

From: Sue Gagner  
To: OPA14  
Date: 1/24/97 3:46pm  
Subject: Envirocare

Attached is a response to inquiries that may be used to respond to questions from the press or other members of the public.

CC: WNP1.NKS, RLB2, TWD2.TWP7.MVF, TWD2.TWP7.JJH1, TWD...

1/24/97

RESPONSE TO INQUIRIES  
ENVIROCARE OF UTAH

On December 28, 1996, the Salt Lake Tribune published a story headlined "Utah Dump Owner Says Ex-Official Extorted Cash." Other media have published similar stories.

Q1 -- What is NRC's reaction to these articles?

A1 -- (a) We are concerned about the news reports and are looking into the situation.

(b) We have notified appropriate federal law enforcement authorities (and, as you know, the Attorney General of the State of Utah is conducting an investigation).

(c) The NRC asked the Utah Division of Radiation Control to inform us of any areas that the state identifies where the state's licensing review of Envirocare may have been compromised by the former State of Utah official. Utah is actively reviewing Envirocare's application for license renewal (which was submitted at the normal, expected time) and will provide draft license review documentation to NRC for evaluation if requested.

(d) The NRC staff is re-examining Envirocare's application for an NRC license for disposal of uranium and thorium mill tailings (known formally as 11e.(2) byproduct material) and the NRC staff's review of that application. The purpose of this re-evaluation is to determine to what extent, if any, the staff relied on the State of Utah in the NRC licensing action, and what impacts that could have on NRC-licensed activities.

(e) We have received a petition from Thomas B. Cochran of the Natural Resources Defense Council asking us to revoke Envirocare's NRC license, as well as the licenses issued by the State of Utah. The petition also requested that NRC suspend the agreement with Utah that relinquished regulatory authority to the state. We will act on this request in as timely a manner as possible.

(f) Other than this, we are gathering information and have not decided what further actions will be taken.

-----  
Q2 -- What does Envirocare do?

A2 -- Envirocare is licensed by the State of Utah to operate a facility near Clive, Utah, for the disposal of certain radioactive wastes. Under the state license, it primarily accepts low-level waste with small concentrations of radioactive material that are generated after a facility shuts down permanently and needs to remove a large bulk of contaminated material -- such as contaminated soil or debris from demolished buildings -- in preparation for license termination. Envirocare also holds an NRC license for the disposal of uranium and thorium mill tailings (known formally as 11e.(2) byproduct

material).

-----

Q3 -- What licenses does Envirocare hold for radioactive wastes?

A3 -- Envirocare holds a number of licenses and is regulated both by the NRC and by the State of Utah. The NRC license, issued in late 1993, is for the disposal of uranium and thorium mill tailings (known formally as 11e.(2) byproduct material). The Utah licenses include those for: (1) naturally occurring radioactive material, (2) low-level radioactive waste, (3) mixed low-level radioactive and hazardous waste, and (4) mixed waste treatment. The Utah licenses were issued prior to 1993.

-----

Q4 -- What is NRC's role?

A4 -- NRC issued a license to Envirocare to dispose of uranium and thorium mill tailings (11e.(2) byproduct material) at the company's site in Utah on November 19, 1993 (see NRC press release #93-172). We conduct periodic inspections of Envirocare and follow their operations, as we do for other licensees. No significant safety problems have been found up to now. During our last inspection (conducted on November 18-22, 1996), we found several areas where we believed further inspection is needed. For this reason, several weeks ago (before the newspaper article was published) we had scheduled a routine follow-up inspection for Envirocare. It is to take place during the week of January 27, 1997. (The company and the State of Utah are aware of this inspection.)

We also have oversight responsibility for the State of Utah's radiation control program as discussed in question 5.

-----

Q5 -- Why did NRC decide to conduct the followup inspection? What is its purpose? Who will be on the inspection team?

A5 -- NRC decided to conduct a routine follow-up inspection after its routine November 18-22, 1996, inspection identified several areas of concern and because there had not been enough time to complete the items identified in the original inspection work plan. The routine inspection in November examined management organization and controls, operations, radiation protection, radioactive waste management, transportation, construction work, and environmental monitoring, including groundwater activities. Findings from this inspection will be publicly available shortly.

During the January 27-30 follow-up inspection, the NRC will take a comprehensive look at how well Envirocare is ensuring the quality of its activities at the NRC-licensed facility. Areas for examination will include: (1) the licensee's quality control program, (2) the licensee's methods for making changes to procedures, (3) construction records for work completed by the licensee, and (4) certification of contractor laboratories that perform analysis of groundwater.

The inspection team will include members from both NRC headquarters and the NRC's Region IV office in Arlington, Texas.

-----

Q6 -- Utah is an Agreement State. When did NRC last evaluate Utah's program and what were the results?

A6 -- NRC's last review of Utah's program for regulation of materials covered under the agreement with the state (which does not include the 11e.(2) material licensed by the NRC) was conducted June 13-17, 1994. At that time Larry P. Anderson was no longer director of the Utah Bureau of Radiation Control.

As a result of the review, NRC found the program to be both adequate to protect the public health and safety and compatible with NRC's regulatory program. The results of the review, including specific review findings and recommendations, are documented in a report dated December 6, 1994. We will determine when to conduct the next program review as we gather additional information.

###