, regarding Stability, Compaction,	10/26/95		RAE				
140		and Bio-degradability.							
141		d) Request for more information, input from RAE, letter from DRC to Envirocare	12/20/95						
142		e) Stability Analysis, letter from AGRA to Envirocare to DRC	2/22/96		DF, RAE				
143		f) Final Stability, letter from AGRA to Envirocare to DRC	2/27/96		DF, RAE				
144		g) TCLP Analysis, letter from Bingham to Envirocare to DRC	3/15/96						
145		h) Response to Comments, letter from Envirocare to DRC	3/19/96						
146		1) Properties of Resin							
147		2) Specifications							
148		3) Kd Results, Settlement							
149		i) RAE Response to letter dated 3/19/96, letter from RAE to DRC	4/26/96		RAE, DF,				
150					LM				
151		j) Permission to Accept Waste Resin - Granted, letter from DRC to Envirocare	4/30/96	5/7/96	DF, RAE	WJS			
152		Amendment not needed.							
153		k) Sent to all on Envirocare Mail Information List		5/7/96	DF	WJS	Yes	Yes	
154									
155	25	DAW - Dry Active Waste							
156		a) Suggest Drum Counter for Packaged Waste, Request ALARA review,	12/8/95	11/5/96			Yes	Yes	
157		letter from DRC to Envirocare							
158		b) Submission for DAW Sampling Plan, letter from Envirocare to DRC	1/29/96		DF, RN,				
159		1) Protocols to be used by Envirocare			LM, JH,				
160		2) Procedure for Operation			JR, WC				

Envirocare Radioactive Materials License Chronology								Public	Will Issue be
Line	Permit Action	Submittal	Approval	Reviewed	Approved	Participation	Re-visited by		
No.	Description	Date	Date	By	By	Provided?	Re-license		Action?
161	c) DRC Response to 1/29/96 Submission from Envirocare	2/9/96			I				
162	1) Agree ALARA Review								
163	2) Amend Operating Procedures								
164	d) DRC request letter	10/17/96							
165	1) DAW - Disposal Plan								
166	2) DAW - Address Wind Dispersal								
167	3) DAW - Uniform Distribution								
168	4) DAW - Waste Char. Plan Modification								
169	e) Submission of Info Requested by DRC on 10/17/96	11/1/96		DF, RN					
170				LM, JH,					
171				WC					
172	f) Approval of DAW Procedure, letter from DRC to Envirocare	11/5/96	11/5/96		WJS	Yes	Yes		
173									
174	26 Waste TCLP					Yes	Yes		
175	a) Request to Eliminate TCLP, letter from Envirocare to DRC	8/20/95							
176	b) Envirocare agrees to Eliminate TCLP	8/27/95							
177	c) Notice from DRC to the Public								
178	1) Newspaper Agency	8/8/95							
179	2) Tribune - Deseret News, 30 day notice for week of 8/14/95	8/14/95							
180	3) Transcript Bulletin (Tooete), 30 day notice	8/14/95							
181	4) Internet, 40 day notice	8/8/95							
182	d) Draft Memo of Agreement to Fund DRC during TCLP	8/8/95							
183	e) AG's Office Review of MOA, returned to DRC	8/11/95							
184	f) MOA, signed by Dianne R. Nielson and Charles Judd	8/11/95							
185	g) Agreement to implement TCLP, Testing by DRC, Agreement Valid to 6/30/97	8/95	8/11/95						
186									
187	27 Waste Blending								
188	a) DRC gets RAE opinion for review	4/21/95		RN, DF,		Yes	Yes		
189				LM, BS					
190	b) Request to Increase Concentration Limit CS-137 & Co-60	7/5/95							
191	c) Request to Avg Concentration over Disposal Cell, letter from Envirocare to DRC	8/1/95							
192	d) Compact Supports Idea, letter from Compact to Charles Judd to DRC	8/7/95							
193	e) Re-Define Shipment-Change to Average over "Shipment", letter from EC	8/9/95							
194	f) Defines areas of concern, letter from RAE to DRC, Possible Conflict of Interest	8/10/95							
195	g) DRC agrees to Ship Definition 72 hour, letter from DRC to Envirocare	8/15/95							
196	h) Notify - Public Notice for Change is needed, letter from DRC to C. Judd								
197	i) Requirements for Blending, Sampling, Pad, letter from DRC to Envirocare								
198	j) Meeting with Envirocare and DRC concerning:	8/22/95							
199	Letter of Outlining Results of 8/22/95 meeting. Class A, SNM, GWTP, etc.	8/23/95							
200	k) Letter spelling out Plan to Place, Average, Disposal, from Envirocare to DRC	8/31/95							

