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STATE OF MISSOURI
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August 23, 1989

The Honorable Jeremiah (Jay) W. Nixon
Missouri Senate, 22nd District
Room 429 State Capitol
Jefferson City, MO 65101

Dear Senator Nixon:

I am responding to your letter of August 17, 1989, regarding the expansion of the pellet production lines at the Combustion Engineering plant in Hematite, Missouri.

The Combustion Engineering Plant is licensed by the U.S. Nuclear Regulatory Commission to process radioactive materials. The Missouri Department of Natural Resources (MDNR) has no jurisdiction over these radioactive materials. This is because states are preempted by the federal Atomic Energy Act from regulating these radioactive materials.

However, we do regulate other materials at the plant and the following discussion outlines those areas of regulation. Based on preliminary information, our regulation of these other materials will most likely not be significantly affected by the proposed changes in the plant operation.

We are gathering additional information, however, and we will follow up to make sure that the plant is in compliance with all applicable state laws and regulations. In addition, we intend to ask the U.S. Environmental Protection Agency (EPA) and the U.S. Nuclear Regulatory Commission (NRC) to investigate the previously buried waste at the site.

URANIUM PROCESSING

Question 1: Why is Combustion Engineering requesting permission to handle fuel which contains a higher percentage of uranium than previously processed at Hematite?

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Answer to Question 1: The MDNR has no jurisdiction over the processing of uranium. This question should be directed to Combustion Engineering and the U.S. Nuclear Regulatory Commission.

AIR AND WATER QUALITY

Question 2: The total discharged pollutants into river and air have decreased by a substantial percentage in the last decade. In view of this fact, why is Combustion Engineering requesting permission to increase air emissions and water effluents?

Question 3: Has the state of Missouri given its OK for any increased Emissions?

Question 4: What plans have been prepared to reduce emissions?

Question 5: Has the state or a national agency requested such a plan?

Question 7: What will be the effect of approval of the application upon water quality?

Answer to Questions 2, 3, 4, 5, and 7: Based on our current records the plant's air emissions are classified as a source which does not require regular periodic reporting. The MDNR has requested the Combustion Engineering plant to submit an air emissions inventory in order that we may determine whether an air pollution control permit will be required for the plant because of the proposed changes.

The proposed changes will require a 20% increase in the number of plant personnel. This increase will result in a proportional increase in the domestic sewerage resulting from toilets, sinks, showers, and drinking fountains. The Combustion Engineering plant applied in March of 1989 for a renewal of its state water discharge permit which was originally issued in 1979 and reissued in 1984.

The MDNR has requested Combustion Engineering to route the discharge from the laundry and the demineralizer regeneration water to the wastewater treatment plant. This request, however, is not related to the proposed change in the plant production processes. The MDNR has asked the plant to revise its application for a state water discharge permit to incorporate this requested change. The revised application has not yet been received. When the revised application is received the MDNR will issue a draft permit for public review and comment. This permit will regulate only the non-radioactive constituents in the waste water from sinks, toilets, showers, drinking fountains, laundry, demineralizer regeneration water, cooling water, and storm runoff.

Questions regarding any plans to reduce any radioactive emissions and effluents should be directed to Combustion Engineering and the NRC.

POTENTIAL RADIATION IMPACTS

Question 6: Will there be increased output of radiation, and if so, what are the potential impacts on health and environment?

Answer to Question 6: The MDNR does not regulate radioactive emissions from the plant. However, we believe that man-made radiation should always be as low as reasonably achievable. We will encourage all parties to achieve this end.

TRANSPORTATION ISSUES

Question 8: Will there be any change in transportation patterns of product or waste?

Answer to Question 8: Again, due to federal preemption, the MDNR does not have authority to regulate the transportation of radioactive products or waste. The MDNR does regulate the transportation of hazardous waste as defined in the Missouri Hazardous Waste Management Law (see the next answer). If the plant ships any hazardous waste it must comply with the Missouri law and regulations.

WASTE MANAGEMENT ISSUES

Question 9: Will the volume of waste produced at the plant increase?

