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MAY 29, 1979

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MEMORANDUM FOR: R. Dale Smith, Chief
Low-Level Waste Licensing Branch

FROM: Kitty Dragonette
Low-Level Waste Licensing Branch

SUBJECT: MEETING WITH MINE SAFETY AND HEALTH ADMINISTRATION (MSHA)
ON KANSAS APPLICATION

Attendees: Aurel Goodwin, Chief
Division of Health, MBBA

John H. Maxvik, MSHA

John Kendig, SP, NRC

Kitty Dragonette, NRC

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NRC staff met with MSHA staff on May 22, 1979 in their offices at 4015 Wilson
Arlington, Virginia. The purpose of the meeting was to brief MSHA on the per
Kansas application from Southwest Nuclear Corporation to use the Carey salt
near Lyons, Kansas as a low-level waste disposal facility, to present the
May 18, 1979 draft Statement of Cooperation between the State of Kansas, An
Agreement State, Mine Safety and Health Administration and the Nuclear Regul
Commission, and to obtain their preliminary reaction to our request for tech
assistance as outlined in the Statement.

The question of MSHA jurisdiction was discussed. The conclusion reached was
that the applicant must specify plans for any salt removed from the mine bef
jurisdiction can be determined. If the salt will be sold or warehoused for
sale, MSHA has jurisdiction. The company would be required to notify MSHA.
No formal permit or license is required. MSHA inspects the operation for c
with MSHA regulations. (Copies of legislation and regulations were provide
If MSHA does not have jurisdiction, OSHA may. John Kendig, NRC, is to check
into OSHA's potential role.

Site concern and requirements discussed included MSHA's view that a second
shaft is mandatory to provide an escape route. Handling equipment and com
mastes may provide a high likelihood of fines. Emergency planning and con
operations are needed. Southwest Nuclear should consider using concrete b

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and grout around the wastes and to seal chambers instead of salt to provide better vapor seals and reduce salt/metal interactions.

MSHA believes that they can provide technical assistance regardless of the jurisdictional issue. This preliminary commitment was made based on understandings that: (1) the applicant must generate required information needed for review and evaluation, (2) results and findings of reviews will have to be provided in written form for insertion into safety and environmental documents, (3) some testimony may be involved, (4) an orientation visit may be involved but not a long-term inspection commitment, and (5) review of major changes in design or operation will be needed.

Dr. Goodwin will check with MSHA technical support and review the Statement of Cooperation and get back to us in about a week with a more definite commitment and comments.

Kitty Dragonette
Low-Level Waste Licensing Branch

cc: A. Goodwin, MSHA
J. Maxvik, MSHA
J. Kendig, SP

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