Envirocare Radioactive Materials License Chronology

Line No.	Permit Action Description	Submittal Date	Approval Date	Reviewed By	Approved By	Public Participation Provided?	Will Issue be Re-visited by Re-license Action?
201	i) Approval Letter		9/6/95		I		
202							
203	28 Request for Confidentiality						
204	a) Letter Requesting Total Confidentiality ("C"), letter from Envirocare to BRC	3/8/88				No	Yes
205	b) Envirocare Directed to Provide Redacted Copy (BRC Maintains "C")	8/1/88		LFA	LFA		
206	c) Request for Un-Redacted Copy of Envirocare File, requested by UMETCO	9/1/88					
207	d) Letter Supporting Envirocare Claim for "C", letter from Poulenc to BRC	10/25/88					
208	e) DSHW Denies "C" for DSHW File Pertaining to Envirocare	7/17/90					
209	f) Envirocare Claims Permanent "C", letter from Envirocare to BRC	8/11/90					
210	g) BRC Requested More Justification to Implement "C", letter to Envirocare	8/14/90					
211	h) Claim Re-Stated, letter from Envirocare's Attorney to BRC	8/25/90					
212	i) "C" Claim by Envirocare's Attorney dated 8/25/90 denied by AG.	8/27/90					
213	j) BRC and AG Uphold "C" of Name and Address for Private Generators Only.	10/2/90					
214	All others Public Record.						
215	k) Envirocare Agrees with BRC position of 10/2/90	10/25/90					
216							
217	29 Trust						
218	a) NORM License Approval - Trust: \$233,582	3/3/88		DF, CJ	LFA	No	N/A
219	b) Increase Storage Capacity - New Trust Value increases by \$583,519.	12/3/88	1/11/89	DF	LFA	No	N/A
220	Trust: \$779,000						
221	c) Fund Storage of Rhone-Polenc Wastes. Approved for Storage Only.	11/13/91	11/13/91		LFA	No	N/A
222	Cost: \$704,000						
223	d) Envirocare Request \$710,000 of Excess Surety Funding because Rhone-Polenc wastes are disposed. Final Trust Value: \$1,098,000	12/17/91	1/28/92		LFA	No	N/A
224	e) Trust Update, Final Trust Value: \$1,231,000						
225	f) Trust Update, Changes to Accommodate Final Closure Costs: \$153,000	7/8/92	7/21/92	RN, DF	LFA	No	N/A
226	Final Trust Value: \$1,394,404	8/25/92	10/19/94	RN, DF	WJS	No	N/A
227	g) Trust Update, New Facilities Funding, Final Trust Value: \$4,041,000	N/A	11/10/95	RN, DF, WJS		No	N/A
228							
229	h) Trust Update, Final Trust Value: \$4,173,000	N/A	4/17/95	RN, DF	WJS	No	N/A
230	i) License Renewal, Current Amount Proposed: \$4,988,000	1/24/96	Under Review	RN, DF	N/A	Yes	Yes
231							
232							
233							
234							

