



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

September 30, 1999

Envirocare of Utah, Inc.  
ATTN: Mr. Mark Ledoux, Corporate Radiation  
Safety Officer  
460 West Broadway, Suite 116  
Salt Lake City, UT 84101

SUBJECT: APPROVAL OF REQUEST TO AMEND MATERIALS LICENSE NO.  
SMC-1559 - AMENDMENT 19

Dear Mr. Ledoux:

This letter is in response to Envirocare of Utah, Inc's (Envirocare) letter, dated July 8, 1999, requesting the U.S. Nuclear Regulatory Commission (NRC) staff's amendment of Materials License No. SMC-1559. This request was twofold: (1) to amend license condition (LC) 10.8e) by increasing the maximum volume of waste that may be stored as in-cell bulk waste on-site prior to disposal, and (2) to amend Section 6.1.2.3 of the Final Safety Evaluation Report (FSER), by increasing the time that in-cell bulk waste may be stored. Information augmenting Envirocare's amendment request of July 8, 1999, was provided by letter dated August 16, 1999.

An additional license amendment request (to increase the financial surety amount indicated in LC 9.12) was submitted by letter dated July 20, 1999, and was supplemented by additional information provided by letter dated September 7, 1999. The financial surety increase was necessary as a result of the requested increase in the volume of in-cell bulk waste. In addition, clarification of the amendment requests was obtained by the staff through a number of telephonic conversations with the licensee.

During the telephone conversation with the staff on September 3, 1999, the licensee, represented by Wayne Johns, Deputy Chief Radiation Safety Officer, concurred in the staff's handling of the licensee's FSER revision request as described in the FSER section of the enclosed Technical Evaluation Report (TER). In addition to the FSER matter, Mr. Johns (during the course of the same conversation) agreed with the staff's approach to the remaining matters addressed in the TER.

Based on its review, the staff concludes that Envirocare's requests to amend LC 9.12, LC 10.8e), and FSER Section 6.1.2.3 are acceptable. This letter and the enclosed TER document the results of the NRC staff's review and acceptance of the amendment requests. The TER is Enclosure 1, and the amended Envirocare license is Enclosure 2.

With respect to a number of sub-conditions within LC 10.8, both the staff and the licensee have indicated inconveniences associated with conversion of cited units of measure (metric to non-metric and vice versa), as well as observing the absence of a number of units of measure considered useful to both parties. Consequently, the staff has elected to administratively amend LC's 10.8a), 10.8b), and 10.8d) as indicated in the TER.

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Envirocare is to ensure that its financial surety (Trust Agreement) amending (increasing) its current surety is transmitted by certified mail, to the Chief, Uranium Recovery and Low-Level Waste Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards, within 30 days of receipt of this letter. Envirocare's Materials License Number (SMC-1559), as well as the Docket Number (40-8989), are to be noted on the transmittal letter.

Envirocare again is reminded (see NRC letters of September 29, 1998, and June 22, 1999) that it should, in all future requests for license amendments, indicate whether the proposed action does or does not affect the environmental impacts addressed in the Final Environmental Impact Statement (NUREG-1476) (FEIS). The basis for affecting/not affecting the FEIS is to be provided.

At the request of the licensee, a computer diskette of the license, which has been revised to reflect Amendment 19 and the previously described administrative changes, is enclosed. The diskette file (Enclosure 3) is in WordPerfect 8.0 format.

If you have any questions concerning this subject, please contact the NRC Project Manager, Mr. Harold E. Lefevre, at (301) 415-6678 or by e-mail at hel@nrc.gov.

Sincerely,

Original Signed By  
John J. Surmeier, Chief  
Uranium Recovery and  
Low-Level Waste Branch  
Division of Waste Management  
Office of Nuclear Material Safety  
and Safeguards

Docket No. 40-8989  
License No. SUA-1559  
Enclosures: As stated (3)  
Amendment No. 19

cc: W. Sinclair, Utah DRC w/Encls. 1 and 2  
T. Brown, EPA, Region 8, w/Encls. 1 and 2

