



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

May 31, 2005

Mr. Bill Chiesa  
Wells Fargo Bank, N.A.  
One Front Street, 21<sup>st</sup> Floor  
San Francisco, CA 94111

SUBJECT: RETURN OF LETTER OF CREDIT ~~XXXXXXXXXX~~ AND TRANSFER OF NRC  
RIGHTS TO UTAH

Dear Mr. Chiesa:

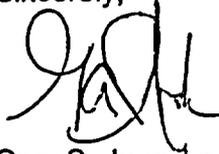
By letter dated May 6, 2005, and e-mail dated May 12, 2005, Wells Fargo Bank requested the U.S. Nuclear Regulatory Commission (NRC) to transfer its rights under Letter of Credit ~~XXXXXXXXXX~~ to the State of Utah and to return the Letter of Credit to the bank. The Letter of Credit constituted the financial assurance required of Envirocare of Utah, Incorporated as holder of NRC Materials License No. SMC-1559. On August 16, 2004, NRC relinquished, and Utah assumed, regulatory authority over the activities Envirocare was performing under its NRC license. The NRC license was terminated and a Utah license was issued. As a result the NRC no longer requires financial assurance from Envirocare and is returning the Letter of Credit to the bank.

I have also signed the document, attached to the May 6<sup>th</sup> letter, irrevocably assigning and transferring to Utah, NRC's rights under the Letter of Credit. Note that NRC is not authorized to pay a fee, as requested in the May 6<sup>th</sup> letter, for the transfer. Note also, that rather than having my signature guaranteed by a bank, I have had it notarized.

The Letter of Credit and the transfer document are enclosed. If you have any questions concerning this letter please contact the NRC project manager, Dr. Myron Fliegel at (301) 415-6629 or via e-mail to [mhf1@nrc.gov](mailto:mhf1@nrc.gov).

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice for Domestic Licensing Proceedings and Issuance of Orders," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

Sincerely,

A handwritten signature in black ink, appearing to read 'G. Janosko', written over a faint, illegible typed name.

Gary S. Janosko, Chief  
Fuel Cycle Facilities Branch  
Division of Fuel Cycle Safety  
and Safeguards  
Office of Nuclear Material Safety  
and Safeguards

Enclosures: Transfer of Letter of Credit  
Letter of Credit

cc: T. Rogers, Envirocare  
D. Finerfrock, Utah DRC

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice for Domestic Licensing Proceedings and Issuance of Orders," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

Sincerely,  
/RA/  
Gary S. Janosko, Chief  
Fuel Cycle Facilities Branch  
Division of Fuel Cycle Safety  
and Safeguards  
Office of Nuclear Material Safety  
and Safeguards

Enclosures: Transfer of Letter of Credit  
Letter of Credit

cc: T. Rogers, Envirocare  
D. Finerrock, Utah DRC

Dist: FCFB r/f T Fredrichs

ML051530436

OFC	FCFB	FCFB	FCFB	OGC	FCFB
NAME	MFliegel	BGarrett	RNelson	STreby	GJanosko
DATE	05/24/05	05/25/05	05/26/05	05/19/05	05/31/05

OFFICIAL RECORD COPY

International Trade Services  
525 Market Street, 25th Floor  
San Francisco, CA 94105



**WELLS FARGO BANK, N. A.**  
**TRADE SERVICES DIVISION, NORTHERN CALIFORNIA**  
525 Market Street, 25<sup>th</sup> Floor  
San Francisco, California 94105  
Tel. No. (415) 396-4014 and (415) 396-8358

**IRREVOCABLE LETTER OF CREDIT NO. [REDACTED]**

Date: July 14, 2000

Issued To: United States Nuclear Regulatory Commission  
Washington, D.C. 20555

Dear Sir or Madam:

We hereby establish our Irrevocable Standby Letter of Credit No. [REDACTED], in your favor, at the request and for the account of Envirocare of Utah, Inc., 46 West Broadway, Suite 116, Salt Lake City, UT 84101 up to the aggregate amount of Four Million Five Hundred Fifty Three Thousand Five Hundred Seventy Five U.S. dollars (\$4,553,575.00), available upon presentation of

(1) your sight draft, bearing reference to this letter of credit No. [REDACTED];

and

(2) your signed statement reading as follows: "I certify that the amount of the draft is payable pursuant to regulations issued under authority of the Uranium Mill Tailings Radiation Control Act of 1978."