Envirocare Groundwater Discharge Permit: Permit Chronology								
Line No.	Permit Action No.	Description	Submittal Date	Approval Date	XXX/XXX/XXX = unresolved before next permit cycle		Public Participation Provided?	Will Issue b Re-visited b Re-license Action?
					Reviewed By	Approved By		
1	1	Conditional GW Permit (Initial) [Safety Evaluation Report available]	Oct - Nov. 1990	3/21/91	LBM	DAO	YES	no
2		Conditions Pre-requisite to Construction - submittal & approval required						
3		a) Final Engineering Design and Specifications	?	2/14/92	CCP/LBM	DAO		YES
4		b) Construction QA/QC Plan	4/26/91	4/10/92	CCP/LBM	DAO		YES
5		c) Groundwater Monitoring Well Network Completion	5/12/93	8/10/93	LBM	DAO		no
6		d) Groundwater Monitoring QA/QC Plan	4/26/91	12/5/91	LBM	DAO		no
7		e) Contingency Plan	5/17/91	9/24/91	LBM	DAO		no
8		f) Site Hydrogeologic Report (geology, hydrology, GW quality)	10/9/91	3/20/92	LBM	DAO		YES
9		g) Background Groundwater Quality Sampling Report	7/15/93	8/10/93	LBM	DAO		no
10		h) Post-Closure Monitoring Plan	5/17/91	9/14/94	LBM	DAO		YES
11		i) Determination of Indicator Radionuclides Report	4/28/91	10/2/91	LBM	DAO		YES
12		k) Groundwater Flow Modeling Report (unsat. & sat. flow)	5/31/91	8/10/93	LBM	DAO		YES
13		l) Buffer Zone Determination	?	2/14/92	CCP/LBM	DAO		YES
14		m) Waste Liquid Content Testing and Control Plan	4/26/91	10/22/91	LBM	DAO		YES
15		n) Engineering Plans / Specifications for Various Related Facilities	?	10/23/91	LBM/CCP	DAO		no
16		o) Waste Characterization Plan (approval req'd prior to waste receipt)	4/26/91	10/22/91	LBM/DLF	DAO		YES
17								
18	2	Permit Modification No. 1 (major) [Statement of Basis available]	n/a	3/20/92	LBM/CCP	DAO	YES	no
19		a) Original Conditions Resolved: see 1.a, 1.d, 1.e, 1.i, 1.m, and 1.o, above						n/a
20		New Permit Requirements or Changes						
21		b) Determination of Groundwater Class	n/a	3/20/92	LBM	DAO		no
22		c) Determination of groundwater radiologic indicator parameters	4/26/91	10/2/91	LBM	DAO		YES
23		d) Addition of BAT performance standards	n/a	3/20/92	LBM	DAO		no
24		e) New waste restrictions (isotope inventory and TCLP limits)	n/a	3/20/92	LBM	DAO		YES
25		f) Discharge Minimization & Prevention Plan	3/13/91	12/16/91	LBM	DAO		YES
26		g) Suction lysimeter design, installation & monitoring requirements	3/20/92		LBM			no
27		h) Provisions for winter storage of waste in cell	?	3/20/92	LBM	DAO		YES
28		i) Statistical methodology for groundwater compliance	?	3/20/92	LBM	DAO		no
29		j) Historic Ground Water Quality Report	7/27/92	9/10/93	LBM	DAO		no
30		k) Accelerated Background Groundwater Quality Report (monthly sampling)	7/15/93	9/10/93	LBM	DAO		no
31		l) Additional Groundwater Compliance Wells	5/12/93	8/10/93	LBM	DAO		no
32		m) Modification of Groundwater Monitoring QA/QC Plan	3/20/92		LBM			no
33		n) 1 year deferral of waste characterization requirements (gov't generators)	n/a	3/20/92	LBM	DAO		no
34		o) On-site meteorological monitoring	n/a	3/20/92	LBM	DAO		YES
35		p) Collection lysimeter design / specification / O&M Plan	9/15/92	11/27/92	LBM/CCP	DAO		no
36		q) Identification / approval of filter borrow source	9/30/92	10/9/92	LBM	DAO		YES
37		r) Contaminant Transport Modeling Report: Arsenated NORM Wastes	8/17/92	8/10/93	LBM/DKS	DAO		YES
38		s) Relocation of wastes in unauthorized storage (Rhône-Polanc)	n/a	9/10/93	DLF	DAO		no
39								