**Case Closed: L51837**

**Case Closed: L51848**

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\*See previous concurrence

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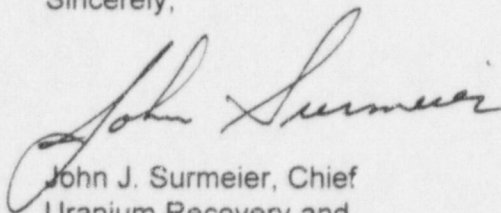
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Low-Level Waste Branch  
Division of Waste Management  
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Docket No. 40-8989  
License No. SUA-1559

Enclosures: As stated (3)

cc: W. Sinclair, Utah DRC w/Encls. 1 and 2  
T. Brown, EPA, Region 8, w/Encls. 1 and 2



**ENCLOSURE 1**

**TECHNICAL EVALUATION REPORT OF THE ENVIROCARE OF UTAH, INC.  
AMENDMENT REQUEST TO INCREASE IN-CELL BULK STORAGE**

**DATE:** September 29, 1999

**DOCKET NO.** 40-8989

**LICENSE NO.** SMC-1559

**LICENSEE:** Envirocare of Utah, Inc.  
46 W. Broadway, Suite 116  
Salt Lake City, UT 84101

**FACILITY:** South Clive site, Tooele County, Utah

**PROJECT MANAGER:** Harold E. Lefevre

**TECHNICAL REVIEWER:** John H. Lusher, Radiation Safety

**SUMMARY AND CONCLUSIONS:**

Envirocare of Utah, Inc. (Envirocare) requested U.S. Nuclear Regulatory Commission (NRC) amendment of its license by revising License Condition (LC) 10.8e) and by amending the Final Safety Evaluation Report (FSER), NUREG-1486, Section 6.1.2.3. These amendment requests would: (1) result in an increase of the maximum volume of waste that may be stored as in-cell bulk storage on-site prior to disposal, and (2) amend the FSER to increase the allowable time that in-cell bulk waste may be stored. Additionally, as a consequence of its request to increase the volume of in-cell bulk storage, Envirocare requested LC 9.12 of its license be amended to accommodate raising the amount of the financial surety because of the requested increase in the volume of in-cell bulk storage.

With respect to Envirocare's request to increase the volume of the in-cell bulk storage waste, staff concludes that aspects of the radiation safety program described in the licensee's submittal of July 8, 1999 (which references information provided in its submittal of April 7, 1998), are adequate to protect workers and members of the public from potentially increased radiation exposures that may occur under conditions of the proposed amendment. The licensee's submittals described: (1) the use of modeling to identify the waste streams with the greatest potential contributions to radiation exposures; (2) the use of radiation work permits as a process for imposing specific requirements for such waste streams; and (3) the mitigation measures that may be imposed. Staff also considers that the licensee's program for limiting radon flux from the completed disposal cell appears sufficient to limit the radon flux to within the regulatory limits.

NRC staff has determined that the licensee's request to replace the portion of the FSER (Section 6.1.2.3) limiting storage of in-cell bulk storage to 90 days with the statement "*All in-cell bulk storage materials shall be placed by August 1<sup>st</sup> each year*" would be acceptable. However, since the FSER, published in 1994 with permanent binding, is not amenable to revision, the



Technical Evaluation Report, which constitutes a portion of this licensing action, reflects the amended portion of the FSER, and overrides any conflicting statement contained in the FSER.

Additionally, the NRC staff reviewed Envirocare's July 20 and September 7, 1999, submittals requesting approval of an increase (\$376,275.00) in the amount of the financial surety, and considers the proposed surety increase to be acceptable.

In order to facilitate an understanding of cited units of measure (metric and non-metric) the staff has administratively amended LCs 10.8a), 10.8b), and 10.8d).

## **DESCRIPTION OF AMENDMENT REQUESTS**

By letter dated July 8, 1999, Envirocare requested that the NRC: (1) amend its license (LC 10.8e) by increasing the maximum volume of waste that may be stored as in-cell bulk storage on-site prior to disposal, and (2) amend the FSER to increase the allowable time that in-cell bulk waste may be stored. Information augmenting the licensee's amendment request of July 8, 1999, was provided by letter dated August 16, 1999. Envirocare indicates that the basis for the amendment requests is to provide adequate storage capacity for wastes received during periods when the waste cannot be properly disposed of directly into waste lifts and to minimize the number of times the material is handled prior to disposal. As further basis, Envirocare indicates that, "While some storage may occur during other times of the year, it would not be on the scale of that needed during the winter."

