

For the Nuclear Regulatory Commission.  
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 Regulation.*  
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## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-289]

### GPU Nuclear Inc., et al; Notice of Withdrawal of Application for Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has granted the request of GPU Nuclear, Inc., et al., (the licensee) to withdraw its August 29, 1996, application as supplemented by letter dated October 3, 1996, for proposed amendment to Facility Operating License No. DPR-50 for the Three Mile Island Nuclear Station, Unit No. 1, located in Dauphin County, Pa.

The proposed amendment requested deletion of several limiting conditions for operation and related surveillance requirements that the licensee judged did not meet the criteria for inclusion in technical specifications (TS) as set forth in 10 CFR 50.36(c)(2)(ii) and are not included in the Revised Standard Technical Specifications for B&W plants as delineated in NUREG 1430. The Commission had previously issued a Notice of Consideration of Issuance of Amendment published in the **Federal Register** on December 18, 1996 (61 FR 66708). However, by letter dated April 27, 1999, the licensee withdrew the proposed change request.

For further details with respect to this action, see the application for amendment dated August 29, 1996, as supplemented October 3, 1996, and the licensee's letter dated April 27, 1999, which withdrew the application for license amendment. The above documents are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW, Washington, DC, and at the local public document room located at the Law/Government Publications Section, State Library of Pennsylvania, (Regional Depository) Walnut Street and Commonwealth Avenue, P.O. Box 1601, Harrisburg, PA 17105.

Dated at Rockville, MD, this 14th day of May 1999.

For the Nuclear Regulatory Commission.  
**Timothy G. Colburn, Sr.,**  
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## NUCLEAR REGULATORY COMMISSION

[Docket No. 40-8989]

### Order To Exempt Envirocare of Utah, Inc. From Certain NRC Licensing Requirements for Special Nuclear Material

#### Background

The U.S. Nuclear Regulatory Commission (NRC or the Commission) is issuing an Order pursuant to section 274f of the Atomic Energy Act to Envirocare of Utah, Inc. (Envirocare) from certain NRC regulations. The exemption will allow Envirocare, under specified conditions, to possess waste containing special nuclear material (SNM), in greater mass quantities than specified in 10 CFR part 150, at Envirocare's low-level waste (LLW) disposal facility located in Clive, Utah, without obtaining an NRC license pursuant to 10 CFR part 70. NRC has previously published an Environmental Assessment (EA) and Finding of No Significant Impact in the **Federal Register**. In addition, a description of the operations at the facility and staff's safety analysis for the exemption are discussed in a Safety Evaluation Report (SER), which is available in the public docket room.

#### Order

##### I.

Envirocare of Utah, Inc. (Envirocare) operates a low-level waste disposal facility in Clive, Utah. This facility is licensed by the State of Utah, an NRC Agreement State, under a 10 CFR part 61 equivalent license (UT 2300249). In 1988, Envirocare began accepting naturally occurring radioactive material (NORM) waste. In 1992, Envirocare began accepting very low activity, low-level waste (LLW) primarily generated during the decommissioning of nuclear facilities. Envirocare's State of Utah radioactive materials license (RML) has been amended to permit disposal of other types of LLW. Envirocare is also licensed by Utah to dispose of mixed radioactive and hazardous wastes (MW). In addition, Envirocare has an NRC license to dispose of waste containing 11(e)2 byproduct material. The MW and

11(e)2 byproduct material are disposed of in separate disposal cells from the LLW. The MW and LLW streams may contain quantities of special nuclear material (SNM).

Envirocare receives wastes by rail and truck. Separate storage and disposal facilities exist for the LLW and MW. Envirocare's method of disposal is to remove the waste from its container or dump bulk waste into lifts and compact the material. Subsequent lifts of material are placed above completed lifts. The waste streams are diverse and vary from contaminated soils and debris from decommissioning facilities to dry active waste (DAW) and resins from operating facilities.

In addition to disposing of mixed waste, Envirocare also has capabilities to treat mixed waste prior to disposal. This treatment typically includes chemically stabilizing of hazardous constituents by mixing the waste with various reagents, and micro- and macro-encapsulation of waste with low density polyethylene plastic. The applicable hazardous waste regulations require bench scale treatability studies prior to treating the bulk of the waste.

##### II

Pursuant to 10 CFR 70.14, "the Commission may \* \* \* grant such exemptions from the requirements of the regulations in this part as it determines are authorized by law and will not endanger life or property or the common defense and security and are otherwise in the public interest."

Section 70.3 of 10 CFR Part 70 requires persons who own, acquire, deliver, receive, possess, use, or transfer SNM to obtain a license pursuant to the requirements in 10 CFR Part 70. Section 10 CFR 150.10 exempts persons in Agreement States, who possess SNM in quantities not sufficient to form a critical mass, from Commission-imposed licensing requirements and regulations. The method for calculating a quantity of SNM not sufficient to form a critical mass is set forth in 10 CFR 150.11. Therefore, Envirocare is currently limited by regulation and its State of Utah license to possess SNM in quantities set out in 10 CFR 150.10 and 150.11. The SNM possession limits in the regulation and license, as they relate to LLW disposal facilities, apply to above-ground possession prior to disposal. Therefore, once the SNM is disposed of, the possession limits no longer apply.

In response to an inspection by the State of Utah which determined that Envirocare had exceeded its Agreement State license limits for the possession of U-235, NRC conducted its own