

40-8035

report
this office of
UNITED STATES
Missouri
NUCLEAR REGULATORY COMMISSION
REGION 11
799 ROOSEVELT ROAD
GLEN ELLYN, ILLINOIS 60137
Therefore:

① Crow
② Bone

JUN 17 1976

License No. SUB-1022

Mr. Kenneth M. Karch
Director, Division of
Environmental Quality
Missouri Department of
Natural Resources
P. O. Box 1368
Jefferson City, Missouri 65101

Dear Mr. Karch:

This is in response to your letter dated June 2, 1976, requesting additional information and follow-up action relative to the burial of some seven tons of natural uranium in a St. Louis County landfill in 1973.

The information published in the St. Louis Post-Dispatch on May 30 and June 1, 1976, which was enclosed with your letter of June 2, 1976, is new to this Office and, as you pointed out, conflicts with the information obtained by our inspectors in 1974. Based on this apparent discrepancy, the NRC plans to initiate a full investigation into this matter during the week beginning June 20, 1976. The findings from this investigation, which will be made available to you, will determine the need for further NRC action. At the conclusion of the investigation, all documents relative to this burial will be provided to your Office.

With respect to your June 2, 1976 letter, I would like to clarify one apparent misconception at this time. The Cotter Corporation, which was responsible for this burial, was an AEC licensee --- not an AEC subcontractor. Consequently, the Energy Research and Development Administration has no responsibility with regard to this material. As a former licensee, the NRC will look to Cotter Corporation to correct any safety or environmental related problems identified through our investigation.

Regarding your other request that this office obtain from materials licensees in the State of Missouri records of low level radioactive waste burials under 10 CFR 20.304, I must reiterate that there is no NRC regulation that requires reporting waste burials under 20.304. Therefore, there is no



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Mr. Kenneth M. Karch

- 2 -

JUN 17 1976

basis for such a request to the licensees. If you believe that the NRC's current regulations concerning such burials are inadequate, you may petition the NRC for consideration of a change of the regulations. This rulemaking petition should be submitted under the provisions of 10 CFR 2.802, a copy of which is enclosed.

If you have any questions concerning the above, please let me know.

Sincerely yours,

James G. Keppler
James G. Keppler
Regional Director

Enclosure:

10 CFR 2.802

cc w/o encl, w/ltr dtd 6/2/76:

R. J. CokeEPA Region VII

M. W. Freivogel, St. Louis Post-Dispatch

D. P. Marcott, Cotter Corporation

dated June 17, 1976
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JUN 21

Radioactive Materials Checks Called Faulty

By MARGARET W. FREIVOGEL
Of the Post-Dispatch Staff 2-1-76

No one adequately monitors radioactive materials in Missouri and the state is unprepared to handle accidental releases of radiation, two state officials familiar with the situation say.

The dumping of several thousand tons of low-level radioactive waste at the West Lake Landfill in St. Louis County, disclosed Sunday in the Post-Dispatch, is only one of several nuclear-related problems, said Kenneth M. Karch and Martin Nodoff.

Karch is director of environmental quality for the state Department of Natural Resources; Nodoff is the department's director of planning and policy development.

There is no evidence that the West Lake dumping caused a health hazard, but it apparently confused federal authorities who were supposed to be keeping track of the material.

False business records of the transaction caused federal officials to have incorrect records about the strength, volume and location of the material, the Post-Dispatch found.

One of a firm being monitored in connection with the dumping criticized the way monitoring was done.

"I'm one of the Atomic Energy Commission's most outspoken critics," said David P. Marcott, executive vice president of Cotter Corp., which had purchased the waste material to extract uranium from it.

"Ninety-nine per cent of the time they (federal authorities) don't know what's going on even when they have someone standing there. As a citizen and as a member of this industry, I'd like to see them do a better job," Marcott said.

Nodoff and Karch said they were disturbed by the West Lake incident because it was, in their opinion, indicative of serious gaps that exist in the monitoring of low-level waste.

The federal Nuclear Regulatory Commission, which replaced the now defunct Atomic Energy Commission, is too short-handed to investigate comprehensively, the officials said. State officials have no authority to fill in for the federal agency, they said.

They listed several problems, including:

- (1) Inadequate monitoring of a disposal site at Sinclair Farms near Columbia, Mo., where low-level radioactive waste is buried in plastic bags.
- (2) Inadequate preparations for possible accidents at two nuclear power plants situated near enough to Missouri to cause injury in the state and from Union Electric Company's Callaway County plant now under construction.
- (3) Inadequate attention to the transportation of radioactive materials through the state. Tri-State Motor Co., the largest transporter of nuclear materials in the nation is based in Joplin, Mo. However, most of its cargo does not pass through Missouri, a study by the Department of Natural Resources found.

Karch and Nodoff failed to convince the

Legislature to enact a radiation protection act during the last session. It would have empowered state officials to monitor more effectively waste disposal and transportation. The state officials plan to urge enactment of the legislation again next session.

"The federal agencies just aren't manned to do a thorough and comprehensive job," Nodoff said. "They're forced to set priorities on what they inspect. They start with Mallinckrodt (which manufactures larger amounts of radiopharmaceuticals), and they're taking care of that. But when you get down to the bottom of the list they might be hitting someone only once every 20 years."

A federal atomic safety official said he thought the monitoring program was comprehensive enough.

"It's disturbing that we might have got incorrect information (about the West Lake disposal)," said James Allen, chief of the fuel facility and material safety branch at the Nuclear Regulatory Commission's regional office in Glen Ellyn, Ill. "But when there's no health hazard involved in a situation, strict monitoring of it would be taking people away from more important health issues."

Allen said he was not concerned about the agency being duped. The West Lake episode was an isolated incident, he said.

In that case, B&K Construction Co., Inc., apparently submitted false invoices to Cotter Corp. claiming that it had moved nearly 40,000

tons of waste and soil in 1971 to the land situated at St. Charles Rock Road and I-70 Road.

In fact, a B&K officer admitted recently the firm actually had moved less than 900 tons. Relying on the incorrect figures, an atomic safety inspector concluded that the waste had been diluted with soil to reduce its radioactivity. Consequently, the inspector allowed an error on the strength of some additional waste. Despite the errors, federal and state officials said the material posed no health hazard.

Safety chief Allen added that he was worried about the waste burial site at Sin Farms near Columbia, Mo. The site established in 1971 to save the cost of shipping the low-level waste material to a federal disposal area in Sheffield, Ill.

Allen said the material originating in research projects at the University of Miss was very low in radioactivity and its burial governed by federal regulations.

But Karch said he was disappointed that Sin Farms had not been thoroughly studied before burial was started. He was concerned also federal officials relied too heavily on the instead of independent investigation or keeping track of activities there.

The Nuclear Regulatory Commission said Karch in a letter that the waste material was not a health hazard.