Envirocare Groundwater Discharge Permit: Permit Chronology						XX/XX/XX = unresolved before next permit cycle		Will Issue be
Permit Action						= currently unresolved		Public
Line No.	No.	Description	Submittal Date	Approval Date	Reviewed By	Approved By	Participation Provided?	Re-visited by Re-license Action?
40	3	Permit Modification No. 2 (minor)		4/10/92	LBM	DAO	no	
41		a) Approval of Construction QA/QC Plan (1.b. above)		4/10/92	CCP	DAO		YES
42		b) Correction of internal references & typographic errors						no
43								
44	4	Permit Modification No. 3 (major) [Statement of Basis available]		9/10/93	LBM	DAO	YES	
45		a) Previous Conditions Resolved (3/20/92 Permit): see 2.j, 2.k, 2.l, 2.q, 2.r, and 2.s, above			LBM/DKS	DAO		n/a
46		New Permit Requirements or Changes						
47		b) Well-by-well background groundwater concentrations determined	n/a	9/10/93	LBM	DAO		no
48		c) Change groundwater monitoring frequency (monthly to quarterly)	n/a	9/10/93	LBM	DAO		no
49		d) Well-by-well groundwater protection limits (mean + s)	n/a	9/10/93	LBM	DAO		no
50		e) Removal of Sum-of-Fractions rule for Groundwater protection limits	n/a	9/10/93	LBM/DLF	DAO		no
51		f) Suction lysimeter installation & "As-Built" Report	11/4/93		LBM			no
52		g) Waste Characterization Plan - transferred to DRC License	n/a	9/10/93	LBM/DLF	DAO		YES
53		h) Mobile Waste Area - approved location & engineering design	n/a	9/10/93	LBM	DAO		YES
54		i) New groundwater compliance parameters (organics & mobile rads)	n/a	9/10/93	LBM	DAO		no
55		j) Addition of Cu & Zn to TCLP limits (Waste Characterization Plan)	n/a	9/10/93	LBM	DAO		YES
56		k) Discharge Minimization & Prevention Plan, etc. transferred to DRC License	n/a	9/10/93	LBM/DLF	DAO		YES
57		l) Cover soil moisture monitoring requirements	n/a	9/10/93	LBM	DAO		no
58		n) Two year "Open Cell" time limit	n/a	9/10/93	LBM	DAO		YES
59		o) Additional statistical methods for groundwater compliance determinations	n/a	9/10/93	LBM	DAO		no
60		p) Re-designation of wells at "Future" LARW Cells to background wells	n/a	9/10/93	LBM	DAO		no
61		q) Groundwater monitoring at well GW-3 (in response to 3-party allegations)	n/a	9/10/93	LBM	DAO		no
62		r) Raise GW Probable Out-of-Compliance limit (1 to 2 consecutive samples)	< 7/30/93	9/10/93	LBM	DAO		no
63		s) Meteorological Monitoring QA/QC Plan	7/16/93	10/27/94	DLF/LBM	DAO		YES
64		t) Unsaturated Flow Post Model Audit Plan	12/14/93		LBM			no
65								
66	5	Permit Modification No. 4 (major) [Statement of Basis available]	< 4/29/94	4/29/94	LBM	DAO	YES	
67		New Permit Requirements or Changes						
68		a) Change Non-Mobile Waste Cover Design: higher permeability (radon barrier)	6/30/93	4/29/94	LBM/DKS	DAO		YES
69		b) "Future" LARW Cells redesignated for 11e.(2) waste disposal	< 4/29/94	4/29/94	LBM	DAO		no
70		c) TCLP waste limits for 11e.(2) waste disposal	n/a	4/28/94	LBM	DAO		no
71		d) General stormwater management requirements	n/a	4/29/94	LBM	DAO		YES
72		e) In-cell storage for 11e.(2) waste	< 4/29/94	4/29/94	LBM	DAO		no
73		f) Determination of GW background conditions prior to 11e.(2) disposal	n/a	9/7/94	LBM	DAO		no
74		g) New GW parameters for 11e.(2) Cell wells	< 4/29/94	4/29/94	LBM	DAO		no
75		h) Frost Damage Evaluation Report and Prevention Plan	6/9/94	8/26/94	LBM/SH	DAO/BS		no
76		i) Final 11e.(2) Cell Engineering Plans / Specifications	3/29/94	4/28/94	LBM/SH	DAO		no
77		j) Revision of Waste Characterization Plan for 11e.(2) waste	Mar-94	4/29/94	LBM/SH	DAO		no
78		k) 11e.(2) Waste Performance Assessment Report (submital before disposal)	n/a		LBM			YES
79		l) LARW / 11e.(2) Bottom Liner Compatibility Report	3/9/94		LBM			YES

[illegible]

January 31, 1997

Envirocare Is Found To Be Safe

But Regulator Disturbed By Financial Dealings

BY JIM WOOLF

THE SALT LAKE TRIBUNE

CLIVE — The Envirocare of Utah disposal site in Tooele County "has for the most part a good safety record," an official from the U.S. Nuclear Regulatory Commission (NRC) said Thursday.

But Charles L. Cain, acting deputy director of NRC's Division of Nuclear Materials Safety, conceded during a meeting here that agency officials are "disturbed" by recent revelations about a secret financial relationship between Envirocare owner Khosrow Semnani and former U.S. radiation control director Larry P. Anderson.