This letter of credit is issued in accordance with regulations issued under authority of the United States Nuclear Regulatory Commission, (NRC), an agency of the United States Government, pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, and the Uranium Mill Tailings Radiation Control Act of 1978. NRC has promulgated regulations in Title 10, Chapter I of the Code of Federal Regulations, Part 40, Appendix A, Criteria 9 and 10. These regulations, applicable to the licensee, require that a licensee of a uranium recovery facility shall provide assurance that funds will be available when needed in accordance with the approved Reclamation and Decommissioning Plan and also for any long-term surveillance and control of the uranium recovery facility.

This letter of credit is effective as of July 14, 2000 and shall expire on July 14, 2001, but such expiration date shall be automatically extended for a period of one year on July 14, 2001 and on each successive expiration date, unless, at least 90 days before the current expiration date, we

*This is an integral part of the Letter of Credit No. [REDACTED]*

notify both you and Envirocare of Utah, Inc., as shown on the signed return receipts. If Envirocare of Utah, Inc. is unable to secure alternative financial assurance to replace this Letter of Credit within 30 days of notification of cancellation, the NRC may draw upon the full value of this Letter of Credit prior to cancellation.

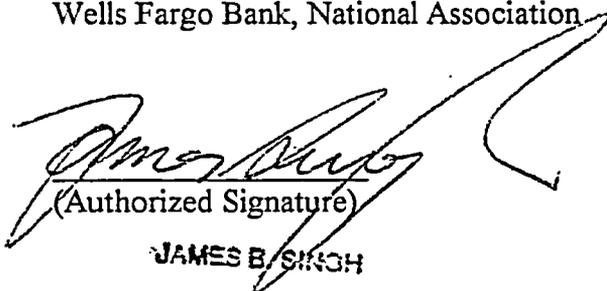
The bank shall give immediate notice to the licensee and the NRC of any notice received or action filed alleging the (1) insolvency or bankruptcy of the bank or (2) any violations of regulatory requirements that could result in suspension or revocation of the bank's charter or license to do business. It also should give immediate notice if it, for any reason, becomes unable to fulfill its obligation under the Letter of Credit.

Whenever this Letter of Credit is drawn on, under and in compliance with the terms of this Credit, we shall duly honor such draft upon presentation to us within 30 days, and we shall deposit the amount of the draft directly into the standby trust fund of Envirocare of Utah, Inc. in accordance with your instructions.

Each draft must bear upon its face the clause "Drawn under Wells Fargo Bank, National Association Letter of Credit No. [REDACTED], dated July 14, 2000, and the total of this draft and all other drafts previously drawn under this Letter of Credit does not exceed \$4,553,575.00."

This credit is subject to the Uniform Customs and Practice for Documentary Credits, 1993 revision, International Chamber of Commerce Publication No. 500.

Very truly yours,  
Wells Fargo Bank, National Association



(Authorized Signature)  
JAMES B. SMITH

Operations Group  
Northern California  
525 Market Street, 25th Floor  
San Francisco, CA 94105



PAGE: 1

DATE: OCTOBER 2, 2000

AMENDMENT TO CREDIT NO.