An additional license amendment request (to increase the financial surety amount) was submitted by letter dated July 20, 1999, and was supplemented by additional information provided by letter of September 7, 1999. The financial surety increase was necessary as a result of the requested increase in the volume of in-cell bulk waste. In addition, clarification of the amendment requests was obtained by the staff through a number of telephonic conversations with the licensee.

### **Proposed Changes to the License, License Application and Final Safety Evaluation Report:**

The licensee proposed changes are as follows:

#### **License Condition 9.12 (in part)\***

Envirocare's currently approved surety instrument, a Trust Agreement issued by Zions First National Bank of Utah, on February 7, 1996, in favor of the NRC, shall be continuously maintained in an amount not less than ~~\$3,478,446.00~~ **\$3,854,721.00** for the purpose of complying with 10 CFR 40, Appendix A, Criterion 9, until a replacement is authorized by the NRC.

\* Based on letters dated July 20 and Sept. 7, 1999.

#### Trust Agreement (Section 9.0 of the License Application)\*

As a result of the licensee's letter of July 9, 1999, proposing an increase in the volume of the in-cell loose bulk storage material (from 35,000 cy<sup>3</sup> to 110,000 cy<sup>3</sup>) two surety-related line items listed on Table 9.1 (Total Surety Costs) of Section 9.0 of the license application were directly affected. The first line item affected was *Waste Haul - Bulk Storage* with a quantity increase from ~~35,000 cy~~ to **110,000 cy**. The second line item affected was *Waste Placement* with a quantity increase from ~~40,000 cy~~ to **115,000 cy**. These revisions were indicated in the attachment to the licensee's letter dated July 20, 1999.

\* Based on letters dated July 20 and September 7, 1999, and clarified through several telephonic conversations with the licensee. Table 9.1 provides the bases underlying determination of the amount of the financial surety increase identified in LC 9.12.

#### License Condition 10.8e)\*

The maximum volume of waste that may be stored **as in-cell bulk storage** on site prior to disposal will not exceed  ~~$2.743 \times 10^4 \text{ m}^3$~~   $8.418 \times 10^4 \text{ m}^3$  ( ~~$9.687 \times 10^5 \text{ ft}^3$~~ ) ( $2.97 \times 10^6 \text{ ft}^3$ ) or ( $1.10 \times 10^6 \text{ yd}^3$ ) at any one time.

\* Based on letter dated July 8, 1999, supplemented by information submitted by letter dated August 16, 1999, and clarified through a number of telephonic conversations with the licensee.

#### Final Safety Evaluation Report\*

The licensee requested that the current requirement in Envirocare's Final Safety Evaluation Report (FSER), NUREG-1486, Section 6.1.2.3) limiting storage to 90 days be replaced with: **"All in-cell bulk storage materials shall be placed by August 1<sup>st</sup> of each year."**

\* Based on letter dated July 8, 1999, and clarified through a number of telephonic conversations with the licensee.

#### **TECHNICAL EVALUATION:**

The following evaluation is based on a review of information provided in licensee submittal letters dated July 8, July 20, August 16, and September 7, 1999, as well as a number of telephonic conversations with the licensee. The staff referred to the additional documents identified in the *References* section of this Technical Evaluation Report (TER.)

#### **Increase of Financial Surety (License Condition 9.12) and Table 9.1 of the Trust Agreement**

In a submittal dated July 20, 1999 (which was clarified and supplemented by letter dated Sept. 7, 1999) the licensee proposed increasing the financial surety by \$376,275.00 (from \$3,478,446.00 to \$3,854,721.00). The surety increase is necessary as a result of the requested increase in volume of 11e.(2) in-cell loose bulk storage material from 35,000 cy<sup>3</sup> to 110,000 cy<sup>3</sup>. The increase of in-cell loose bulk storage material directly affected two surety-related line items identified on Table 9.1 (Total Surety Costs) of Section 9.0 (Trust Agreement) of the license application: (1) Waste Haul - Bulk Storage, and (2) Waste Placement. The staff has reviewed



Envirocare's proposed surety and concludes that relevant costs have been appropriately considered. Therefore, the staff approves the revised surety amount.

