

UNITED STATES
NUCLEAR REGULATORY COMMISSION
OFFICE OF NUCLEAR MATERIAL SAFETY AND SAFEGUARDS
WASHINGTON, D.C. 20555

July 28, 1997

**NRC INFORMATION NOTICE 97-56: POSSESSION LIMITS FOR SPECIAL NUCLEAR
MATERIAL AT THE ENVIROCARE OF UTAH LOW-
LEVEL RADIOACTIVE WASTE DISPOSAL FACILITY**

Addressees

All licensees authorized to possess special nuclear material (SNM).

Purpose

The U.S. Nuclear Regulatory Commission (NRC) is issuing this information notice to alert addressees about recent enforcement actions at the Envirocare of Utah, Inc., commercial low-level radioactive waste disposal facility associated with a violation of Envirocare's possession limit for SNM under its Agreement State license and with Envirocare's conformance to the terms of the exemption granted by NRC in 10 CFR Part 150.10 and 150.11.

It is expected that recipients will review the information for applicability to their facilities and activities, and consider actions, as appropriate, to avoid similar problems. However, suggestions contained in this information notice are not NRC requirements; therefore, no specific action or written response is required.

Description of Circumstances

On May 15, 1997, the State of Utah inspected the Envirocare of Utah, Inc., commercial low-level radioactive waste disposal facility at Clive, Utah. The Utah Radiation Control Board (URCB) found that Envirocare had not conducted its activities in full compliance with the conditions of the license and with the requirements of the Utah Radiation Control Rules. Specifically, the State found that Envirocare was in possession of more than 350 grams of uranium-235 in the form of waste received from other persons, which violated the possession limits imposed in Condition 13 of State License No. UT 2300249. This condition limits the amount of SNM that Envirocare can possess, undisposed of, at any one time to the quantities specified in 10 CFR Part 150.11 (e.g., 350 grams U-235).

The State issued a Notice of Violation (NOV) to Envirocare on May 19, 1997, that identified a serious noncompliance that has continued for six months or longer. The URCB also concluded that the violations resulted from a careless disregard for the requirement in

License Condition 13. The State also issued an Order, dated May 27, 1997, directing Envirocare to dispose of radioactive waste containing SNM in order to reduce quantities of SNM in possession at the site to those authorized by Condition 13 by June 25, 1997, and thereafter maintain compliance with License Condition 13.

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On June 9-10, 1997, NRC conducted an inspection of Envirocare's disposal facility and identified that Envirocare had received and held in temporary storage more than 2,400 grams of uranium-235 that had not been disposed of. Based on the inspection, NRC determined that Envirocare had violated the requirement for an NRC license in NRC regulations. NRC issued a Confirmatory Action Letter (CAL) on June 12, 1997, and a Confirmatory Order on June 25, 1997, superseding the CAL, effective upon issuance.

The NRC Order requires the following:

1. Envirocare shall not receive SNM at its facility until four business days after it complies with Condition 4 (below), except as described in Condition 2 below, unless Envirocare receives written authorization from NRC based on NRC review of Envirocare's Compliance Plan for meeting the terms of the exemption in 10 CFR 150.10 and 150.11. This condition applies to mixed and non-mixed low-level radioactive waste containing SNM.
2. Shipments of waste containing SNM enroute to Envirocare as of June 11, 1997, may be received at the facility. In addition, any shipment, whether or not enroute by June 11, 1997, containing one gram or less of SNM per conveyance (single rail car or truck) may be received.
3. All SNM within the restricted area at the site, other than SNM placed within the disposal cell, shall be included in determining application of the exemption granted in 10 CFR 150.10. [Note that this condition will be superseded by the Compliance Plan after NRC approves of the Compliance Plan in writing.]
4. Envirocare will submit to the NRC no later than August 4, 1997, written confirmation that the actions described in Envirocare's June 16, 1997, disposal plan have been completed.

