

January 11, 1993

Mr. Khosrow B. Semnani, President
Envirocare of Utah, Inc.
215 S. State Street
Suite 1160
Salt Lake City, Utah 84111

Dear Mr. Semnani:

As discussed in our meeting of December 21, 1992, I am enclosing a draft copy of Table 1 and Table 2 of the Draft Safety Evaluation Report (DSER) currently being prepared by my staff. Table 1 contains a list of the current open issues and Table 2 contains a list of conditions we propose to apply to your license. Please be advised that these are still in draft form and the open issues and license conditions may change as we finalize the DSER.

I would like to make two points with regard to the open issues listed in Table 1. First, that the open issues represent information needed to demonstrate compliance with the requirements of 10 CFR Part 40, Appendix A. However, in that this is a unique licensing action, Envirocare should keep in mind that Appendix A to 10 CFR Part 40 also allows for an applicant to "... propose alternatives to the specific requirements in this Appendix." Therefore, you have a mechanism to propose alternative requirements should you feel that a specific criterion of Appendix A is not applicable to your proposed site.

Secondly, my staff and I would be more than willing to meet and discuss the open issues and license conditions contained in Tables 1 and 2. I would recommend that this meeting take place sometime after the issuance of the DSER so that your reviewers not only get a clear understanding of the individual technical open issues, but can also see how the individual open issues fit into the staff's discussion of your demonstration of compliance with the regulations.

If you have any comments or questions concerning the summary, please contact me at (301) 504-3439 or Sandra Wastler of my staff at (301) 504-2582.

Sincerely,

Original signed by:

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

cc: L. Anderson, Utah
D. Hiller, Envirocare
D. Wallace, PNL

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SUBJECT ABSTRACT: MEETING SUMMARY

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TABLE 1 - Draft SER Open Issues

Draft SER Open Issues	Section
1. The applicant has not characterized the regional and site specific geomorphology of the proposed site in the license application.	3.1.1.3
2. The values for magnitude and acceleration for potentially capable faults on page 2-18 are not consistent with the values given in the license application on page 2-17 and duplicated in Table 4.	3.1.3.4
3. The applicant did not provide a coherent, logical explanation of the adequacy of their <u>assumption</u> of a .31g earthquake acceleration design value. In apparent conflict with the design value, on page 2-18 of the license application, the applicant defines a local earthquake without surface rupture to have an acceleration of .42g, rather than .31g.	3.1.3.4
4. The applicant in their license application has not addressed the impact of earthquakes in the Intermountain Seismic Belt (ISB) on the site. In fact, although the applicant has referenced Appendix K in other capacities, they have not referenced the information provided in that Appendix on the ISB.	3.1.3.4
5. The use of the DOE Vitro soil test results for geotechnical evaluations at the Envirocare site is unacceptable without verification. Envirocare is required to conduct additional site investigation or testing to verify the earlier DOE findings. If a limited testing program finds results which vary significantly from the previous values, then an expanded testing program will be required.	3.2.1.2
6. The analysis of settlement is inadequate. Envirocare is therefore required to verify that materials to be placed within the cell do in fact have similar characteristics to uranium mill tailings at Vitro. Additionally, differential settlement and horizontal strains likely to occur for materials to be placed in the cell should be addressed in a quantitative manner.	3.2.2.3
7. Frost protection aspect of the radon barrier is not discussed. Since the site is within a region which will be subject to extended freezing conditions, the applicant is required to provide analyses and discussion regarding frost protection aspects of the design.	3.2.2.4
8. The applicant must address the hydraulic conductivity of the compacted soil cover and address that the compatibility of the cover and the liner should be assured with respect to permeability. Permeability tests on the compacted clay bottom liner yielded results ranging from 4.3×10^{-8} to 8.1×10^{-8} cm/sec. The compacted cover may need to have a hydraulic conductivity less than or equal to that of the liner so that the accumulation of moisture ("bath-tubbing") will not occur.	3.2.2.5
9. Envirocare needs to revise the rock gradations for cover design to conform to standard or acceptable gradations.	3.3.4.3
10. Envirocare has not conducted petrographic examinations of the rock, as suggested in NRC criteria (NRC, 1990).	3.3.5