Question 10: Where will this waste be taken for disposal?

Question 11: Will the facility have storage capacity sufficient to store waste if it is unable to use its usual disposal site? Will more waste be stored, and if so, how much?

Answer to Questions 9, 10, and 11: Non-hazardous solid waste such as office waste or cafeteria waste must be managed in a permitted solid waste facility. Hazardous waste must be managed in a permitted hazardous waste treatment, storage, or disposal facility. The MDNR has inspected the plant and determined that no hazardous waste (as regulated by the Missouri Hazardous Waste Management Law) is produced at the plant. If non-radioactive hazardous wastes are produced at the plant in the future it will be regulated under the Missouri Hazardous Waste Management Law. The plant would be required to register the wastes with MDNR.

The low-level radioactive waste which is produced at the plant is regulated by the NRC. However, under the federal Low-Level Radioactive Waste Policy Act all states are responsible for disposal of low-level radioactive waste (LLRW) generated within their borders. Congress encouraged the states to join in regional compacts in order to manage LLRW. Missouri is a member of the Midwest LLRW Compact which has selected Michigan as the location of the compact's first disposal site. At present, the waste from the Combustion Engineering plant may go to licensed facilities in South Carolina, Washington, and Nevada until 1993. The plant's waste will go to the Michigan facility which is scheduled to be completed in 1996. In the period between 1993 and 1996 Combustion Engineering will be required to have sufficient storage space to store the waste.

EMERGENCY RESPONSE ISSUES

Question 12: Will more products be stored on site? If so, is there a danger of increased accidents with the changed and increased capacity?

Question 13: Is an accident more likely to be more serious with the proposed changes?

Question 14: How will emergency procedures be revised?

Question 15: Will the modifications require changes in local emergency response capability?

Answer to Questions 12, 13, 14, and 15: The issue of an increased chance of accidents should be addressed to Combustion Engineering and the NRC. Under the federal Emergency Planning and Community Right-to-Know Act (EPCRA) the Combustion Engineering plant is required to notify the Missouri Emergency Response Commission and the local emergency planning committee (EPC) of the existence of hazardous substances at the plant. Combustion Engineering must also provide the name of its facility coordinator to work with the local EPC for emergency planning purposes.

The plant has notified the state of Missouri that certain non-radioactive hazardous chemicals are used at the site. These chemicals are: cryogenic liquid nitrogen, 1,1,1 trichloroethane, nitric acid, anhydrous ammonia, sulfuric acid, sodium hydroxide, hydrogen peroxide, percholoroethane, potassium hydroxide, and hydrogen fluoride. The MDNR has recently sent a letter to Combustion Engineering informing them of additional responsibilities under EPCRA and requesting additional information. We have not yet received a response.

Question 16: Also, it is my understanding that large amounts of waste are stored on site. If this is correct, please answer the following:

A. How is this waste stored?

B. What type of waste is stored?

C. Do you consider this a temporary or permanent solution?

D. Are there plans to make a different permanent disposal of this waste?

E. Is there a clear record, duplicable for state inspection of what and where these wastes are buried?

Answer to Question 16 (A through E): Presumably the questions refer to waste which was disposed of by burial at the site in the past. This waste was investigated by the NRC in 1982. The NRC released a report of this investigation in 1983 which indicated that small quantities of uranium were buried at the plant and that the buried material is essentially stable.

The federal Superfund law may apply to this waste as well as appropriate NRC regulations. The MDNR's position is that the buried waste should be investigated under these laws and regulations to determine what further action is required. The MDNR will pursue this issue with the NRC and the EPA.

I trust that this information will be useful to you. As I indicated we will be following up on several of these questions and I will keep you informed. Please let me know if I can be of further assistance.

Very truly yours,

DEPARTMENT OF NATURAL RESOURCES

G. Tracy Mehan, III
Director

GTM/dbc

cc: Congressman Richard Gephardt
Mr. Morris Kay, EPA
Mr. Roland Lickus, NRC
Dr. Robert Harmon, MDOH
Mr. James Rode, Combustion Engineering