**Increase of in-cell bulk storage (License Condition 10.8e)**

**Radiation Safety**

**Impact on compliance with public dose limit and constraint on air emissions.** Changes to the operations allowed under the proposed license amendment may increase radioactive effluents because of: (1) a greater disposal quantity that might be open (with ongoing work) at one time, and (2) higher allowable concentrations of some radionuclides in the waste that is accepted for disposal. The licensee submittals describe how the licensee plans to ensure compliance with the NRC's public dose limit (100 mrem/year [1mSv/year]) to members of the public, per 10 CFR 20.1301) and constraint on air emissions (constraint of 10 mrem/year (0.1 mSv/year) from air emissions, not including radon and progeny, per 10 CFR 20.1101(d)). The licensee has performed modeling calculations to estimate the potential contributions of operations to concentrations of radioactivity in air at locations on the site boundary, and thus to potential off-site doses. The licensee considers the modeling calculations to be conservative (i.e., to overestimate concentrations and doses), and uses the calculations as tools to determine whether special radiation protection mitigation measures should be employed for the operations being evaluated.

The licensee also evaluated the larger amount of waste to be stored in-cell by referring to it's letter of April 7, 1998, which provided supplemental information in support of an amendment request of January 9, 1998, for increased radioactivity concentrations. One important conclusion made by the licensee is that the highest predicted boundary air concentrations of radioactivity would be due to operations at the rollover facility, for emptying railcars, and would occur at a location near the rollover. The licensee has stated that part of the plan for managing higher activity wastes is to place such wastes directly in the disposal cell without using the rail car rollover. Thus, the licensee calculations indicated that the predicted concentrations near the rollover are almost insensitive to the proposed higher acceptable concentrations, greater quantities of material, and larger open cell area (because the rollover will not be used for the higher activity wastes). The boundary location with the highest concentrations due to disposal operations (not including the rollover) is at Receptor 11(location A-13.) Predicted concentrations are expressed as the sum of the fractions of individual concentrations divided by the individual effluent concentration values from 10 CFR 20, Appendix B, Table 2, Column 1. At location A-13, the predicted annual average concentration was a sum of fractions of 0.44, evaluated for the maximum allowed waste disposal quantity, with 3 percent of the waste having the higher activity material as indicated in the April 7, 1998, submittal, and with the increased open cell area proposed. Results were not provided for the situation of the same waste quantity without the higher proposed open cell area and higher proposed concentration limits. Staff estimated, from the information provided, that the predicted concentration for this latter situation would be a sum of fractions of about 0.30. Thus, it appears that the contribution under the proposed license amendments would be an increase of about 0.24 to 0.30 in the predicted sum of fractions at location A-13, which would be considered equivalent to a dose of about 12 to 15 mrem/year (0.12 to 0.15mSv/year).

**Impact on worker exposures.** Changes to the operations allowed under the proposed license amendment could increase radiation doses to workers, primarily due to higher allowable concentrations of Ra-226 and Th-230 in the waste being handled for disposal. The licensee submittals describe how it will continue to comply with the occupational dose limit (5000 mrem/year (50 mSv/year), per 10 CFR 20.1201). The use of modeling and mitigation methods described above would also be useful in reducing exposures to workers. The licensee also provided information in the April 7, 1998, submittal to evaluate the relationship between radioactivity in the waste and personnel doses. The licensee concluded that the data tend to suggest that personnel dose (based on experience in prior years) is primarily related to non-measured factors (i.e., not related to radioactivity concentrations). The licensee's overall conclusion related to worker exposures is that external doses to workers may increase slightly with the proposed amendment, but that the licensee is able to manage doses to within the licensee's as low as reasonably achievable goals of 5 to 10 percent of the occupational limits. The NRC staff concludes that the licensee's program, including the use of modeling to identify waste streams with greatest potential contributions to exposures and the use of mitigation measures as determined through the Radiation Work Permit process, is adequate to protect workers from radiation exposures and to meet the occupational radiation dose limits.

**Final Safety Evaluation Report Revision Request** The licensee requested that the current requirement in Envirocare's Final Safety Evaluation Report (FSER), NUREG-1486, Section 6.1.2.3, limiting storage to 90 days be replaced with: "All in-cell bulk storage materials shall be placed by August 1<sup>st</sup> of each year."