Draft SER Open Issues	Section
11. The effective porosity values computed by the applicant for the unconfined aquifer and the confining beds are unacceptably high. The applicant is required to provide satisfactory documentation for the effective porosity values cited in the license application or use realistic/conservative values to evaluate groundwater flow velocities (see open issue number 12 below).	3.4.1.3
12. The applicant is required to satisfactorily explain the inconsistency between the land gradients and the groundwater flow gradients in the unconfined aquifer, or indicate in the license application that the direction of groundwater flow can not be determined conclusively from the available data and locate the POC on that basis (see open issue number 18 below).	3.4.1.4.1
13. The lateral flow velocity provided in the license application is unrealistic. The applicant must revise and document the lateral flow velocity calculations using more realistic and/or conservative values for the hydraulic conductivity, hydraulic gradients, and effective porosity for the unconfined aquifer, or further justify the values used.	3.4.1.4.1
14. The applicant must revise and document the vertical flow velocity calculations using more realistic values for the hydraulic conductivity and effective porosity for the confining zone, or further justify the values used.	3.4.1.4.2
15. The applicant's characterization of the ground-water quality in the proposed site area is inadequate due to unexplained inconsistencies in the available database; unusually high local concentration levels of Radium-226 and total Uranium detected in some wells; and the incomplete list of hazardous constituents.	3.4.1.5
16. The information on existing wells appears to be incomplete and out of date. The applicant is required to update and fully and clearly document the relevant information on the existing wells in the license application, including the water use to date, and well location, distance from the disposal site, completion date, intake interval(s), and present status.	3.4.1.6
17. The applicant is required to conduct tests to evaluate the compatibility of the waste solution and the material proposed for use as a bottom liner, as required by Criterion 5E of Appendix A to 10 CFR Part 40.	3.4.3.2
18. The list of hazardous constituents provided in the license application for the proposed facility is considered incomplete and based on outdated information. A complete list of hazardous constituents is needed to establish an acceptable background groundwater quality database and for detection monitoring. The applicant is therefore required to provide and adequately document a satisfactory list of hazardous constituents, based on the characteristics of the waste and the list of hazardous constituents in Criterion 13 of Appendix A to 10 CFR Part 40.	3.4.3.1 3.4.3.4

Draft SER Open Issues	Section
19. The location of the POC has not been selected by the applicant in the license application. The applicant is required to select and adequately justify the POC location(s), and designate an adequate number of monitoring wells to detect contamination in the uppermost aquifer at all possible POC locations.	3.4.3.1
20. The license application needs to address the potential for future disagreements and disputes about the source of any contamination detected at the disposal site. Specifically, the applicant is required to (1) specify a clear approach including specific steps and procedures that would be followed to resolve potential disagreements involving the applicant, DOE, and possibly the State of Utah, and (2) demonstrate that the proposed approach, steps and procedures and the resolution of any disagreements will not result in any requests by the applicant for relaxing the requirement for implementation of corrective measures within 18 months after a standard has been exceeded, as required by Criterion 5D of the regulations.	3.4.3.2
21. The applicant's post-closure performance assessment is unsatisfactory. The applicant must revise the performance assessment, taking into consideration the factors set out in Section 3.4.3.3 of this report (i.e., documented and/or defensible values for the infiltration rate, hydraulic conductivity, effective porosity, and distribution coefficients; historical precipitation records rather than the precipitation for a single year; proposed final embankment design; modelling results showing radionuclides reaching the water table; and the dispersion of contaminants, which ought to be considered if the applicant is taking credit for contaminant attenuation).	3.4.3.3
22. If indicator parameters are planned for use in detection monitoring, a list of such indicators should be provided by the applicant, with a satisfactory justification and adequate references pertaining to their appropriateness.	3.4.3.4
23. The applicant must provide the maximum thorium concentration value for the contaminated material.	3.5.1.1
24. The applicant should resolve inconsistencies between Sections 6.4 and Appendix N of the application.	3.5.2
25. The applicant should provide a parametric/sensitivity study of values used in the RAECOM analysis.	3.5.2
26. Envirocare estimated that Tooele County will increase its population at an annual rate of 1.4 percent until the year 2000. The largest expected growth was predicted for the Tooele City, Grantsville, and Wendover areas. The applicant has not provided a basis for these estimates.	3.6.2

