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

FEB 6 1991

Mr. Khosrow B. Semnani, President
Envirocare of Utah, Inc.
175 South West Temple
Suite 500
Salt Lake City, Utah 84101

Dear Mr. Semnani:

The Nuclear Regulatory Commission (NRC) staff has completed an acceptance review of your application to receive and dispose of byproduct material, as defined in the Atomic Energy Act, Section 11e.(2). As a result, we have determined that the information submitted by you in the November 14, 1989, package is not sufficient to begin a detailed review of the application.

The purpose of an acceptance review is to determine whether the necessary technical and other supporting information is in sufficient quality and quantity for the NRC staff to begin a detailed review of that application. This preliminary review identifies areas of missing information and significant deficiencies, which would delay the conduct and completion of a formal licensing review. However, any observations, or lack thereof, resulting from this type of review should not be construed as NRC agreement that any or all of the information is of sufficient quality and detail to allow the NRC to issue a license; this review merely identifies missing information that will be needed by the staff to complete its review.

Recently, the Commission published a Notice of Receipt in the Federal Register (copy enclosed), which defines procedural and technical requirements that your proposed operation must meet and which the NRC staff will apply in its review of your application. The Commission has determined that the requirements of 10 CFR Part 40, Appendix A will apply in the licensing of this facility. However, other requirements, particularly those related to record-keeping and procedural matters, will also apply. The particulars are stated in detail in the Federal Register Notice.

Enclosed are our acceptance review comments, which indicate that your application contains insufficient information, principally in the environmental, technical, and siting areas. Specifically, the following disciplines were reviewed:

| | |
|---|---|
| Erosion Protection | Geotechnical Engineering |
| Environmental Monitoring | Radiological Assessment |
| Radiation Safety Program | Siting and Geology |
| Seismology | Operational Aspects |
| Financial Surety | Land Ownership |
| Quality Assurance | Analysis of Site Performance |
| Ground-Water Protection | |



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The enclosed review addresses each specific discipline and subject area. However, there were several general observations by the NRC staff regarding your application and supporting documentation. These include:

(1) Envirocare must prepare an environmental report or submit information equivalent to that contained in an environmental report, as a necessary prerequisite for the NRC licensing review. Your application does not include an environmental report or a sufficient level of detail of such environmental information. Our regulations in 10 CFR Part 51 codify the National Environmental Policy Act (NEPA) requirements for NRC licensees, and Regulatory Guide 3.8 "Preparation of Environmental Reports for Uranium Mills" (October 1982) provides guidance on the information which should be included in an environmental report.

(2) The submittal implies that naturally-occurring radioactive material (NORM) waste will be commingled with the 11e.(2) byproduct material waste in the same impoundment. Please confirm whether you plan to commingle NORM and byproduct material. You should also note that such commingling would be subject to additional State and Federal regulatory requirements and may make the licensing process more complex.

(3) Information and technical support taken from the DOE's Remedial Action Plan (RAP) documentation for the Salt Lake City Uranium Mill Tailings Cleanup was incorporated without any rationale provided with respect to its applicability to a commercial, active operation to dispose of 11e.(2) byproduct material. For example, Appendix D of the submittal refers to remedial actions under the Uranium Mill Tailings Radiation Control Act (UMTRCA) Title I, which does not apply to commercially licensed facilities. You must clearly demonstrate that information related to other actions is relevant and applies to this proposal. It is not sufficient to simply incorporate text and references to other similar or nearby activities. You must specifically reference and demonstrate the relevance of such information to your proposed operation and application.

(4) Your submittal describes certain optimistic performance criteria regarding the 11e.(2) byproduct material disposal operation. Examples include the minimum 300-foot buffer zone between the waste cell embankment and any restricted area boundary line, or the "high risk" sampling procedures. As a part of the application, you will likely be bound to such performance criteria by license conditions, either explicitly or by incorporation of parts or the whole application by

reference. If it then becomes difficult or impossible to meet such license-specific conditions, it may be necessary to request a license amendment. You may wish to review your application and to reconsider possible overly restrictive performance criteria.

(5) The application needs to address how the present level of staffing will handle the additional responsibilities required for the commercial 11e.(2) waste disposal system, as well as the other current and future NORM, Low-Level and Mixed Waste handling responsibilities.