Since FSER Section 6.1.2.3 references Appendix A of the License Application, the staff reviewed both documents. Based upon this review the staff concludes that the FSER (Section 6.1.2.3) statement, "*The applicant has committed in Appendix A [of the License Application] that the waste will not be stored on site for longer than 90 days,*" is a mis-statement and that the applicant made **no commitment** limiting the storage to 90 days. It appears that 90 days was simply used as a calculational convenience by the applicant as a time frame within which the radionuclides in the 11e.(2) materials were assumed to be in equilibrium. The staff, in its preparation of the FSER, concurred with the applicant's use of 90 days in its calculations, but more properly should have indicated **agreement with** the calculation rather than indicating a **commitment** by the applicant. Calculations of Envirocare and the NRC staff have used 365 days (12 months) to determine exposures to the workers and the general public. These calculations have shown minimal exposure to the workers and the general public from the 11e.(2) material. The staff therefore concludes, under the conditions described in the license amendment request, that Envirocare is not limited to a 90 day "**commitment**" as stated in the FSER.

Envirocare requested the current requirement in FSER Section 6.1.2.3, limiting storage to 90 days be replaced with: "All in-cell bulk storage material shall be placed by August 1<sup>st</sup> of each year." This request was made because Envirocare wants to continue to receive 11e.(2) materials during the time of the year (typically October through March) when the material (herein termed "winter waste"), because of freezing conditions, cannot be placed in the 11e.(2) cell in accordance with design specifications. Further, the licensee indicates that placement of the "winter waste" as in-cell bulk storage also reduces the number of times that the material is required to be handled. Envirocare, not wishing the 11e.(2) cell to become a permanent storage



area, therefore commits to the proper placement of all in-cell bulk storage in the 11e.(2) embankment by August 1<sup>st</sup> of each year. Under the conditions described verbally by the licensee, the majority of the in-cell bulk storage materials will consist of 11e.(2) waste received during the winter months (typically October through March). The staff understands that placement of this "winter waste" in the 11e.(2) embankment will commence in the early spring, (weather permitting) and that this stored waste, as well as all additional incoming waste received subsequent to early spring, will be placed in the embankment, in accordance with design specifications, by August 1<sup>st</sup> of each year. Typically, non-"winter waste," after acceptance, is placed directly in the embankment. For clarification of the licensee's requests the foregoing information was developed by the staff through several telephone conversations with Envirocare.

The NRC staff has determined that the licensee's request to replace the portion of the FSER (Section 6.1.2.3) limiting storage of in-cell bulk storage to 90 days with the statement, "*All in-cell bulk storage materials shall be placed by August 1<sup>st</sup> each year*" is acceptable. However, since the FSER is not amenable to revision, this Technical Evaluation Report, which constitutes a portion of this licensing action, overrides any conflicting statement contained in the FSER.

During a telephone conversation with the staff on September 3, 1999, the licensee, represented by Wayne Johns, Deputy Chief Radiation Safety Officer, concurred in the staff's handling of the licensee's FSER revision requests as described in this section of the FSER. In addition to the financial surety matter, Mr. Johns (during the course of the same conversation) also agreed with the staff's approach to the remaining matters addressed in this TER.

#### **Administrative Amendments to LC's 10.8a), 10.8b), and 10.8d)**

In addition to Envirocare's requests to amend the license, license application, and FSER as described above, the staff recommends administrative amendments to LC 10.8 as well. Both the staff and the licensee have indicated inconveniences associated with conversion of various cited units of measure (metric to non-metric and vice versa) as well as observing the absence of a number of units of measure considered useful to both parties. The staff therefore recommends administratively amending LC 10.8 in the following manner in order to enhance and facilitate the understanding of the license conditions.

10.8 The licensee shall operate the facility in compliance with the following specifications:

- a) The maximum bulk mass of waste disposed of annually will not exceed  $4.536 \times 10^5$  tonnes ( $5 \times 10^5$  tons) **or ( $3.82 \times 10^6 \text{ m}^3$ ) or ( $4.00 \times 10^6 \text{ yd}^3$ ).**
- b) The open cell area will not exceed  $55,572 \text{ m}^2$  **(66,464 yd<sup>2</sup>) or (598,172 ft<sup>2</sup>) or (13.73 acres).**
- d) The total embankment capacity will not exceed  $4.20 \times 10^6 \text{ m}^3$  ( $5.50 \times 10^6 \text{ yd}^3$ ).

