

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

February 8, 1989

NRC INFORMATION NOTICE NO. 89-13: ALTERNATIVE WASTE MANAGEMENT PROCEDURES  
IN CASE OF DENIAL OF ACCESS TO LOW-LEVEL  
WASTE DISPOSAL SITES

Addressees:

All holders of NRC specific licenses.

Purpose:

This information notice is being provided to inform addressees of important recent and potential future events concerning restrictions on disposal of low-level radioactive waste, and to suggest actions to minimize possible adverse consequences of these events if licensed activities involve the need to dispose of radioactive waste. It is expected that recipients will review this information for applicability to their activities and consider action, as appropriate. However, suggestions contained in this information notice do not constitute NRC requirements; therefore, no specific action or written response is required.

Description of Circumstances:

The Low-Level Radioactive Waste Policy Amendments Act of 1985 (P.L. 99-240, the Act) established a series of milestones, incentives, and penalties designed to assure that States and Regional Compacts without low-level radioactive waste disposal facilities make timely progress toward development of such facilities. States and Regional Compacts which do not meet the milestones specified in the Act can be subject to penalties such as higher disposal costs, and may eventually be denied access to currently operating burial sites.

The most recent milestone under the Act was on January 1, 1988. This milestone required non-sited Regional Compacts (those not affiliated with the currently-sited States of Nevada, South Carolina, and Washington) to identify a host state, develop a siting plan, and delegate legal implementing authority. States not affiliated with a Regional Compact were required to develop a siting plan and provide for delegation of authority as well.

In January of 1988, the U.S. Department of Energy and the sited States of Nevada, South Carolina, and Washington determined that the States of New Hampshire and Vermont were in noncompliance. On December 19, 1988, the State of Washington

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informed the States of New Hampshire and Vermont that effective January 1, 1989, waste originating in those States would be denied access to the regional disposal facility located near Richland, Washington. Similar action is anticipated by the States of South Carolina and Nevada.

On January 31, 1989, the Governor of Michigan issued a letter to the members of the seven-State Midwest Interstate Compact in which he stated that he was halting the siting process for a disposal facility in Michigan. As a result, the State of Washington has denied access to waste originating from the State of Michigan. Similar action is anticipated by the States of South Carolina and Nevada. At this time, it does not appear that any immediate action will be taken to deny access to waste originating from the other members of the Midwest Compact (Indiana, Iowa, Minnesota, Missouri, Ohio, and Wisconsin).

#### Discussion:

Denial of access to disposal sites could disrupt licensed operations which generate waste by preventing licensees from shipping waste from their facilities. This, in turn, could cause regulatory and safety problems such as exceeding authorized possession limits due to the accumulation of waste, inadequate waste management capability, or inadequate waste storage facilities. It is suggested that licensees monitor the progress of their States or Regional Compacts in meeting milestones specified in the Act. Licensees in States for which it appears milestones will not be met may need to prepare for the possibility of severe restrictions on disposal of radioactive waste. Licensees in New Hampshire, Vermont, and Michigan may wish to consider actions now to mitigate the potential impact of loss of disposal capability. Following are examples of suggested actions to be considered:

1. Review your current NRC license and license application, particularly possession limits and procedures and requirements for waste processing, storage, and disposal to determine if changes need to be made for increased storage of waste.
2. Determine how much of your waste goes to a licensed burial site either directly or indirectly through a "waste broker."
3. Evaluate potential safety problems and technical difficulties which might result if radioactive waste remains in storage at your facilities for long periods of time; e.g., package deterioration, inventory control, fire hazards, etc.
4. Review alternatives to minimize generation of waste shipped to burial grounds; for example:
  - a. Carefully segregating long-lived radioactive waste from short-lived and non-radioactive waste.
  - b. Stopping unnecessary work which generates waste.

- c. Changing processes, procedures, or radionuclides to reduce volume of generated waste.
  - d. Using volume reduction techniques, such as compaction.
5. Review alternative waste management and disposal methods; for example:
- a. Transfer of unneeded sealed sources to their respective manufacturers.
  - b. Disposal of biomedical wastes in accordance with 10 CFR Section 20.306.
  - c. Decay-in-storage.
  - d. Incineration.
  - e. Interim storage pending transfer to a licensed burial site if access is restored in the future.
6. For waste management measures which are not currently authorized by your NRC license, consider requesting an amendment to your license to authorize additional waste management actions in the event of restricted access to burial grounds. Examples would be amendments to authorize increased possession limits, decay-in storage, incineration, or use of interim storage facilities.