Draft SER Open Issues	Section
27. The applicant did not address the training to be provided to individuals responsible for the inspections of all facilities associated with byproduct material disposal. The applicant will be required to specifically address in the site's Standard Operating Procedures (SOP) the annual employee training which covers all areas included in these inspections.	5.1.3
28. Operations training was only generally addressed in the license application. The applicant will be required to develop the job-specific training and certification procedures for the SOPs.	5.1.4
29. The procedure for receipt and acceptance of incoming waste must be modified to require the applicant, prior to receipt of the waste, to obtain certification from the generator that the waste is only 11e.(2) byproduct material and information regarding the license(s) under which the waste was generated. The procedures should also include the method for handling shipments that exceed license conditions.	5.2.1
30. There is an inconsistency between the initial embankment capacity (3.0 million cubic yards) given in section 2.3.1 page 2-5 and cell dimensions shown on the design drawings in Appendix O. The applicant is required to resolve the inconsistencies regarding embankment cell design parameters.	6.1.1.1
31. In estimating the embankment capacity, the applicant must use the compacted waste density since in modeling of transfer of radioactive contaminants the assumption will be based on the fact that the waste would be placed in compacted form in the embankment cell.	6.1.1.1
32. In order to ensure that the source of hazardous constituents (e.g. arsenic) disposed of at the site is only from 11e.(2) byproduct material, the applicant must utilize a more realistic approach to averaging of hazardous constituents. None of the hazardous constituents should have originated or been derived from any other waste sources, specially those known as mixed waste.	6.1.1.2
33. The procedure for sampling waste in order to comply with license limits is not well explained. The applicant is therefore required to provide detailed information on waste sampling at the site and during shipment.	6.1.1.2
34. The applicant estimated the total radon release from the disposal operations at 1545 Ci/yr. Although a portion of this radon gas will be directly inhaled by workers on the site, the applicant did not assess the radon dose to on-site workers. The applicant therefore is required to provide an adequate assessment of the radon dose to on-site workers.	6.2.1

Draft SER Open Issues	Section
35. The applicant did not calculate radon concentrations at the closest residence in the principal downwind direction since there are no residents within 15 miles of the site. However, radon can be diffused into the atmosphere and transported by wind over large areas. Therefore, the applicant is required to provide an adequate assessment of the off-site dose to the public using appropriate models to calculate concentrations at the closest residence in the principal downwind direction.	6.2.1
36. The approach used for determination of the external dose from airborne radioactive materials is unacceptable and additional information must be provided to resolve the inconsistencies discussed in this section.	6.2.1
37. The radiological assessment for the 11e.(2) byproduct material disposal site is unacceptable. The applicant is therefore required to perform a radiological assessment of their proposed disposal site using models or codes with input parameters corresponding to 11e.(2) materials and site specific conditions.	6.2.1
38. Envirocare followed the same approach as the DOE in the Vitro FEIS by using the Shiager (1974) equation and the shield factor of 10 to estimate the maximum annual gamma exposure to occupational workers. Staff believes that this approach is non-conservative and all possible exposures should be considered in order to comply with 10 CFR Part 20, Subpart C, 20.1201, Paragraph (a). The applicant should provide sufficient information to resolve the issue as discussed in this section.	6.2.1
39. Workers' beta doses should be estimated from survey instruments rather than from such dosimetry data (NRC Reg. Guide 8.30) and the license application must be changed to demonstrate that these procedures will be followed.	6.3
40. The applicant must demonstrate compliance with the occupational dose limits for adults in accordance to 10 CFR 20.1201.	6.4.1
41. Occupational standards in 10 CFR 20.1202 that require compliance with summation of doses from intakes by inhalation, intake by oral ingestion, and intake through wounds were not specifically discussed in the context of these standards.	6.4.1
42. The applicant did not clearly demonstrate compliance with 10 CFR 20.1205 when determining the dose from airborne radioactive material, because it was not indicated that the contribution to the deep-dose equivalent, e _g , dose equivalent and shallow dose equivalent from external exposure to the radioactive cloud had been included.	6.4.1
43. Standards in 10 CFR 20.1204 (a) and (b) were discussed, however other provisions in paragraphs (c), (d), (e), (f), (g), and (h) were not addressed.	6.4.1