Discussion

Envirocare receives low-level radioactive waste at the disposal facility from a variety of commercial (NRC and Agreement State licensees) and government generators across the United States. As part of Envirocare's waste disposal operations, the waste is stored temporarily at the Envirocare site until it is accepted, prepared, and then placed in the disposal cell. By the requirements of Condition 13 of the Utah license and by the terms of the NRC exemption in 10 CFR 150.10 and 150.11, Envirocare's possession of SNM is limited to quantities not exceeding 350 grams of contained U-235; uranium-233 in quantities not exceeding 200 grams; plutonium in quantities not exceeding 200 grams; or any combination of them in accordance with the following sum of the fractions formula: $[(\text{grams of U-235}/350) + (\text{grams of U-233}/200) + (\text{grams of Pu}/200)]$ less than or equal to unity.

The SNM is no longer considered in Envirocare's possession once it has been properly placed in the low-level waste or the mixed waste disposal cell at the disposal facility. Consequently, the limits in Condition 13 and the terms of the exemption in 10 CFR 150.10 and 150.11 only apply to material in Envirocare's possession prior to disposal at the Clive facility. However, the license condition and exemption delimit Envirocare's permission to receive and possess on site waste containing SNM.

This information is being provided to you, as an existing or potential customer of Envirocare, so that you can take those actions necessary to assure that shipments of radioactive waste on a single conveyance or multiple conveyances from your facility do not place Envirocare in violation of its State License, NRC's June 25 Order, and the exemption in 10 CFR 150.10 and 150.11. Licensees should also be aware and incorporate into their transportation planning the new limitations on the amount of SNM that can be shipped without prior NRC approval under 10 CFR Part 71. (See 62 FR 5907, February 10, 1997).

This information notice requires no specific action or written response. If you have any questions about the information in this notice, please contact one of the technical contacts listed below or the appropriate regional office.



Carl J. Paperiello, Director
Office of Nuclear Material Safety
and Safeguards

Technical contacts: Harry Felsher, NMSS
(301) 415-5521
E-mail: hdf@nrc.gov

Tim Harris, NMSS
(301) 415-6613
E-mail: teh@nrc.gov

Attachments:

1. List of Recently Issued NMSS Information Notices
2. List of Recently Issued NRC Information Notices

**LIST OF RECENTLY ISSUED
NRC INFORMATION NOTICES**

Information Notice No.	Subject	Date of Issuance	Issued to
97-55	Calculation of Surface Activity for Contaminated Equipment and Materials	07/23/97	All Uranium Recovery Licensees
97-54	NRC Licensed Operators at Six Non-Power Reactor Facilities Allow their Operator Licenses to Expire	07/18/97	All holders of OLs or CPs for test and research reactors and all licensed operators at test and research reactor facilities
97-53	Circuit Breakers Left Racked Out in Non-Seismically Qualified Positions	07/18/97	All holders of OLs or CPs for nuclear power reactors
97-52	Inadvertent Loss of Capability for Emergency Core Cooling System Motors	07/17/97	All holders of OLs or CPs for nuclear power reactors
91-50, Supp. 1	Water Hammer Events Since 1991	07/17/97	All holders of OLs or CPs for nuclear power reactors
97-51	Problems Experienced with Loading and Unloading Spent Nuclear Fuel Storage and Transportation Casks	07/11/97	All holders of OLs or CPs for nuclear power reactors Designers and fabricators of independent spent fuel storage installations All holders of or applicants for licenses to operate ISFSIs
97-50	Contaminated Lead Products	07/10/97	All U.S. Nuclear Regulatory Commission licensees

OL = Operating License
CP = Construction Permit

The SNM is no longer considered in Envirocare's possession once it has been properly placed in the low-level waste or the mixed waste disposal cell at the disposal facility. Consequently, the limits in Condition 13 and the terms of the exemption in 10 CFR 150.10 and 150.11 only apply to material in Envirocare's possession prior to disposal at the Clive facility. However, the license condition and exemption delimit Envirocare's permission to receive and possess on site waste containing SNM.