Based upon the determination that 10 CFR 40 Appendix A will apply in the review of this application, you may wish to reconsider the structure and format of the application. Your previous application was structured using 10 CFR Part 61 as the basic framework. While there are no requirements or specific instructions for the format of a Part 40 license application, it should be emphasized that Envirocare will need to show, with specificity, that each criterion in 10 CFR Part 40, Appendix A has been met.

After you have had a chance to evaluate the results of our acceptance review, we would welcome an opportunity to discuss our technical concerns with you. If you have any questions regarding this transmittal, please contact me (301-492-3439) or Ted Johnson (301-492-3440) of my staff.

Sincerely,

ORIGINAL SIGNED BY

John J. Surmeier, Chief
Uranium Recovery Branch
Division of Low-Level Waste Managment
and Decommissioning
Office of Nuclear Material Safety
and Safeguards

Enclosures: As stated.

| Distribution: | Central File# | NMSS r/f | LLUR r/f | |
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SUBJECT ABSTRACT: J.J. ENVIROCARE ACCEPTANCE REVIEW

| OFC | :LLUR | :LLUR | :LLUR |
|---|---|---|---|
| NAME | :TLJohnson | :MFliegel | :JSurmeier |
| DATE | :2/5/91 | :2/15/91 | :2/6/91 |

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ACCEPTANCE REVIEW COMMENTS

ENVIROCARE OF UTAH, INC.

## 1.0 Introduction

This report documents the NRC staff's acceptance review of the November 14, 1989 Envirocare of Utah, Inc. (Envirocare) submittal package, applying for an NRC commercial license to dispose of 11e.(2) byproduct material. The Nuclear Regulatory Commission (the Commission) has determined that the regulatory requirements of 10 CFR Part 40 Appendix A will apply in the review of this application. Additional requirements related to record-keeping and other activities are stated in the Notice of Receipt of Application, as published in the Federal Register on January 25, 1991. Moreover, the National Environmental Policy Act (NEPA) requirements and other technical requirements associated with any 11e.(2) byproduct handling operation (such as a uranium mill) also need to be addressed.

## 2.0 Purpose of an Acceptance Review

The purpose of an acceptance review is to determine whether the necessary technical and other supporting information in an applicant's submittal is sufficient for the NRC staff to begin a detailed licensing review. The NRC staff reviewed the applicant's submittal to determine whether topics, such as environmental monitoring, radiation safety, and siting characterization are addressed in the submittal. This preliminary review isolated areas of missing necessary information and significant deficiencies, which would hinder the licensing review. However, any observations, or lack thereof, resulting from this type of review should not be construed as NRC agreement that any or all of the information is of sufficient quality and detail to allow the NRC to issue a license.

The licensee will need to provide supplemental information and an environmental report, whereupon the NRC staff will initiate its detailed review of the content of the application and the ensuing submittals. As a result of the detailed analysis, the NRC will either issue a license, or else, request clarifications or additional information.

## 3.0 NRC Staff Analysis

The NRC staff examined the November 14, 1989, Envirocare submittal to determine whether the following areas were addressed and whether there was sufficient information to begin a detailed review of the application:

- Erosion Protection
- Geotechnical Engineering
- Environmental Monitoring
- Radiological Assessment

- o Proposed Radiation Safety Program
- o Siting and Geology
- o Seismology
- o Operational Aspects of the Waste Management System
- o Financial Assurance
- o Land Ownership
- o Quality Assurance
- o Analysis of Site Performance
- o Ground-water Protection

The November 14, 1989, submittal does not include a separate environmental report (ER) and does not include sufficient information equivalent to that which would be contained in an ER, as required under 10 CFR Part 51, Subpart A. The staff notes that some NEPA-related information is mentioned in the Envirocare submittal; however, this information will need to be considerably enhanced and expanded.

The results of this acceptance review should provide sufficient guidance to allow Envirocare to submit information in those areas considered to be insufficient. For each section, specific guidance documents or NRC regulations are cited for reference. The environmental report provides the basic information from which the NRC generates its Environmental Impact Statement (EIS). The applicant's submittal should also provide sufficient safety and other operational information for the NRC's preparation of a Safety Evaluation Report (SER). In the past, NRC licensees have prepared a Safety Analysis Report (SAR), which addressed these safety and operation concerns. Much of the information, identified below as omitted or deficient, factors into the preparation of the licensee's ER and/or SAR.