Draft SER Open Issues	Section
44. Although compliance with the requirements of 10 CFR 20.1206 is required, the applicant did not address this provision in the license application.	6.4.1
45. The applicant is required to address the possible exposure of minors as a required in 10 CFR 20.1207.	6.4.1
46. The applicant did not address the issue of embryo/fetus dose, during the entire pregnancy, due to occupational exposure of a declared pregnant woman. 10 CFR Part 20.1208 requires that the licensee should ensure that the dose to an embryo/fetus should not exceed 0.5 rem during the entire pregnancy period.	6.4.1
47. The applicant did not address all provisions of 10 CFR 20.1301 and 10 CFR 20.1302 associated with dose limits for individual members of the public and compliance with such dose limits.	6.4.1
48. Although the applicant has addressed most aspects of surveys and monitoring there are still certain provisions in 10 CFR 20.1501 and 10 CFR 20.1502 that were not addressed in the license application. For example, it is required (10 CFR 20.1501 (c) Paragraph (1)) that the dosimetry processor be accredited. It is also required in 10 CFR 20.1502 (b) (1) that the applicant should monitor adults likely to receive in one year an intake in excess of 10% of the applicable Annual Limits on Intake (ALI) in Table 1, Columns 1 and 2, of Appendix B to 10 CFR 20.1001-20.2401.	6.4.2
49. The applicant has not provided the methodology for interpretation of bioassay measurements in the license application.	6.4.3.7
50. The applicant needs to address anticipated interferences, in the background and environmental monitoring measurements, that could originate from Envirocare LLW disposal activities in the adjacent embankments and/or from DOE Vitro waste in the neighboring site.	6.4.3.7
51. It should be pointed out that Envirocare employed dose assessment input data and results that belonged to Envirocare LLW disposal site rather than 11e.(2) disposal facility. The applicant is therefore required to provide a dose assessment using source parameters that are representative of 11e.(2) byproduct material. Thus all data quoted in this regard or discussions based on such assessment are not valid.	6.4.4
52. Envirocare needs to provide the detailed input parameters to the PATHRAE code and any actual outputs showing the doses and default parameters used. Only a limited number of parameters were provided in Table 4-2.	6.4.4.1
53. The application indicates that the total effective dose equivalent to the maximally exposed off-site individual would exceed the annual dose limit in 10 CFR Part 20. The applicant must show compliance with 10 CFR 20.1301.	6.4.4.1

Draft SER Open Issues	Section
54. The applicant did not provide acceptable values for the total effective dose equivalent (TEDE) resulting from each exposure scenario because the source term was not representative of 11e.(2) byproduct material.	6.4.4.1
55. The dose criterion to the on-site worker adopted by Envirocare, i.e. 1,250 mrem/quarter, was based on both the State of Utah and NRC radiation protection standards (10 CFR Part 20.101 - old part 20). The applicant is required to conformance with all provisions of 10 CFR Part 40 ¹ , Appendix A and new 10 CFR Part 20.	6.4.4.2
56. Envirocare must demonstrate that dose values will meet the requirements of 10 CFR Part 20 or if the values in the license application are to be considered, the applicant must demonstrate rigorously how he will control workers exposure so that 10 CFR Part 20 dose criteria will be met.	6.4.4.3
57. The discrepancy between the calculated dose/concentration limits used in the PATHRAE code and the requested average concentration limits in the license application must be resolved by the applicant.	6.4.4.3
58. The dose rates provided in Table 5-2 5-3, 5-4, and E-2 of Appendix "A" are based on the assumption that one single radionuclide will be present in the bulk waste. In all actual cases, a mixture of radionuclides will be present in the waste. Thus fractions of the dose rates or the concentration limits listed in Tables 5-2, 5-3, 5-4, and E-2 will be the actual dose or concentration limit values. The applicant, as was suggested in Section 6.2 of Appendix "A" of the license application, must apply the "Sum of Fraction Rule" in the calculation of actual limits.	6.4.4.3
59. The calculations provided in PATHRAE code are based on analyses which assumes that the waste is contaminated soil or construction debris. This soil was considered to be sand or sandy loam. If more finely grained, and therefore more dispersable material is received, additional constrains may need to be applied on concentration limits to assure adequate protection of workers. Other factors that may require additional restrictions on concentration limits are the geochemical conditions of the waste e.g. pH, EH conditions of waste leachate and surface level contamination.	6.4.4.3
60. The applicant needs to clearly address the issue of radioactive material released in gaseous and liquid effluent at the boundary of the restricted area and ensure that they will not exceed the values specified in Table 2 of Appendix B to 10 CFR 20.1001-20.2401.	6.5