AMENDMENT NUMBER: 1

APPLICANT:  
ENVIROCARE OF UTAH, INC.  
46 WEST BROADWAY, SUITE 116  
SALT LAKE CITY, UT 84101

BENEFICIARY:  
UNITED STATES NUCLEAR REGULATORY  
COMMISSION, WASHINGTON, D.C. 20555  
MS T8A-33, 2 WHITE FLINT N. 11545  
ROCKVILLE, PIKE, ROCKVILLE, MD20852  
PHILLIP TING,

THIS AMENDMENT IS TO BE CONSIDERED AS PART OF THE ABOVE CREDIT AND MUST BE ATTACHED THERETO.

THE ABOVE MENTIONED CREDIT IS AMENDED AS FOLLOWS:

THE AMOUNT OF THIS CREDIT HAS BEEN INCREASED BY USD 156,642.00.

THE AMOUNT OF THE CREDIT ISSUED NOW TOTALS USD 4,710,217.00.

THE DATE OF EXPIRY IS AMENDED TO: DECEMBER 31, 2001.

THE FOLLOWING ADDITIONAL CONDITION HAS BEEN ADDED:

THIS LETTER OF CREDIT NOW EXPIRES ON DECEMBER 31, 2001, BUT SUCH EXPIRATION DATE SHALL BE AUTOMATICALLY EXTENDED FOR A PERIOD OF ONE YEAR ON DECEMBER 31, 2001 AND ON EACH SUCCESSIVE EXPIRATION DATE, UNLESS, AT LEAST 90 DAYS BEFORE THE CURRENT EXPIRATION DATE, WE NOTIFY BOTH YOU AND ENVIROCARE OF UTAH, INC., AS SHOWN ON THE SIGNED RETURN RECEIPTS. IF ENVIROCARE OF UTAH, INC. IS UNABLE TO SECURE ALTERNATIVE FINANCIAL ASSURANCE TO REPLACE THIS LETTER OF CREDIT WITHIN 30 DAYS OF NOTIFICATION OF CANCELLATION, THE NRC MAY DRAW UPON THE FULL VALUE OF THIS LETTER OF CREDIT PRIOR TO CANCELLATION.

ALL OTHER TERMS UNCHANGED.

  
-----  
AUTHORIZED SIGNATURE

PLEASE CONTACT AGRIPINA J. SONGCO BY TELEPHONE AT 415-396-3617 OR BY FAX AT (415)284-9453 REGARDING ANY INQUIRIES.

Original

Operations Group  
Northern California  
525 Market Street, 25th Floor  
San Francisco, CA 94105



PAGE: 1

DATE: AUGUST 27, 2001

AMENDMENT TO CREDIT NO.

AMENDMENT NUMBER: 2

APPLICANT:  
ENVIROCARE OF UTAH, INC.  
46 WEST BROADWAY, SUITE 116  
SALT LAKE CITY, UT 84101

BENEFICIARY:  
UNITED STATES NUCLEAR REGULATORY  
COMMISSION, WASHINGTON, D.C. 20555  
MS T8A-33, 2 WHITE FLINT N. 11545  
ROCKVILLE, PIKE, ROCKVILLE, MD20852  
PHILLIP TING,

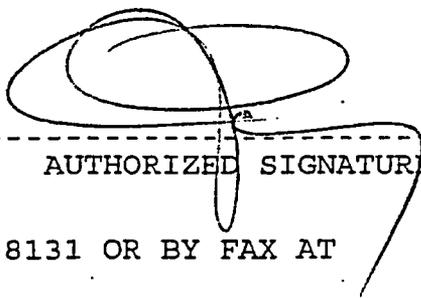
THIS AMENDMENT IS TO BE CONSIDERED AS PART OF THE ABOVE CREDIT AND MUST BE ATTACHED THERETO.

THE ABOVE MENTIONED CREDIT IS AMENDED AS FOLLOWS:

THE AMOUNT OF THIS CREDIT HAS BEEN INCREASED BY USD 912.37.

THE AMOUNT OF THE CREDIT ISSUED NOW TOTALS USD 4,711,129.37.

ALL OTHER TERMS UNCHANGED.