3.1 Erosion Protection

The applicant's submittal provides sufficient information in this area to allow the NRC staff to begin a detailed review.

3.2 Geotechnical Engineering

The applicant's submittal provides sufficient information in this area to allow the NRC staff to begin a detailed review.

3.3 Environmental Monitoring

The applicant's submittal partially addresses this aspect of the proposed operation. However, Appendix W (Environmental Monitoring Reports from 1988 and 1989) of the submittal is omitted and should be provided.

3.4 Radiological Assessment

The applicant's submittal should provide sufficient information to allow the NRC to perform an independent radiological assessment. The following information is either omitted or sufficiently deficient so as to preclude the NRC staff from performing its assessment.

3.4.1 Meteorological Data and Information

The joint relative wind frequency data is not provided; data should be provided in the format specified in U.S. Regulatory Guide 3.8 [USNRC, 1982], Appendix C. If this information is not presently available, USNRC Regulatory Guide 3.63 "Onsite Meteorological Measurement Program for Uranium Recovery Facilities - Data Acquisition and Reporting"[USNRC, 1988], provides the necessary guidance for obtaining such data.

The annual average inversion height for the site should be reported.

3.4.2 Population Distribution

Since 1990 census data is available, the applicant should use the most recent population information.

3.4.2.1 Nearest Receptor Information.

The applicant's submittal should provide information on nearby off-site dwellings, towns, or other receptors, which could be impacted from operational releases. U.S. Regulatory Guide 3.8, Appendix B pages B-4 to B-5 discusses the necessary format and information.

3.4.3 Radiological Parameters

3.4.3.1 Referencing Other Documents

The applicant references information, analyses and conclusions prepared by the DOE for the DOE UMTRA Vitro site. The applicant's submittal does not provide the justification for applying conclusions from these other actions to those proposed for the byproduct disposal operations at the Envirocare site. For example, the DOE's remedial action plan support document for the Salt Lake City Remedial Action Plan was performed under different regulatory authority (40 CFR Part 192, Subparts A, B, C), and radioactive conditions significantly different from those of the proposed operation. The applicant should provide clear and specific references and clearly demonstrate the applicability to the operation proposed by the applicant.

3.4.3.2 Site-specific Radiological Parameters

The applicant's submittal should provide information on a number of important operational parameters, which are necessary to evaluate radiological impacts to the environment from the proposed operations. Examples include the area of impoundment available for particulate and radon release at various stages of the facility life and estimated releases from truck and railcar

delivery and handling activities. U.S. Regulatory Guide 3.8 [USNRC, 1982], Appendix B lists these parameters, most of which are relevant to the proposed operation.

## 3.5 Proposed Radiation Safety Program

The following information is either omitted or sufficiently deficient so as to preclude a detailed licensing review.

### 3.5.1 Generic Issues

The structure of the applicant's submittal should clearly segregate the applicant's proposed license conditions from the demonstrative information.

The applicant's submittal should clearly specify the location of the restricted area boundary, where 10 CFR Part 20 concentration limits apply; it appears to be uncertain at this time.

The applicant's submittal should indicate proposed license conditions for the following:

- Action levels for external exposures, contamination levels, environmental monitoring results, etc. which will initiate investigations and/or corrective actions to prevent recurrence.

- A monitoring program for the release of liquid effluents, if appropriate.

- Written procedures for operations and the radiation safety and environmental monitoring programs. A procedure should be included for the review and approval of these procedures and frequency for review for adequacy.

- The types of records that will be maintained and the retention periods for these records.

- Monitoring of all personnel for contamination when exiting the controlled area.

### 3.5.2 Specific Comments

#### 3.5.2.1 General Facility Description (Section 1.2)

Buildings and other areas, wholly or partly within the restricted/controlled area, should be clearly indicated in Figure 1.3.

A monitoring program and action levels should be provided to demonstrate compliance with 10 CFR 20.106 for any water to be used in the decontamination areas, in the case of offsite release.

The applicant should clearly state that the living quarters of security personnel will not be within the restricted area. This is required under 20.3(a)(14).

3.5.2.2 Facility Operations (Section 4.0)

Natural thorium should be included in the analyses of the quarterly composite air samples.