¹10 CFR Part 40, Appendix A, Criterion 8, requires that milling operations producing or involving thorium byproduct material must be conducted in such a manner as to provide reasonable assurance that the annual dose equivalent does not exceed 25 mrem to the whole body, 75 mrem to the thyroid, and 25 mrem to any other organ of any member of the public.

Draft SER Open Issues	Section
61. The applicant should clearly state if all employees including non-technical office staff (e.g. clerks, secretaries), will be classified as occupational workers.	6.5
62. The applicant needs to assess all potential implant external exposures and the results to be obtained from the radiological survey program to ensure that onsite workers and security guard will not exceed the limits promulgated in 10 CFR Part 20 and other applicable limits stated in 10 CFR Part 40, Appendix A.	6.6
63. The applicant considers the security guard mobile home as a residence. Therefore, the dose criteria for an individual member of the public must be applied. The applicant is therefore required to demonstrate that dose limit required in 10 CFR Part 20 will be achieved.	6.6
64. The VP interaction with the Corporate Quality and Radiation Safety Officer (CQRSO), or the Field Radiation Safety Officer (FRSO), is not shown in the organization chart.	6.7.2
65. The Environmental Coordinator was not shown on the organization chart (Figure 18.1), however, he will be in charge of carrying out all environmental monitoring activities.	6.7.2
66. The applicant needs to address compliance with 10 CFR 20.1601.	6.7.1
67. Although the applicant presented some practical procedures to achieve ALARA, the details of ALARA audit and inspection were lacking in the license application.	6.7.2
68. Envirocare presented a decontamination and decommissioning program which addressed decontamination of the entire facility and all equipment. Envirocare stated that: facility and equipment will be decontaminated and brought to radiation and removable contamination levels that are in accordance with guidance document "Instruction For The Decontamination of Facilities and Equipment Prior to Release for Uncontrolled Use". The document that Envirocare referred to is believed to be the "Guidelines for Decontamination of Facilities and Equipment Prior to Release for Unrestricted Use or Termination of Licenses for Byproduct, Source, or Special Nuclear Material" which is the "Policy and Guidance Directive FC 83-23, Division of Industrial and Medical Nuclear Safety, November, 1983. The applicant therefore must refer to and cite the appropriate NRC document in the license application.	7.1
69. The applicant is required to provide a conceptual Decontamination and Decommissioning plan and a reclamation plan for the waste areas sufficient to bound the financial assurance requirements of 10 CFR Part 20, Appendix A, Criterion 9.	7.1

Draft SER Open Issues	Section
70. In post-operational environmental monitoring the applicant needs to indicate at what radiological level action would be taken with respect to airborne particulate monitoring and radon and gamma radiation exposure.	7.1
71. The applicant must provide the new Exhibit A in Chapter 9.0. In addition, the proposed financial assurance trust agreement will have to be signed, funded and executed prior to the start of waste disposal.	9.0
72. The applicant has not adequately demonstrated compliance with Criterion 1 of Appendix A to 10 CFR Part 40. Criteria 1 cannot be complied with as long as open issues exist in the DSER that impact complying with the general goal or broad objective in siting and design for permanent isolation of tailings by minimizing disturbance and dispersion by natural forces.	