NRC is reviewing its records to determine how heavily the agency relied on information provided by Utah regulators when a permit was issued in 1994 allowing Envirocare to build a special disposal cell for uranium and thorium mill tailings.

So far, said Cain, it appears NRC made only "limited" use of Utah data, and there is no reason to question the basic information used in granting the permit.

NRC is waiting for the results of a criminal investigation into the ties between Semnani and Anderson before deciding whether it will take any enforcement action, he said.

Greg Copeland, director of operations for Envirocare, said the disposal site has been the subject of 25 "major regulatory audits" during the past 13 months. This NRC inspection is just one of them. All

Envirocare Gets Clean Bill of Health

Continued from B-1

have found the company to be in general compliance with the law.

"What we do, we do safely," said Copeland. "We are one of the most regulated facilities in the nation."

The NRC inspection focused only on the disposal cell that handles the mildly radioactive waste from old uranium and thorium mills. Envirocare has two other disposal cells for different types of radioactive wastes that are reg-

ulated by state agencies.

Ken Hooks, leader of the NRC inspection team, said "no significant violations" were uncovered during site visits in November and this week, but two minor violations were found. One was for procedural changes made without prior approval from NRC, and the other for failing to complete 14 of 18 quarterly-assurance audits that had been promised. These are internal reviews to assure regulatory compliance.

The Natural Resources Defense Council on Jan. 8 asked NRC to revoke Envirocare's disposal permits and strip the state of its regulatory control over the company.

Cain said that request still is being reviewed by NRC staff in Washington, D.C. Meanwhile, he and his staff are maintaining their normal day-to-day oversight of the company.

See ENVIROCARE, Page B-3

ENVIROCARE OF UTAH, INC.
THE SAFE ALTERNATIVE

FOR IMMEDIATE RELEASE

January 31, 1997

Salt Lake City, Utah -- On January 30, 1997, the U.S. Nuclear Regulatory Commission ("NRC") completed a compliance audit of Envirocare of Utah, Inc., ("Envirocare") and announced that the overall facility operation is well run. Envirocare is licensed by the NRC to receive and dispose of mildly radioactive waste from uranium and thorium mills. This week's four-day review was a follow-up and continuation of a regularly-scheduled compliance audit which NRC began at Envirocare in November 1996. Six officials from NRC Headquarters in Washington, DC, were involved in reviewing Envirocare's operational compliance at its South Clive Facility. The audit included a comprehensive review of the documentation and procedures associated with the original licensing process for Envirocare. No significant violations were identified during the November 1996 audit, and only two minor violations were identified this week, involving paperwork and internal compliance review. The NRC indicated that Envirocare has a good safety record and operates in compliance with the law.

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(telephone 301/415-7366), between 8:00 A.M. and 5:00 P.M. EST.

ACNW meeting notices, meeting transcripts, and letter reports are now available on FedWorld from the "NRC MAIN MENU." Direct Dial Access number to FedWorld is (800) 303-9672; the local direct dial number is 703-321-3539.

Dated: February 2, 1997.

Andrew L. Bates,

Advisory Committee Management Office.

[FR Doc. 97-3884 Filed 2-14-97; 8:45 am]

BILLING CODE 7590-01-P

Natural Resources Defense Council Receipt of Petition and Issuance of a Director's Decision Under 10 CFR 2.206

Notice is hereby given that by Petition dated January 8, 1997, Thomas B. Cochran, on behalf of Natural Resources Defense Council (NRDC), requested that the Nuclear Regulatory Commission (Commission) take immediate action with regard to Envirocare of Utah, Inc. Specifically, the Petition requested NRC to take the following actions:

- (1) Immediately revoke the license or licenses, or cause the state of Utah to revoke its agreement state license or licenses, under which Envirocare is currently permitted to accept low-level radioactive waste and mixed waste for permanent disposal.
- (2) Immediately revoke the NRC 11e.(2) byproduct material license under which Envirocare is currently permitted to accept uranium mill tailings for disposal.
- (3) Immediately revoke any other NRC license, or agreement state license, if such license exists, held by Envirocare, Khosrow Semnani, or any entity controlled or managed by Khosrow Semnani.
- (4) Prohibit the future issuances of any license by the NRC, the State of Utah, or other NRC agreement state, to Khosrow Semnani or any company or entity which he owns, controls, manages, or [with which he] has a significant affiliation or relationship.
- (5) Suspend the agreement with the state of Utah under which regulatory authority has been transferred from the NRC to the Utah's Bureau of Radiation [Division of Radiation Control], until the State of Utah can demonstrate that it can operate the Bureau of Radiation [Division of Radiation Control] in a lawful manner, and without the participation of licensees, or employees of licensees, in Bureau of Radiation [Division of Radiation Control] oversight roles.