Vegetation samples (including an analysis for natural thorium) should be collected at least semi-annually [Regulatory Guide 4.14 provides recommendations for sample collection.]

In Figure 4.1, the "Incoming Shipment Spread Sheet" should provide places to record for incoming radioactive material shipments:

- radiation and contamination levels
- labelling and placarding

(The requirements for labelling and placarding as well as radiation and contamination limits can be found in Title 10 CFR Part 71 and Title 49 CFR Parts 170-189).

In Table 4.7, the ground water sample analyses should include natural thorium. The sample analyses described for vegetation, wild life, and soil should reflect the analyses discussed in Sections 4.4.4.4 and 4.4.4.5.

3.5.2.3 Occupational Radiation Protection

3.5.2.3.1 Training Program

The applicant should state the position(s) responsible for preparing, reviewing, and approving training materials.

3.5.2.3.2 Protective Clothing and Change Facilities

The applicant should commit to contamination limits for the reuse of any protective clothing (gloves, coveralls, shoes, boots, etc.) In Sections 7.4.8.1 and 7.4.8.2, it appears that workers provide their own shoes or reuse shoes provided by the company. The applicant should clarify the [illegible] of shoes in this section and provide release and/or contamination limits.

[illegible]nt should indicate the responsible party for [illegible]g protective clothing and where the [illegible]nd storage of the clothing will be

3.5.2.3.3 Personnel Contamination Monitoring

The applicant should provide alpha contamination limits related to thorium. GM-pancake probes may be inappropriate.

3.5.2.3.4 Control of Contamination of Personnel

The table in section 7.4.8.2 should be re-dated by Table 5.1; the last sentence of this action should not use the word "personnel."

References in this section to URC-24, Appendix A, Table 1, are not applicable and should be replaced with 10 CFR Part 20, Appendix B, Table 1, Column 1.

In addition to Th-230 and Ra-226, the composited air filters should be analyzed to determine the presence of natural thorium.

The 2E-12 microcuries/ml action level should also require the collection and analysis of fecal samples to evaluate natural thorium intakes by workers.

3.5.2.3.5 Organization of Health physics Program

Apparent discrepancies between Section 7.4.10, Section 8.1.2, and Figure 8.1 regarding position titles and the organizational structure, should be corrected.

3.5.2.3.6 Health physics Supervisor

The minimum years of supervisory experience required of the incumbent should be stated.

Item 3 of this section should be deleted.

3.5.2.3.7 Health physics Technicians

e minimum training and experience requirements in
tion safety for health physics technicians and
on monitors should be provided.

cope of Work

onsibilities of the health physics
equate. These should include the
al report summarizing and evaluating
measurements made at the facility.

The applicant should clearly state that the living quarters of security personnel will not be within the restricted area. This is required under 20.3(a)(14).

3.5.2.2 Facility Operations (Section 4.0)

Natural thorium should be included in the analyses of the quarterly composite air samples

Vegetation samples (including an analysis for natural thorium) should be collected at least semi-annually [Regulatory Guide 4.14 provides recommendations for sample collection.]

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The applicant should commit to contamination limits for the reuse of any protective clothing (gloves, coveralls, shoes, boots, etc.) In Sections 7.4.8.1 and 7.4.8.2, it appears that workers provide their own shoes or reuse shoes provided by the company. The applicant should clarify the use of shoes in this section and provide release and/or reuse contamination limits.

The applicant should indicate the responsible party for decontaminating protective clothing and where the decontamination and storage of the clothing will be located.

3.5.2.3.3 Personnel Contamination Monitoring

The applicant should provide alpha contamination limits related to thorium. GM-pancake probes may be inappropriate.

3.5.2.3.4 Control of Contamination of Personnel

The table in section 7.4.8.2 should be replaced by Table 5.1; the last sentence of this action should not use the word "personnel."

References in this section to URC-24, Appendix A, Table 1, are not applicable and should be replaced with 10 CFR Part 20, Appendix B, Table 1, Column 1.

In addition to Th-230 and Ra-226, the composited air filters should be analyzed to determine the presence of natural thorium.

The 2E-12 microcuries/ml action level should also require the collection and analysis of fecal samples to evaluate natural thorium intakes by workers.

