

ROCKY MOUNTAIN LOW-LEVEL RADIOACTIVE WASTE BOARD

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May 2, 2005

Steve Tarlton, Unit Leader
Radiation Management Unit
Hazardous Materials and Waste Management Division
Colorado Department of Public Health and Environment
4300 Cherry Creek Drive South
Denver, Colorado 80246



Re: April 15, 2005 Application for Regional Facility Rocky Mountain Low-Level Radioactive Waste Compact

Dear Mr. Tarlton:

The April 15, 2005 Application for Rocky Mountain Low-Level Radioactive Waste Compact Approval of a Low-Level Waste Disposal Facility ("Regional Facility Application") has been reviewed for completeness pursuant to Rule 3.5 A. of the Rocky Mountain Low-Level Radioactive Waste Board ("Board"). The Regional Facility Application has been determined to be incomplete in three respects outlined below. Once these three items are provided, the Regional Facility Application will be complete.

When the Regional Facility Application is complete, notice of the Regional Facility Application will be made, and notice of a regular meeting of the Board to consider the Regional Facility Application will also be made pursuant to Board Rules 3.5 B. and 3.6. Please be aware that the notice of the regular meeting must be made no less than 21 days prior to such meeting. Thus, we request that the three items below be provided to the Board by May 9, 2005.

Items Needed to Complete the Regional Facility Application

1. Board Rule 3.3 E. requires the projected capacity and number of years that the proposed facility will be operational. It is understood that the Clean Harbors hazardous waste facility is very large and has a very large amount of permitted disposal capacity for hazardous waste. However, the project capacity and number of years of projected operation for wastes from the mining, milling, smelting, or similar processing of ores or mineral-bearing materials primarily for radium ("Radium Processing Wastes") has not been provided. Please provide the projected capacity of the proposed facility for Radium Processing Wastes. Please also provide the number of years that the proposed facility is expected to operate to dispose of Radium Processing Wastes.

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2. Board Rule 3.3 G. requires the initial charges that the operator intends to impose on waste managed at the proposed facility (exclusive of surcharges). It is understood that Clean Harbors would like to maintain flexibility to negotiate its charges. The purpose of Board Rule 3.3 G and other Board Rules concerning the regulation of regional facility charges is to ensure that with a monopoly over the region's waste (in this case only Radium Processing Wastes) the charges by the operator of the regional facility are reasonable. Therefore, it is acceptable to provide initial charges (e.g., \$ per cubic yard or ton, etc.) that will not be exceeded. Please provide the initial charges that will not be exceeded.

3. Board Rule 3.3 H. requires a statement describing the need for and a projection of the demand for the proposed facility. It is understood, to the knowledge of applicant and Clean Harbors, at this time that the only Radium Processing Wastes within the Rocky Mountain Compact Region that could be disposed of at the proposed facility are the wastes from the Denver Radium Site Operable Units 3 and 7. It is projected that approximately 20,000 cubic yards from this source could be disposed at the proposed facility over the next five years. It is also understood that if Radium Processing Wastes from other sources within the Rocky Mountain Compact Region are identified during the operational life of the proposed facility that such wastes would be disposed at the proposed facility (if it is approved) unless the Board authorizes the export of such wastes.

Please provide an estimate of the total quantity (cubic yards or tons) of Radium Processing Wastes that the proposed facility is estimated to receive from July 1, 2005 through June 30, 2006 and from July 1, 2006 through June 30, 2007. This information is needed for the Board to determine the Compact Surcharge.

Please feel free to contact me if you have any questions.

Sincerely,



Leonard C. Slosky
Executive Director

cc: Rocky Mountain LLW Board members