TABLE 2 - List of Proposed License Conditions

Draft SER Proposed License Conditions	Section
1. Compliance with the requirements of 10 CFR Part 40, Appendix A, Criterion 5C.	3.4.3.1
2. A license condition pertaining to ground-water protection will be used to ensure that: (1) implementation of the proposed facility adhere to approved design and construction and operation procedures, and the provisions of the ground-water protection plan included in Appendix Z of the license application; (2) ground-water monitoring and quality-assurance measures for monitoring specified in Appendix Z of the license application are followed; (3) periodic monitoring at the POC is conducted properly to ensure a timely detection and designation of the hazardous constituents and establishment of their concentration limits for the disposal site based on site-specific data; and, (4) proper and timely corrective actions are developed and implemented in the event the established standard for any of the designated hazardous constituents is exceeded.	3.4.3.3
3. 10 CFR Part 40, Appendix A, Criterion 11. Specifically, it is expected that the license will include provisions so that the license termination does not take effect unless and until: (1) the concentrations of all of the designated hazardous constituents at the POC are brought to levels that are within their designated concentration limits (standards); (2) a corrective action program is carried out to remedy any remaining ground-water contamination attributed to the disposal facility; and, (3) the facility has been properly decontaminated and decommissioned according to a NRC-approved plan, and in accordance with the decontamination and decommissioning plan proposed by the applicant in the license application.	3.4.3.3
4. The "compliance monitoring program" pursuant to Criterion 7A.	3.4.3.4
5. The corrective action pursuant to Criterion 5D.	3.4.3.4
6. Compliance with the requirements of 10 CFR Parts 19.5, 19.11, 19.20, 19.32, 21.6, 21.21, 21.31, 21.41, 21.51, and 21.61.	5.1.2
7. The applicant is required to establish and adhere to Standard Operating Procedures (SOPs) for all activities that involve the handling, storage, or disposal of byproduct material, and that current copies of the SOPs be kept accessible to all employees. Further, all SOPs will be reviewed and approved by the CQRSO before implementation or revision, and all SOPs will be reviewed by the CQRSO at least annually.	5.1.2
8. To assure good coordination, the applicant will be required to ensure that the CQRSO and the Site Engineer perform and document joint inspections of all work areas at least monthly.	5.1.2

Draft SER Proposed License Conditions	Section
9. The applicant is required to issue a Radiation Work Permit (RWP) for all non-routine jobs where the potential for exposure to radioactive material exists and for which no SOP has been established. The staff will further require that RWPs be reviewed and approved by the FRSO, or his designee, prior to the start of work.	5.1.2
10. Compliance with the requirements of 10 CFR Part 40, Appendix A, Criterion 8A.	5.1.3
11. Compliance with the requirements of 10 CFR Part 61.80.	5.3
12. The applicant has not indicated compliance with the requirements of 10 CFR Part 20 regarding radon-222 daughters. Specifically, the applicant should take monthly measurements of radon-222 daughter concentrations, where radon-222 daughters routinely exceed 10% of the limit or 0.03 Working Level.	6.2.1
13. Baseline urine samples will be collected upon employment and annually thereafter. The samples will be analyzed for gross alpha, Ra-226 and total U. More sampling and analysis for Th-230, -232 will be conducted when finding an increase above baseline levels of radioactivity.	6.4.1
14. Compliance with the requirements of 10 CFR Part 19.13 and 20.2100 - 20. 2206	6.7.4
15. Compliance with 10 CFR Part 19.14, 19.15, and 19.16	6.7.5
16. Commitment to the use of ALARA during all phases of decontamination and decommissioning which assures compliance with 10 CFR 20.1101 (b).	7.1
<p>17. The applicant should submit the trust agreement at least 120 days prior to accepting waste. The trust should be fully funded and executed. When the applicant submits the executed and fully-funded trust fund agreement, it should contain the following:</p> <ul style="list-style-type: none"> a) The trust fund agreement should be worded as recommended in Appendix D of the Technical Position. b) The trust agreement should be signed by the applicant and the trustee and be properly notarized. c) Two corporate officers, preferably the president and vice-president, should sign the instrument and should indicate their legal capacity. d) The trust fund will have to be funded. The trust must contain sufficient assets to accomplish decommissioning, reclamation, and long-term surveillance and control of the applicant's facility. e) Schedule A of the trust agreement should include the NRC license number and the cost estimate applicable to the agreement. Specification of this information is necessary to inform the trustee of essential terms of the agreement. 	9.0

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