3.5.2.3.5 Organization of Health Physics Program

Apparent discrepancies between Section 7.4.10, Section 8.1.2, and Figure 8.1 regarding position titles and the organizational structure, should be corrected.

3.5.2.3.6 Health Physics Supervisor

The minimum years of supervisory experience required of the incumbent should be stated.

Item 3 of this section should be deleted.

3.5.2.3.7 Health Physics Technicians

The minimum training and experience requirements in radiation safety for health physics technicians and radiation monitors should be provided.

3.5.2.3.8 Scope of Work

The specific responsibilities of the health physics supervisor are inadequate. These should include the preparation of an annual report summarizing and evaluating all of the radiological measurements made at the facility, including:

- airborne radioactivity
- surface contamination
- internal and external exposures
- effluents
- environmental monitoring

This report should be provided to the company's president and other levels of management as necessary for appropriate action.

Under the Position Duties, Responsibilities, and Qualifications for the Health Physics Supervisor, in the Specific Responsibility Paragraph (III G), the frequency of performance of reviews and audits should be provided.

3.6 Siting and Geology

The applicant's submittal should provide a letter from the State Historical Preservation Officer (SHPO) indicating that the SHPO is satisfied that a proper survey of the proposed site has been made and that the project will not result in any impacts to the cultural resources, which may be listed on the National Register or candidates thereof.

The applicant's submittal does not provide sufficient information to perform a detailed review. Missing information which should be provided includes:

a) Regional- and site-specific physiographic information
b) Regional- and site-specific stratigraphic setting information
c) Regional- and site-specific structural setting information
d) Large-scale maps showing the geology and structure within 50 miles (80 kilometers) of the site.

3.7 Seismology

The applicant's submittal adequately addresses this aspect of the proposed operation.

3.8 Operational Aspects of the Waste Management System

3.8.1 Waste Receipt

In the applicant's submittal, the following information is either omitted or sufficiently deficient so as to preclude the NRC staff from performing its detailed review:

- o The submittal should condition waste receipt activities to specific procedures.

- o The submittal should address the disposition of deficient waste shipments.

- Details on remediation of deficient waste shipments should be provided.

- Details should be provided on changes in operations, due to weather or personnel limitations.

- An acknowledgement should be provided by the applicant with respect to responsibilities for the radioactive waste material.

3.8.3 Waste Disposal Operations

In the applicant's submittal, the following information is either omitted or sufficiently deficient so as to preclude the NRC staff from performing its detailed review:

- Details should be provided regarding the segregation of 11e.(2) byproduct material waste from the other waste operations at the proposed site.

3.8.4 Records

In the applicant's submittal, the following information is either omitted or sufficiently deficient so as to preclude the NRC staff from performing its detailed review:

- Details should be provided regarding the applicant's compliance with 10 CFR Part 20, Section 20.311 reporting requirements.

- The applicant should propose a manifest system and candidate manifest consistent with site operational objectives.

3.8.5 Conduct of Operations

- The following information should be provided and/or expanded upon:

  a) Emergency planning
  b) Corporate reviews and audits
  c) Facility administrative and operating procedures
  d) Physical security

- The submittal should address the extent of the applicant's responsibility for any shipments subsequently determined to be deficient.

3.8.2 Waste Handling and Storage

In the applicant's submittal, the following information is either omitted or sufficiently deficient so as to preclude the NRC staff from performing its detailed review:

- Details on remediation of deficient waste shipments should be provided.

- Details should be provided on changes in operations, due to weather or personnel limitations.

- An acknowledgement should be provided by the applicant with respect to responsibilities for the radioactive waste material.

3.8.3 Waste Disposal Operations

In the applicant's submittal, the following information is either omitted or sufficiently deficient so as to preclude the NRC staff from performing its detailed review:

- Details should be provided regarding the segregation of 11e.(2) byproduct material waste from the other waste operations at the proposed site.

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In the applicant's submittal, the following information is either omitted or sufficiently deficient so as to preclude the NRC staff from performing its detailed review:

- Details should be provided regarding the applicant's compliance with 10 CFR Part 20, Section 20.311 reporting requirements.

- The applicant should propose a manifest system and candidate manifest consistent with site operational objectives.