  
-----  
AUTHORIZED SIGNATURE

PLEASE CONTACT IRENE KWAN BY TELEPHONE AT 415-396-8131 OR BY FAX AT (415)284-9453 REGARDING ANY INQUIRIES.

Original

Operations Group  
Northern California  
525 Market Street, 25th Floor  
San Francisco, CA 94105



PAGE: 1

DATE: SEPTEMBER 6, 2002

AMENDMENT TO CREDIT NO.

~~XXXXXXXXXX~~  
AMENDMENT NUMBER: 3

APPLICANT:  
ENVIROCARE OF UTAH, INC.  
46 WEST BROADWAY, SUITE 116  
SALT LAKE CITY, UT 84101

BENEFICIARY:  
UNITED STATES NUCLEAR REGULATORY  
COMMISSION, WASHINGTON, D.C. 20555  
MS T8A-33, 2 WHITE FLINT N. 11545  
ROCKVILLE, PIKE, ROCKVILLE, MD20852  
PHILLIP TING,

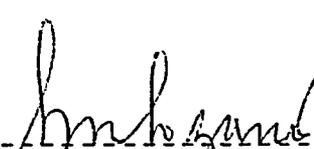
THIS AMENDMENT IS TO BE CONSIDERED AS PART OF THE ABOVE CREDIT AND MUST BE ATTACHED THERETO.

THE ABOVE MENTIONED CREDIT IS AMENDED AS FOLLOWS:

THE AMOUNT OF THIS CREDIT HAS BEEN INCREASED BY USD 123,631.00.

THE AMOUNT OF THE CREDIT ISSUED NOW TOTALS USD 4,834,760.37.

ALL OTHER TERMS UNCHANGED.

  
-----  
AUTHORIZED SIGNATURE

PLEASE CONTACT AMY V. MARIO BY TELEPHONE AT 415-396-6209 OR BY FAX AT (415)284-9453 REGARDING ANY INQUIRIES.

Operations Group  
Northern California  
One Front Street, 21st Floor  
San Francisco, CA 94111

  
WELLS FARGO BANK

PAGE: 1

DATE: AUGUST 14, 2003

AMENDMENT TO CREDIT NO.

AMENDMENT NUMBER: 4

APPLICANT:  
ENVIROCARE OF UTAH, INC.  
605 N. 5600 W  
SALT LAKE CITY, UT 84116

BENEFICIARY:  
UNITED STATES NUCLEAR REGULATORY  
COMMISSION, WASHINGTON, D.C. 20555  
MS T8A-33, 2 WHITE FLINT N. 11545  
ROCKVILLE, PIKE, ROCKVILLE, MD20852  
PHILLIP TING,

THIS AMENDMENT IS TO BE CONSIDERED AS PART OF THE ABOVE CREDIT AND MUST BE ATTACHED THERETO.

THE ABOVE MENTIONED CREDIT IS AMENDED AS FOLLOWS:

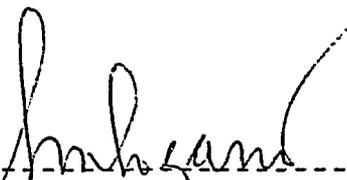
THE AMOUNT OF THIS CREDIT HAS BEEN DECREASED BY USD 543,260.25.

THE AMOUNT OF THE CREDIT ISSUED NOW TOTALS USD 4,291,500.12.

THE FOLLOWING ADDITIONAL CONDITION HAS BEEN ADDED:

PLEASE NOTE THAT THE TERMS OF THIS AMENDMENT ARE SUBJECT TO YOUR CONSENT. THEREFORE, IF THE AMENDMENT IS ACCEPTABLE TO YOU, PLEASE SIGNIFY YOUR AGREEMENT BY SIGNING THE ATTACHED COPY IN THE SPACE PROVIDED AND RETURN IT TO US. IF IT IS NOT ACCEPTABLE TO YOU, PLEASE SO ADVISE US IMMEDIATELY.