The above suggestions would not be a permanent solution to waste burial restrictions, but would better assure that licensees have contingency plans in place to avoid safety violations and to minimize disruption of licensed activities.

A number of parties have inquired about the granting of emergency access under the provisions of Section 6 of the Act. On February 3, 1989, NRC issued a new rule, 10 CFR Part 62, in the Federal Register (54 FR 5409) which establishes criteria and procedures to be used in determining whether emergency access should be granted. These criteria and procedures, consistent with Congressional intent, view the granting of emergency access as a last resort. Therefore, waste generators should be aware that only under the most limited and rare circumstances would generators be granted such access.

Questions about license requirements and license amendments should be directed to the appropriate NRC licensing office, either in one of the Regional Offices or in Washington, D.C. Questions on low-level radioactive waste policy issues

should be directed to: Paul Lohaus, Chief, Operations Branch, Division of Low-Level Waste Management and Decommissioning, Mail Stop 5E4, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Phone: (301) 492-3345. No specific action or written response is required by this information notice.

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Technical Contact: Paul Lohaus, NMSS  
(301) 492-3345

Attachments:

1. List of Recently Issued NMSS Information Notices
2. List of Recently Issued NRC Information Notices

LIST OF RECENTLY ISSUED  
NMSS INFORMATION NOTICES

Information Notice No.	Subject	Date of Issuance	Issued to
89-12	Dose Calibrator Quality Control	02/09/89	All NRC medical licensees
89-03	Potential Electrical Equipment Problems	01/11/89	All Fuel Cycle and major nuclear materials licensees
89-02	Criminal prosecution of licensee's former president for intentional safety violations	01/09/89	All holders of NRC specific license
88-100	Memorandum of understanding between NRC and OSHA relating to NRC-licensed facilities (53 FR 43950, October 31, 1988)	12/23/88	All major nuclear materials licensees and utilities holding CPs and OLs.
88-93	Teletherapy Events	12/2/88	All NRC medical licensees
88-90	Unauthorized removal of industrial nuclear gauges	11/22/88	All NRC licensees authorized to possess, use, manufacture, or distribute industrial nuclear gauges
88-66	Industrial radiography inspection and enforcement	08/22/88	All NRC industrial radiography licensees
88-62	Recent findings concerning implementation of quality assurance programs by suppliers of transport packages	08/12/88	All holders of NRC quality assurance program approvals for radioactive material packages.

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OL = Operating License  
CP = Construction Permit

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Information Notice No.	Subject	Date of Issuance	Issued to
89-12	Dose Calibrator Quality Control	2/9/89	All NRC medical licensees.
89-11	Failure of DC Motor-Operated Valves to Develop Rated Torque Because of Improper Cable Sizing	2/2/89	All holders of OLs or CPs for nuclear power reactors.
89-10	Undetected Installation Errors In Main Steam Line Pipe Tunnel Differential Temperature-Sensing Elements at Boiling Water Reactors.	1/27/89	All holders of OLs or CPs for BWRs.
89-09	Credit for Control Rods Without Scram Capability in the Calculation of the Shutdown Margin	1/26/89	All holders of OLs or CPs for test and research reactors.
89-08	Pump Damage Caused by Low-Flow Operation	1/26/89	All holders of OLs or CPs for nuclear power reactors.
89-07	Failures of Small-Diameter Tubing in Control Air, Fuel Oil, and Lube Oil Systems Which Render Emergency Diesel Generators Inoperable	1/25/89	All holders of OLs or CPs for nuclear power reactors.
89-06	Bent Anchor Bolts in Boiling Water Reactor Torus Supports	1/24/89	All holders of OLs or CPs for BWRs with Mark I steel torus shells.
89-05	Use of Deadly Force by Guards Protecting Nuclear Power Reactors Against Radiological Sabotage	1/19/89	All holders of OLs for nuclear power reactors.

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Editor *by note*  
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