3.8.5 Conduct of Operations

- The following information should be provided and/or expanded upon:

  a) Emergency planning
  b) Corporate reviews and audits
  c) Facility administrative and operating procedures
  d) Physical security

- o A policy for resolving disagreements between the chief of operations and the radiation safety officer (RSO) should be provided, since both report directly to the President.

- o The applicant's submittal should state an ALARA policy and provide a statement of implementation.

3.9 Financial Assurance

The applicant's submittal sufficiently addresses this aspect of the proposed operation.

3.10 Land Ownership

The applicant's submittal sufficiently addresses this aspect of the proposed operation.

3.11 Quality Assurance

Quality Assurance (QA) and Quality Control (QC) measures should be addressed in detail. Since many aspects of this operation are similar to a low-level waste operation, general QA/QC guidance may be found in NUREG-1293, "Quality Assurance Guidance for Low-Level Radioactive Waste Disposal Facility." The staff recommends that these criteria be used, since they will be important in any QA/QC program. As an example, the following criteria in NUREG-1293 were not completely addressed and additional information should be provided:

Criterion 1. Organization
Criterion 2. Quality Assurance Program
Criterion 11. Test Control
Criterion 12. Control of Measuring and Test Equipment
Criterion 16. Corrective Actions
Criterion 17. Quality Assurance Records
Criterion 18. Audits, Surveillance, and Managerial Controls

The remaining 11 criteria were not addressed at all.

3.12 Analysis of Site Performance

Much of the performance assessment in the applicant's submittal with respect to areas such as geology, hydrogeology, and ground-water protection is taken from other reports, such as the DOE's Vitro Remedial Action support documents. The applicant should provide an independent assessment or additional justification that performance assessment by reference is fully or partially justified.

3.12.1 Ground-Water Hydrology

Quantitative ground-water protection analyses to demonstrate compliance with established site-specific standards and other additional analyses should be provided. (See 3.13 - Ground-Water Protection).

3.12.2 Radionuclide Release

The applicant's submittal should address post-closure release scenarios and environmental pathways; e.g, Appendix N (estimated radon releases) does not relate to the operational parameters for the proposed site.

3.13 Ground-Water Protection

The applicant's submittal is deficient, and additional information should be provided, in the following areas:

- Site-specific ground-water standards:

  a) Point of compliance.
  b) List of hazardous constituents.
  c) Concentration limits.
  d) Background levels.

- Quantitative ground-water protection analysis to demonstrate compliance with established site-specific standards (performance assessment); e.g., no design hydraulic conductivities are established.

- Monitoring program to assess the performance of the disposal cell(s). Refer to 10 CFR Part 40, Appendix A, Criterion 7A.

- Discussion of contingency corrective action program. Refer to 10 CFR Part 40, Appendix A, Criterion 5D.

- Quantitative details of transient seepage effects.

4.0 Summary

The applicant's submittal is not sufficiently complete for the NRC staff to begin a detailed licensing review. The licensee needs to supplement the November 14, 1898 application package with additional technical information and an Environmental Report. Until this information and data are submitted, the NRC staff cannot proceed with the formal licensing review of the Envirocare of Utah, Inc. proposed commercial 11e.(2) byproduct material disposal facility.

## 5.0 References

USNRC Regulatory Guide 3.8, "Preparation of Environmental Reports for Uranium Mills" (October 1982).

USNRC Regulatory Guide 3.63 "Onsite Meteorological Measurement Program for Uranium Recovery Facilities - Data Acquisition and Reporting" (March, 1988).

Commission, the presiding officer or the Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated December 19, 1990, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the Local Public Document Room located at the Atkins Library, University of North Carolina, Charlotte (UNCC Station), North Carolina 28223.

Dated at Rockville, Maryland, this 17th day of January, 1991.

For the Nuclear Regulatory Commission.

**Timothy A. Reed,**

*Project Manager, Project Directorate II–3, Division of Reactor Projects–I/II, Office of Nuclear Reactor Regulation.*

[FR Doc. 91–1758 Filed 1–24–91; 8:45 am]

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[Docket No. 04008989]

## Envirocare of Utah, Inc.; Receipt of Application for Byproduct Material Waste Disposal License

### Notice of Receipt of Application for Byproduct Material Waste Disposal License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (NRC) has received, by letter dated November 14, 1989, an application and safety analysis report from Environcare of Utah, Inc., for a license to accept and dispose of uranium and thorium byproduct material (as defined in section 11e.(2) of the Atomic Energy Act, as amended) received from other persons, at a site near Clive, Utah.

