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T. Harris

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ENVIROCARE OF UTAH, INC.
THE SAFE ALTERNATIVE

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U.S. NRC
November 8, 1999

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Mr. David L. Meyer
Chief, Rules and Directives Branch
Division of Administrative Services
Office of Administration
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Re: Comments on, "Proposed Compatibility Designation Change and Draft Emplacement Criticality Guidance for Low-Level Waste."

Dear Mr. Meyer:

Envirocare is concerned that the proposed guidance, "Emplacement Guidance for Criticality Safety in Low-Level Waste Disposal, NUREG/CR-6626, is not entirely consistent with Envirocare's exemption. On May 7, 1999 the U.S. Nuclear Regulatory Commission (NRC) approved an order which exempted Envirocare from 10 CFR Part 70 licensing requirements (nrc99). The resulting exemption was based on a nuclear criticality evaluation and contingent on specific conditions to guarantee nuclear criticality safety. To minimize the probability of non-compliance Envirocare was careful to ensure that the resulting conditions did not require in any additional administrative requirements once the waste was received. To ensure the nuclear criticality safety for all possible conditions at Envirocare's site the disposed waste assumptions in NUREG CR-6505 were used. Enclosure 3 of nrc99 specifically states, "Based on its analysis of the operations and waste forms at the Envirocare of Utah Clive site, staff concludes that waste processing and disposal operations can be conducted with acceptably low risk of nuclear criticality." Envirocare submits that the nrc99 conditions have an acceptably low risk of nuclear criticality for disposed wastes and requests that Envirocare not be required to modify or further justify its existing program.

Please contact Wayne Johns at 801-299-0737 if you have any questions or comments.

Sincerely,

Mark Ledoux, CHP
Corporate RSO

Cc: Tim Harris, NRC