**RECOMMENDED REVISIONS TO THE LICENSE:** The following revisions (see **highlighted** text) to the Envirocare license are recommended:

- 9.3 Authorized use is for the receipt, storage, and disposal of 11e.(2) byproduct material in accordance with statements, descriptions, and representations contained in the licensee's application, including appendices, submitted by cover letter dated 12/23/91; as amended by page changes submitted on 07/02/92, 08/10/92, 04/05/93, 04/07/93, 04/10/93, 05/03/93, 05/06/93, 05/11/93, 05/21/93, 07/01/93, 07/25/93, 08/03/93, 08/11/93, 08/19/93, 08/25/93, 01/14/94 (deletes only Operating Procedure TRAIN-1; other documents submitted on this date remain in force), 01/21/94, 03/01/94, 03/08/94, 04/19/94, 06/10/94, 06/29/94, 06/30/94, 07/27/94, 08/03/94, 09/1/94, 01/19/95, 02/24/95, 04/11/95 (deletes only Appendix JJ, Quality Assurance Manual; other documents submitted on this date remain in force), 05/24/95, 06/14/95, 08/25/95, 09/18/95, 01/09/98, 04/01/98, 04/08/98, 04/17/98, 09/21/98, 04/07/99, **07/08/99, 07/20/99, 08/16/99, and 09/07/99.**

Notwithstanding the above, the following conditions shall override any conflicting statements contained in the licensee's application and supplements.

[Applicable Amendments: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 18, **and 19**]

- 9.12 The licensee shall maintain an NRC-approved financial surety arrangement, consistent with 10 CFR 40, Appendix A, Criterion 9, adequate to cover the estimated costs, if accomplished by a third party, for completion of the NRC-approved reclamation/decommissioning plan including: above-ground decommissioning and decontamination and groundwater restoration, as warranted.

Annual updates to the surety amount, required by 10 CFR 40, Appendix A, Criterion 9, shall be provided to the NRC at least 3 months prior to August 31 of each year. If the NRC has not approved a proposed revision 30 days prior to the expiration date of the existing surety arrangement, the licensee shall extend the existing arrangement, prior to expiration, for 1 year. Along with each proposed revision or annual update of the surety, the licensee shall submit supporting documentation showing a breakdown of the costs and the basis for the cost estimates with adjustments for inflation, maintenance of a minimum 15 percent contingency, changes in engineering plans, activities performed, and any other conditions affecting estimated costs for site closure. The licensee must also ensure that the surety covers the above-ground decommissioning and decontamination, soil and water sample analyses, and groundwater restoration associated with the site. The basis for the cost estimate is the NRC-approved reclamation/decommissioning plan or the NRC-approved revisions to the plan.

Envirocare's currently approved surety instrument, a Trust Agreement issued by Zions First National Bank of Utah on February 7, 1996, in favor of the NRC, shall be continuously maintained in an amount not less than **\$3,854,721.00** for the purpose of complying with 10 CFR 40, Appendix A, Criterion 9, until a replacement is authorized by the NRC.

[Applicable Amendments: 1, 6, 8, 9, 10, 15, 17 and **19**]

- 10.8 The licensee shall operate the facility in compliance with the following specifications:



- a) The maximum bulk mass of waste disposed of annually will not exceed  $4.536 \times 10^5$  tonnes ( $5 \times 10^5$  tons) **or ( $3.82 \times 10^5 \text{ m}^3$ ) or ( $4.00 \times 10^5 \text{ yd}^3$ ).**

[Applicable Amendment: **19**]

- b) The open cell area will not exceed  $55,572 \text{ m}^2$  ( **$66,464 \text{ yd}^2$** ) **or ( $598,172 \text{ ft}^2$ ) or ( $13.73 \text{ acres}$ )**

[Applicable Amendments: **14 and 19**]

- d) The total embankment capacity will not exceed  $4.20 \times 10^6 \text{ m}^3$  ( **$5.50 \times 10^6 \text{ yd}^3$** )

[Applicable Amendments: **5 and 19**]

- e) The maximum volume of waste that may be stored **as in-cell bulk storage** on site prior to disposal will not exceed  **$8.418 \times 10^4 \text{ m}^3$  ( $2.97 \times 10^6 \text{ ft}^3$ ) or ( $1.10 \times 10^5 \text{ yd}^3$ )** at any one time.