The applicant proposes to dispose of high-volume, low-activity section 11e.(2) byproduct material received in bulk by rail and truck.

The material will be placed in earthen disposal cells in lifts and covered with earth and rock. The applicant proposes to conduct operations on a site where the applicant currently disposes of Naturally Occurring Radioactive Material (NORM) under license from the Utah Department of Health, Bureau of Radiation Control.

The State of Utah has recently been granted an amended agreement, pursuant to section 274b. of the Atomic Energy Act, as amended, to expand its regulatory authority to include the disposal of low-level radioactive waste. The authority does not, however, include authority to regulate the disposal of section 11e.(2) byproduct material. Regulatory authority for the disposal of section 11e.(2) byproduct material in the State of Utah remains with the NRC.

The disposal of waste considered in this notice would occur in disposal units separate from those used to dispose of other categories of waste.

**FOR FURTHER INFORMATION CONTACT:** Terry L. Johnson, Uranium Recovery Branch, Division of Low-Level Waste Management and Decommissioning, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 492–3440.

### Notice of Availability of Applicant's Application

The applicant's application, which describes the natural and proposed design features of the facility, as well as facility operations, is being made available for public inspection at the Commission's Public Document room at 2120 L Street, NW. (Lower Level), Washington, DC 20555.

### *Notice of the Regulatory requirements That NRC Will Apply in the Review of the Application and in Reaching a Licensing Decision*

By this notice, the Commission is establishing the applicability of its regulations to this specific application for the commercial disposal of section 11e.(2) byproduct material.

1. The Commission has determined that 10 CFR part 40, including appendix A, applies to the review of this application to dispose of section 11e.(2) byproduct material. The applicant may request an exemption from any requirements in 10 CFR part 40 that it believes should not apply.

2. The NRC staff will prepare an environmental impact statement (EIS) pursuant to the requirements of 10 CFR part 51. The EIS will be based on the staff evaluation of an environmental report to be prepared by the applicant.

3. Certain administrative and recordkeeping requirements delineated in 10 CFR part 61, subpart G, must be included in the license. These requirements are given in 10 CFR 61.80 and 61.82.

4. The waste manifest requirements contained in 10 CFR 20.311 will be made applicable by a license condition. The licensee will be allowed to accept waste only if it is accompanied by a manifest prepared according to 10 CFR 20.311. Based on the application, the NRC staff may consider, as part of the licensing process, exemptions for certain specific packaging, classification, and labeling requirements contained in 10 CFR 20.311, for land burial, that may not be germane to section 11e.(2) byproduct material waste shipped to the facility. The staff will also require that more information be obtained from the generator on the chemical constituents than the "principle chemical form" as specified in 10 CFR 20.311(b) in order to address the data and groundwater protection requirements of appendix A to 10 CFR part 40.

5. The general requirements of other Commission regulations: 10 CFR part 19—"Notices, Instructions, and Reports to Workers: Inspections and Investigations", 10 CFR Part 20—"Standards for Protection Against Radiation"; and 10 CFR Part 21—"Reporting of Defects and Noncompliance," will apply according to their terms.

### Notice of Opportunity for Hearing

The applicant and any person whose interest may be affected by the issuance of this license may file a request for a hearing. A request for hearing must be filed with the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555, within 30 days of the publication of this notice in the **Federal Register**; be served on the NRC staff (Executive Director for Operations, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852); be served on the applicant (Envirocare of Utah, Inc., 175 South West Temple, suite 500, Salt Lake City, Utah 84101); and must comply with the requirements set forth in the Commission's regulations, 10 CFR 2.105 and 2.714. The request for hearing must set forth with particularity the interest of the petitioner in the proceeding and how that interest may be affected by the results of the proceeding, including the reasons why the request should be granted, with particular reference to the following factors:

1. The nature of the petitioner's right, under the Act, to be made a party to the proceeding;

2. The nature and extent of the petitioner's property, financial or other interest in the proceeding; and

3. The possible effect, on the petitioner's interest, of any order which may be entered in the proceeding.

The request must also set forth the specific aspect or aspects of the subject matter of the proceeding as to which petitioner wishes a hearing.

