

September 20, 1991

MEMORANDUM FOR: James M. Taylor  
Executive Director for Operations

Harold R. Denton, Director  
Office of Governmental and Public Affairs

FROM: John C. Hoyle, Acting Secretary /S/

SUBJECT: SECY-91-243 - DISPOSAL OF MATERIAL OTHER THAN  
ATOMIC ENERGY ACT OF 1954, AS AMENDED,  
SECTION 11e.(2) BYPRODUCT MATERIAL INTO  
URANIUM MILL TAILINGS IMPOUNDMENTS

This is to advise you that the Commission (with all Commissioners agreeing) has approved the following actions in regard to the revised guidelines proposed in SECY-91-243:

One issue not addressed in the policy guidance is the role of the Regional LLW compacts. Inasmuch as the kind of material under consideration is within the purview of the States under the Low Level Radioactive Waste Policy Amendments Act of 1985 (LLRWPA), the explicit approval of both the originating and the receiving Compact should be obtained if the waste is going anywhere but a designated Regional facility. Although this is not specifically a health and safety issue, it is an issue that could cause problems for the licensee and perhaps interfere with ultimate reclamation of the tailings. The policy should be revised to include a requirement that the licensee's submittal provide evidence of the Compact's approval of the proposed disposal.

In view of the fact that low-level waste containing source material is classified as Class A waste under 10 CFR Part 61, staff's conclusion that licensing the disposal of such material received from others under the mill operator's Part 40 license without justifying and granting an exemption from Part 61 needs to be explained. Specifically, the discussion in Section 6.4 of Enclosure 4 should be expanded to include the explanation. Because of the current sensitivity of this

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SECY NOTE: DUE TO A PENDING DECISION RELATED TO THIS MATTER  
IN THE STATE OF WASHINGTON, SECY WILL MAKE THIS  
SRM AND SECY-91-243 PUBLICLY AVAILABLE WHEN THE  
FINAL SRM IS ISSUED



issue and the importance of the precedent being set to the national low-level waste efforts, the Commission would like to see the explanation and modifications to Section 6.4 before publication.

After making the revisions indicated above and after Commission review of Section 6.4, the staff should publish the revised policy guidance and staff analysis in the Federal Register notice for public comment.

(EDO) (SECY Suspense: 10/11/91)

The staff should seek the comments of the Agreement States and LLW compacts on the FRN once published.

After receiving public comment the staff should provide the Commission with an analysis of the comments and any recommended modifications to the guidance.

(EDO) (SECY Suspense: 3/1/92)

cc: The Chairman  
Commissioner Rogers  
Commissioner Curtiss  
Commissioner Remick  
OGC  
OIG  
ACNW