As a basis for the request, the Petitioner asserts that on December 28, 1996, an article in *The Salt Lake Tribune* reported that between 1987 and 1995 Mr. Semnani made secret cash payments to Mr. Larry F. Anderson, who served as Director of the Utah Division of Radiation Control from 1983 until 1993. The article also reported that the Utah Attorney General's office has initiated a criminal investigation into the matter.

The NRC response to the Petitioner's request regarding the Agreement State program is provided in a "NRC Staff Evaluation of Natural Resources Defense Council Request to Suspend Section 274 Agreement With The State of Utah." The other issues raised in the Petition have been evaluated by the Director of the Office of Nuclear Material Safety and Safeguards. After review of the Petition, the Director has denied the Petitioner's requests.

The Director's Decision concluded that no substantial health and safety issues have been raised regarding Envirocare that would require initiation of the immediate action requested by the NRDC. The NRDC has not provided any information in support of its requests of which the NRC was not already aware. Moreover, NRC inspections of the Envirocare facility have not revealed the existence of extraordinary circumstances that would warrant immediate suspension of the Envirocare license. In addition, the staff's review of the technical basis for its issuance of the license and subsequent amendments found no evidence of the existence of any substantial health or safety issue that would justify the actions requested by the NRDC. However, NRC will monitor the investigations and actions being conducted by the State of Utah. If NRC receives any specific information that there is a public health or safety concern as a result of these actions or from any other source, including the NRC ongoing Agreement State oversight activities, NRC will evaluate that information and take such action as it deems is warranted at that time.

The complete "Director's Decision under 10 CFR § 2.206" (DD-97-02) is available for public inspection in the Commission's Public Document Room located at 2120 L Street, N.W., Washington, D.C. 20555. The Director's Decision is also available on the NRC Electronic Bulletin Board at (800) 952-9676.

A copy of this Decision will be filed with the Secretary for the Commission's review, in accordance with 10 CFR 2.206. As provided by this regulation, the Decision will constitute the final

action of the Commission 25 days after the date of issuance of the Decision unless the Commission on its own motion institutes a review of the Decision within that time.

Dated at Rockville, Maryland this 7th day of February 1997.

For the Nuclear Regulatory Commission.

Carl J. Paperiello,

Director, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 97-3886 Filed 2-14-97; 8:45 am]

BILLING CODE 7590-01-P

[Docket No. 50-245]

Northeast Utilities; Millstone Nuclear Power Station, Unit 1; Issuance of Director's Decision under 10 CFR 2.206

Notice is hereby given that the Acting Director, Office of Nuclear Reactor Regulation, has taken action with regard to a Petition dated January 5, 1995, by Mr. Anthony J. Ross (Petition for action under 10 CFR 2.206). The Petition pertains to Millstone Nuclear Power Station, Unit 1.

In the Petition, the Petitioner described several examples of what he alleged were violations of Procedure WC-8, which required that maintenance and test equipment be signed out from and returned to a custodian. The Petitioner requested that the U.S. Nuclear Regulatory Commission institute sanctions against his department manager, his first-line supervisor, and two co-workers for engaging in deliberate misconduct in violation of 10 CFR 50.5. The Petitioner also asserted that the NRC "desperately needs to conduct an investigation" into the procedure violations and to audit the Millstone Unit 1 maintenance department measuring and test equipment folders to reveal widespread problems regarding noncompliance with this procedure.

The Acting Director of the Office of Nuclear Reactor Regulation has determined to grant the Petition in part, and deny the Petition in part. The reasons for this decision are explained in the "Director's Decision Under 10 CFR 2.206" (DD-97-04), the complete text of which follows this notice and is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, N.W., Washington, DC, and at the local public document room located at the Learning Resources Center, Three Rivers Community-Technical College, 574 New London Turnpike, Norwich, Connecticut, and at the temporary local public document room located at the Waterford Library, ATTN: Vince

5/13