The applicant, any person admitted as a party, or an entity participating under 10 CFR 2.715(e), may move the Commission to reconsider any portion of this notice relating to the applicability of 10 CFR 20.311 and 10 CFR 61.80 and 61.82. The petition must be filed within

admitted to the proceeding and contain all technical or other arguments to support the petition. The motion will be processed under 10 CFR 2.730.

Dated at Rockville, Maryland, this 18th day of January 1991.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

*Secretary of the Commission.*

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[Docket No. 50-461

**Illinois Power Company, Et. Al., Clinton Power Station, Unit No. 1; Notice of Consideration of Issuance of Amendment to Facility Operating License and Proposed no Significant Hazards Consideration Determination and Opportunity for Hearing**

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF-62, issued to Illinois Power Company (IP) et. al. (the licensees), for operation of the Clinton Power Station, Unit No. 1 located in DeWitt County, Illinois.

The proposed amendment would consist primarily of an administrative change to the Clinton Power Station's (CPS's) Technical Specifications (TS's) to reflect an exemption to Appendix J of Title 10 of the Code of Federal Regulations, Part 50 (Appendix J) if approved by the Commission. The one time exemption to Appendix J would authorize plant operation for one cycle following the current refueling outage. NRC approval of this request would allow IP ample time to develop and implement a long term solution (which may involve a change to the current plant design) to air leakage problems in check valves 1B21-F032A and B.

The current exigent circumstances were unforeseeable due to the fact that prior to January 6, 1991, IP believed it was in full compliance with Appendix J and the CPS TS's. On January 8, 1991, the NRC staff informed IP that the CPS design did not have supporting analysis to allow check valves 1B21-F032A and B to be exlcuded from the maximum pathway leakage determination for the feedwater penetrations 1 MC-009 and 010. The exigent nature of this request is necessary due to the identification of this issue near the completion of the current CPS refueling outage and is required to be reviewed and approved by the staff prior to resumption of operation of CPS.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The staff has evaluated the licensee's request and analysis of no significant hazards considerations and is providing an evaluation against each of the above criteria below:

(1) The licensee has indicated that the three postulated accident analyses potentially impacted by the request are, (1) the feedwater line break outside containment, (2) the feedwater line break inside containment, and (3) the design basis accident recirculation line break. For all the postulated accident scenarios above, the licensee has indicated that the design of the feedwater system piping would provide adequate assurance that an air leakage pathway from the containment to the environment would not exist. Additionally, the CPS feedwater penetrations have two additional containment isolation valves, 1B21-F010A/B and 1B21-F065A/B, which have demonstrated acceptable air leakage rates. Based mainly on the above information and the successful completion of an ASME Code water test of the 1B21/F032A and B check valves, it appears that this request would not result in an increase in the probability of occurrence of any event previously evaluated.

(2) The licensee's request does not involve a change to the plant design. However, plant operation in accordance with the proposed exemption would constitute a change in plant operation relative to the testing requirements of the 1B21-F032AZ and B check valves. The licensee has determined that this change in plant operation has the potential to impact only the consequences of loss-of-coolant accidents previously dicussed in Item 1 above. Based on the above discussion, it appears that leakage or failure of the 1B21-F032A and B check valves cannot alone create the possibility of a new or different kind of accident from any accident previously evaluated.

(3) As discussed by the licensee, the only margin of safety that could potentially be impacted by the request is the margin concerning the offsite does consequences of the postulated design basis loss of coolant accident. The licensee's analysis indicates that the capability to prevent containment atmosphere leakage to the environment is maintained by a combination of both satisfactory leak rate tests of two additional containment isolation valves, 1B21-F010A/B and 1B21-F065A/B, and the presence of a water seal that would be in the feedwater piping. Based on the above analysis, it appears that the licensee's request wood not result in a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three criteria are satisified. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Accordingly, the Commission proposes to determine that this change does not involve a significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within fifteen (15) days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Written comments may be submitted by mail to the Regulatory Publications Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this Federal Register notice.

Written comments may also be delivered to Room P-223, Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland, from 7:30 a.m. to 4:15 p.m. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC. The filing of requests for hearing and petitions for leave to intervene is dicussed below.

By February 25, 1991, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request