



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

January 24, 1980

Dr. Aurel Goodwin, Chief
Division of Health
Mine Safety and Health Administration
4015 Wilson Boulevard
Arlington, Virginia 22203

Dear Dr. Goodwin:

On May 22, 1979 we discussed drawing up a Statement of Cooperation between the State of Kansas, the Mine Safety and Health Administration, and the Nuclear Regulatory Commission regarding the proposed Lyons, Kansas waste disposal site. The applicant has since made several changes in his application, and as yet the details of what is necessary are not yet firm. However, we would like to formalize commitments for the joint effort by completing the agreement and adding necessary addenda later. Please sign and return the enclosed copy.

For your information, I have also enclosed a copy of the applicant's latest response which includes an analysis by Cementation Corporation. We have not completed our review of the document but will keep you posted.

If you have any questions, please call me at 427-4433.

Sincerely,

A handwritten signature in cursive script that reads "Kitty S. Dragonette".

Kitty S. Dragonette, Section Leader
Licensing Section, Low-Level Waste
Licensing Branch, Division of
Waste Management

Enclosures:

1. Statement of Cooperation
2. Cementation Corporation Analysis

cc: W. Kerr, SP

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STATEMENT OF COOPERATION BETWEEN THE STATE OF KANSAS
AN AGREEMENT STATE, MINE SAFETY AND HEALTH ADMINISTRATION
AND THE NUCLEAR REGULATORY COMMISSION

The purpose of the Statement is to establish the basis for the preparation of a joint environmental assessment and on-site safety assessment for Rickano Corporation's low-level waste operation at Lyons, Kansas, as provided for under section 274 of the Atomic Energy Act, as amended. In addition to the statutory provision of the Act, each agreement entered into with a State for State assumption of regulatory authority over agreement materials contains an article pledging the use of best efforts on the part of the Commission and the State to achieve coordinated and compatible programs. The low-level waste operation proposed for the Lyons, Kansas Salt Mine could have significant impact upon the human environment.

Whereas the State of Kansas Department of Health and Environment has the authority to issue the license necessary to operate the facility; and

Whereas the NRC has been requested by the State of Kansas, by letter dated August 30, 1978 and at a meeting between NRC and State representatives on April 18, 1979, to provide assistance under the provisions of section 274; and

Whereas the Mine Safety and Health Administration has the authority to oversee and inspect operations conducted in mines, it is mutually agreed that;

- I. The State of Kansas Department of Health and Environment (KDHE) and the United States Nuclear Regulatory Commission (USNRC) ~~and the Mine Safety and Health Administration (MSHA)~~ will work jointly to prepare an environmental assessment and provide support where needed on the site radiological and non-radiological safety assessment for the Rickano Corporation, Lyons, Kansas Salt Mine Waste Facility.
- II. The environmental assessment will describe the impacts, effects, and necessary mitigating measures for the proposed project, both on-site and off-site.
- III. ~~Each agency~~ ^{NRC and the State} will be responsible for data collection and analysis and the preparation of text and illustration in their respective areas of responsibility which will be described in a scoping document. The agencies will contribute towards the development of all sections of the environmental assessment (EA), with the objective of minimizing the environmental impacts and effects of each part of this project upon the site and adjacent area.
- IV. Each agency will provide leadership in specific areas as follows:

A. State of Kansas

1. On-site Radiological Safety, with assistance from NRC.
2. Setting procedures for requiring a form of surety from Rickano Corporation to guarantee its performance in site operations, site decommissioning, and long-term maintenance and monitoring.
3. The State, as licensing authority, will contact the appropriate agencies of the State and County of Kansas to verify that the necessary Federal, State and Local permits and approval required by Rickano Corporation have been applied for.
4. Surface physical resources and operations with assistance from the NRC.

B. NRC

1. Socioeconomics with assistance from the State.
2. Environmental impacts with assistance from State.
3. Lead action in preparing the scoping document or the EA with assistance from the State and MSHA.

C. MSHA will provide consultation and review of sections prepared by the state or NRC on:

1. Mining and subsurface resources and operation with assistance from the State.
2. On-site, non-radiological safety with assistance from the State.

V. It is the intent that the EA will be used by the State in the decisionmaking process for issuance of a license and is to be concurred in by:

A. Secretary, Department of Health and Environment, Kansas.

~~B. Director of MSHA.~~

By Director, Division of Waste Management, Office of Nuclear Material Safety and Safeguards, NRC.

and each participating agency's separate view as to unresolved environmental issues will be accurately stated in the environmental assessment.

- VI. Each agency will designate an EA team member. The EA team will prepare operating documents for the following matters:
 - A. Detailing of each participating agency's area of responsibility and interface.
 - B. Coordination of effort, involvement of resource specialists, and review and approval procedures for both draft and final EA.
- VII. The NRC will act as coordinator of the EA and provide project management for the effort and will be responsible for incorporating the product of each agency into the draft and final EA.
- VIII. The State, MSHA, and NRC will cooperate, to the extent allowed by regulation, in public meetings or hearings to assure the dissemination of factual information and to provide testimony to those portions of the EA prepared by or for their respective agencies. The State will be responsible for organizing any local public meetings of an informational nature.
- IX. The State will not issue a license to the applicant prior to the completion of the EA.
- X. It is understood that work on the EA will receive appropriate attention and that each participating agency will fund its own activities and agrees to use its best efforts to complete the EA in a timely manner. Specific schedules will be defined as described in part XIII of this Statement.
- XI. The licensing process within the State shall continue to be the responsibility of the State. This agreement shall in no way alter, diminish or affect the Agreement between the State and NRC under section 274(b) of the Atomic Energy Act (as amended) effective February 1, 1968.
- XII. Nothing in this agreement is intended to restrict or alter the statutory authorities of NRC, MSHA, or the State.
- XIII. In view of the limited volumes of waste and limited hazard of waste materials currently proposed by Rickano, an Environmental Assessment as extensive as originally planned may not be necessary. In this event, the NRC would do its part of the Environmental Assessment work in-house. Specific schedules will be defined in addenda to this Statement of Cooperation.

Signature _____ Kansas

Signature _____ MSHA

Signature  _____ NRC