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DOCUMENT NAME: 97-56.IN

** See previous Conclusions*

OFC	FCLB *	OGE *	INOB *	DWM *
NAME	Wolter	BReamer	JPi_come	JHickey
DATE	6/ /97	7/ /97	7/ /97	7/ /97
OFC	FCSS *	FCSS *	NMSS *	NMSS *
NAME	EBrach	EYen Eyck	WKnapp	CPaperiello
DATE	7/ /97	7/ /97	7/ /97	7/ /97

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OPC	FCLB *	OGC *	INDB *	DNA *
NAME	Mieher	BReamer	JPiccone	JHickey
DATE	6/ /97	7/ /97	7/ /97	7/ /97
OPC	FCSS *	FCSS *	NMSS *	NMSS *
NAME	EBrach	ETen Eyck	KNapp	CPaperiello
DATE	7/ /97	7/ /97	7/ /97	7/ /97

accepted, prepared, and then placed in the disposal cell. By the requirements of Condition 13 of the Utah license and by the terms of the NRC exemption in 10 CFR 150.10 and 150.11, Envirocare's possession of SNM is limited to quantities not exceeding 350 grams of contained U-235; uranium-233 in quantities not exceeding 200 grams; plutonium in quantities not exceeding 200 grams; or any combination of them in accordance with the following sum of the fractions formula: $((\text{grams of U-235}/350) + (\text{grams of U-233}/200) + (\text{grams of Pu}/200))$ less than or equal to unity.

The SNM is no longer considered in Envirocare's possession once it has been properly placed in the low-level waste or the mixed waste disposal cell at the disposal facility. Consequently, the limits in Condition 13 and the terms of the exemption in 10 CFR 150.10 and 150.11 only apply to material in Envirocare's possession prior to disposal at the Clive facility. However, the license condition and exemption delimit Envirocare's permission to receive and possess on site waste containing SNM.

This information is being provided to you, as an existing or potential customer of Envirocare, so that you can take those actions necessary to assure that shipments of radioactive waste on a single conveyance or multiple conveyances from your facility do not place Envirocare in violation of its State License, NRC's June 25 Order, and the exemption in 10 CFR 150.10 and 150.11. Licensees should also be aware and incorporate into their transportation planning the new limitations on the amount of SNM that can be shipped without prior NRC approval under 10 CFR Part 71. (See 62 FR 5907, February 10, 1997).

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OFC	FCRB *		OGE *		WASH		DWR	E
NAME	Number		Bremer		WASH		WASH	
DATE	6/ /97		7/ /97		7/10/97		7/10/97	
OFC	FCSS		FCSS		NMSS		NMSS	
NAME	EBrach		ETen Eyck		MRapp		CPaperiello	
DATE	7/ /97		7/ /97		7/ /97		7/ /97	

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The SNM is no longer considered in Envirocare's possession once it has been properly placed in the disposal cell at the commercial low-level radioactive waste disposal facility. Consequently, the limits in Condition 13 and 10 CFR 150.10 and 150.11 only apply to material in Envirocare's possession prior to disposal at the Clive facility. This restricts Envirocare's ability to receive and store simultaneously waste containing SNM.

This information is being provided to you, as an existing or potential customer of Envirocare, so that you can take those actions necessary to assure that shipments of radioactive waste on a single conveyance or multiple conveyances from your facility do not place Envirocare in violation of their State License, NRC's June 25 Order, and the limits in 10 CFR 150.10 and 150.11.

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OFC	FCLB	DGC	IMOB	DWM
NAME	MWeber	BReamer	JPiccone	MFederline
DATE	6/2/97	6/1/97	6/1/97	6/1/97
OFC	FCSS	FCSS	NMSS	NMSS
NAME	EBrach	ETen Eyck	MKnapp	CPaperiello
DATE	6/1/97	6/1/97	6/1/97	6/1/97