ALL OTHER TERMS UNCHANGED.

  
-----  
AUTHORIZED SIGNATURE  
**SOCCHI LOZANO**

PLEASE CONTACT BILL M. CHIESA BY TELEPHONE AT 415-396-8363 OR BY FAX AT (415)284-9453 REGARDING ANY INQUIRIES.

Original

Operations Group  
Northern California  
One Front Street, 21st Floor  
San Francisco, CA 94111



PAGE: 1

DATE: APRIL 21, 2005

AMENDMENT TO CREDIT NO.

~~XXXXXXXXXX~~  
AMENDMENT NUMBER: 5

APPLICANT:  
ENVIROCARE OF UTAH, INC.  
605 N. 5600 W  
SALT LAKE CITY, UT 84116

BENEFICIARY:  
UNITED STATES NUCLEAR REGULATORY  
COMMISSION, WASHINGTON, D.C. 20555  
MS T8A-33, 2 WHITE FLINT N. 11545  
ROCKVILLE, PIKE, ROCKVILLE, MD20852  
PHILLIP TING,

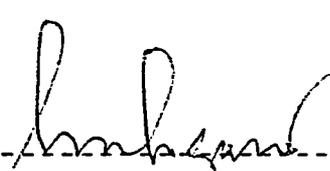
THIS AMENDMENT IS TO BE CONSIDERED AS PART OF THE ABOVE CREDIT AND MUST BE ATTACHED THERETO.

THE ABOVE MENTIONED CREDIT IS AMENDED AS FOLLOWS:

THE AMOUNT OF THIS CREDIT HAS BEEN INCREASED BY USD 150,772.00.

THE AMOUNT OF THE CREDIT ISSUED NOW TOTALS USD 4,442,272.12.

ALL OTHER TERMS UNCHANGED.

  
-----  
AUTHORIZED SIGNATURE  
SOCCI LOZANO

ASSISTANT VICE PRESIDENT

PLEASE CONTACT BILL M. CHIESA BY TELEPHONE AT 415-396-8363 OR BY FAX AT (415) 296-8905 OR OUR HELPLINE AT 1-800-798-2815 OPTION 1 REGARDING ANY INQUIRIES:

Original

Date: May 31, 2005

Wells Fargo Bank, N.A.  
Trade Services Division, Northern California  
One Front Street, 21<sup>st</sup> Floor  
San Francisco, California 94111

Subject: Your Letter of Credit No. [REDACTED]

Ladies and Gentlemen:

For value received, the undersigned beneficiary of the above described Letter of Credit (the "Transferor") hereby irrevocably assigns and transfers all its rights under the Letter of Credit as heretofore and hereafter amended, extended or increased (the "Credit") to the following transferee (the "Transferee"):

Executive Secretary, Radiation Control Board  
[insert name of transferee]  
168 North 1950 West  
Box 144850  
Salt Lake City, UT 84114-4850  
[insert address]

By this transfer all of our rights in the Credit are transferred to the Transferee, and the Transferee shall have sole rights as beneficiary under the Credit, including, but not limited to, sole rights relating to any amendments, whether increases or extensions or other amendments, and whether such amendments are now existing or hereafter made.

ADVICE OF FUTURE AMENDMENTS: You are hereby irrevocably instructed to advise future amendment(s) of the Credit to the Transferee without the Transferor's consent or notice to the Transferor.

Enclosed are the original of the Credit and the original of all amendments to this date. Please notify the Transferee of this transfer and of the terms and conditions of the Credit as transferred. This transfer will not become effective until the Transferee is so notified.

Very truly yours,

[insert name of transferor]

By: US NRC  
Name: Gary Ignosko  
Title: Chief, PCFB/FCSS/NMSS

Signature of Transferor Guaranteed  
[Insert name of bank]

By: \_\_\_\_\_  
Name: Cassie Brown  
Title: Notary

My Commission Expires 3-1-07