

**CONFERENCE CALL LOG**

**PARTICIPANTS:** G. Hellstrom, J. Vance, V. Andrews, and D. Romankowski

**DATE:** January 12, 1994

**TELEPHONE NO.:** (801)532-1330

**ORGANIZATION:** Envirocare of Utah

**TYPE:** Visit    X    Conference    Telephone:    In    Out

**SUBJECT:** CLARIFICATION OF ENVIROCAPF'S LICENSE CONDITIONS

**SUMMARY:** L. Hamdan, M. Fliegel and myself participated in a conference call requested by Envirocare of Utah, Inc. (ENV) to respond to questions on their byproduct material license. G. Hellstrom indicated that ENV was looking for our interpretation of several license conditions or verification that their interpretation was correct. The following questions were asked:

LC 9.4    ENV interpreted this condition to only apply to activities not previously assessed in the EIS or where the extent of the activity was greater than that previously assessed in the EIS.

The NRC staff indicated that ENV's interpretation was correct.

LC 9.6    ENV wanted to know if the condition, which stated "An up-to-date copy of each written SOP...shall be kept in each area where it is used," means that copies of the SOP's must be in the cab of trucks.

The staff indicated that this it was Pete Garcia's area of technical expertise and that he would be contacted. The staff indicated that they would get back to ENV with the answer.

LC 9.11    ENV interpreted (a) of this condition to mean that if several individuals are assigned different inspection responsibilities their training only had to be in their areas of responsibility.

The NRC staff indicated that ENV's interpretation was correct.

LC 10.2    ENV wanted to know whether it was acceptable under (a) of this condition to have the shipper do the actual characterization and analysis of the incoming waste.

The NRC staff indicated that ENV was responsible for developing the methodology and procedures. The condition would, therefore, allow for ENV's procedure to be for the shipper to do the characterization and analysis of the waste. However, the staff noted that this type of procedure needs to include ENV's method for spot checking the shipper's data, verifying the shippers is reputable, good documentation is provided, etc.

*NLM 0/1*

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### SUMMARY CONTINUED:

LC 10.6 ENV questioned whether this condition restricted them from applying the procedure discussed in their license application (state of practice) of visually inspecting all containers for free standing water and testing every 10th using the methodology in the condition. ENV also asked whether they had to reject any container with free standing water or if they had the flexibility to use available technology to remove the free standing liquid.

The NRC staff stated that the condition specified the specific test to be used, not a change to the proposed procedures as described in the license application. With regard to their second question the staff indicated that ENV had to comply with the procedures identified and approved in the license application, which was that containers with free standing liquid had to be rejected. If ENV wanted to change their procedure to allow the flexibility to use available technology to remove the free standing liquid, then they could make it a part of the license amendment already under consideration.

LC 11.1 ENV had several questions regarding this license conditions' specification for the 24 and 48 hour timing on the confirmatory samples. Specifically:

1. Did the condition mean samples had to be taken, analyzed, and the results provided to the licensee such that confirmatory samples could be taken within 24 or 48 hours of the original sample; or, whether confirmatory samples had to be taken within 24 or 48 hours after receipt of the results of the original sample, no matter how long it took for the results?
2. Was the 24 or 48 hour period for sampling restricted to work days or did it include weekends?
3. What did NRC mean by a "certified laboratory" and would the use of Utah State certified laboratories be acceptable?

The NRC staff indicated that they would have to check into these questions. Some of the wording of these conditions is carried over from other URFO license's and the staff would have to go back to URFO to verify the origins of the wording. The staff was under the impression that the laboratory certification referred to was the Environmental Protection Agency's.

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SUMMARY CONTINUED:

LC 11.2 ENV wanted clarification that this condition applied to "all monitoring requirements and all sampling events."

The NRC staff agreed with ENV interpretation.

STATUS OF LC 9.6 AND 9.7 INFORMATION:

1. ENV has completed their response to LC 9.6 (c) - procedures to ensure that all waste is 11e.(2) byproduct material. They should be submitted to the NRC for approval soon.

2. ENV is waiting to talk to L. Bykoski, who's been out ill, regarding a proposed revision to the wording to their Letter of Credit. This issue should be completed soon.

3. ENV has almost completed their response to our comments on their ALARA document.

4. Mr. Hellstrom also stated that they were working on our comments on the specifications portion of the Construction QA/QC Plan and were waiting for our comments on the QA/QC portion and the Hydrology Report.

The NRC staff indicated that the staff QA/QC reviewer had completed his review and had further comments. We also indicated that the staff review of the Groundwater Quality Report should be completed shortly.

**ACTION REQUIRED:** The staff needs to follow up on ENV's questions on LC 9.6 and 11.1. In addition, the staff needs to check whether ENV's change to a Letter of Credit from a Trust Agreement would be considered a license amendment?

**PERSON DOCUMENTING CONVERSATION:** Sandra L. Wastler

**DISTRIBUTION:** M. Bell, J. Holonich, M. Fliegel, S. Wastler, L. Hamdan, PDR, Docket 40-8989, K. Semnani