



# State of Utah

## DEPARTMENT OF ENVIRONMENTAL QUALITY DIVISION OF RADIATION CONTROL

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Michael G. Leavelle : 168 North 1950 West  
Governor : P.O. Box 144858  
Dianne R. Nielson, Ph.D. : Salt Lake City, Utah 84114-4850  
Executive Director : (801) 536-4250  
William J. Sinclair : (801) 533-4097 Fax  
Director : (801) 536-4414 T.D.D.  
www.deq.state.ut.us Web

August 9, 1999

Paul Lohaus, Director  
Nuclear Regulatory Commission  
Washington, D.C. 20555

Dear Mr. Lohaus

We are in receipt of a letter of August 5, 1999 from Envirocare of Utah with attachments, concerning potential management of pre-1978 11e.(2) byproduct material (FUSRAP materials) in the low-level waste disposal (LARW) cell at the Envirocare of Utah, Inc. facility. Enclosed is the Envirocare request with attachments which discuss the NRC jurisdiction over pre-1978 11e.(2) byproduct material. It is not clear whether the NRC would allow or under what conditions the NRC would allow pre-1978 material to be disposed of in a licensed 11e.(2) facility and whether NRC considers it appropriate. Additionally, we would be interested in the NRC opinion concerning disposal of pre-1978 waste in a licensed low-level disposal cell as requested by Envirocare.

We would appreciate an expedited response to this request so we may determine if and under what conditions, disposal of this material can be allowed. The pre-1978 determination has produced confusion regarding radioactive waste management that attack the very core of proper protection of the environment and human health.

If you have questions, do not hesitate to contact me.

UTAH RADIATION CONTROL BOARD



William J. Sinclair, Executive Secretary

c: Dianne Nielson, Ph.D., Executive Director, UDEQ  
Myron Bateman, E.H.S., M.P.A., Health Officer/Department Director, Tooele County Health Department  
Fred Nelson, Utah Attorney General's Office  
Ken Alkana, Envirocare of Utah, Inc.  
Paul Lohaus, Director, OSP, NRC Headquarters  
John Greeves, Director, Division of Waste Management, NRC Headquarters  
Charles Hackney, NRC Region IV  
Milt Lammering, EPA Region VIII