[Applicable Amendment: **19**]

#### Summary:

The staff recommends that LCs 9.3, 9.12, 10.8a), 10.8b), 10.8d), and 10.8e) be amended as indicated above. In addition, the staff recommends amendment of FSER Section 6.1.2.3 and the licensee revision of Table 9.1 (Section 9.0 -Trust Agreement) of the license application in the manner described in the Technical Evaluation Report. Since the FSER was issued by the NRC and is not amenable to revision, no further action is required of the licensee to affect this FSER amendment. With respect to the license application (Trust Agreement) amendment, the licensee has, by letter dated July 20, 1999, previously submitted the page changes reflecting the \$376,275.00 surety increase and need not resubmit these page changes, unless Envirocare chooses to do so. All other conditions of this license shall remain the same.

#### Environmental Impact Statement:

An environmental review was not performed since this action is categorically excluded under 10 CFR 51.22(c)(10) and (c)(11), and an environmental report from the licensee is not required by 10 CFR 51.60(b)(2).

#### REFERENCES:

- Envirocare of Utah Inc., *Request for amendment of materials license No. SMC-1559, for License Condition 9.12, to increase the financial surety amount to cover the increased in-cell bulk storage amendment request of July 8, 1999. Information supplementing the financial surety increase requested in the letter of July 20, 1999, was submitted by letter dated September 7, 1999.*

- Envirocare of Utah Inc., *Request for amendment of materials license No. SMC-1559, for License Condition 10.8.e)* by submitting additional information supporting the July 8, 1999, request to increase the in-cell bulk storage limit from 35,000 cy to 110,000 cy, and the time bulk waste may be stored. Submitted by letter dated August 16, 1999.
- Envirocare of Utah Inc., *Request for amendment of materials license No. SMC-1559, for License Condition 9.12, to increase the financial surety amount to cover the increased in-cell bulk storage amendment request of July 8, 1999.* Submitted by letter dated July 20, 1999.
- Envirocare of Utah Inc., *Request for amendment of materials license No. SMC-1559, for License Condition 10.8.e), to increase the in-cell bulk storage limit from 35,000 cy to 110,000 cy, and the time bulk waste may be stored.* Submitted by letter dated July 8, 1999.
- Envirocare of Utah Inc., *Request for amendment of Materials License No. SMC-1559, License Application, Sections 7.3.1, paragraph 6, and 8.4.1, paragraph 5, to increase the particulate airborne gross alpha "action level."* Submitted by letter dated July 1, 1998, as amended by letter dated September 21, 1998.
- Envirocare of Utah Inc., *Request for amendment of Materials License No. SMC-1559, License Conditions 10.8(b) and 10.8(f) to increase the permitted open cell area and to increase the concentration limits of the identified waste constituents.* Submitted by letter dated April 7, 1998, as amended by letters dated June 24, 1998, and July 2, 1998.
- U.S. Nuclear Regulatory Commission, *Constraint on Release of Airborne Radioactive Materials to the Environment for Licensees other than Power Reactors.* U.S. Nuclear Regulatory Commission Regulatory Guide 4.20, December 1996.
- U.S. Nuclear Regulatory Commission, *Health Physics Surveys in Uranium Mills,* U.S. Nuclear Regulatory Commission Regulatory Guide 8.30, June 1983.
- U.S. Nuclear Regulatory Commission, *Final Environmental Impact Statement to Construct and Operate a Facility to Receive, Store, and Dispose of 11e.(2) Byproduct Material Near Clive, Utah.* NUREG-1476, August 1993.
- U.S. Nuclear Regulatory Commission, *Final Safety Evaluation Report to License the Construction and Operation of a Facility to Receive, Store, and Dispose of 11e.(2) Byproduct Material Near Clive, Utah.* NUREG-1486, January 1994.
- U.S. Nuclear Regulatory Commission, *Standards for Protection Against Radiation,* Title 10 of the U.S. Code of Federal Regulations Part 20, as amended.



**ENCLOSURE 2**