



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

July 18, 1979

OFFICE OF THE
CHAIRMAN

The Honorable Robert List
Governor of Nevada
State Capitol
Carson City, Nevada 89710

Dear Governor List:

Thank you for your letter of July 10, 1979, with Governors Ray and Riley concerning the transportation and disposal of low-level nuclear waste. We are pleased to see that States with similar concerns have come together to address them in a unified and effective manner. We believe that your joint letter represents a needed action. Your position is clear to the Federal regulatory agencies involved and should also be clear to low-level waste generators and shippers. It facilitates the NRC's ability to deal with these concerns collectively and serves as a vehicle through which the NRC can work with the States in an effective and cooperative way. We want to work with the States on a unified basis to bring about some of the regulatory improvements which are outlined below.

Our augmented program to bring about improvements in the packaging, transport and disposal of low-level nuclear wastes includes the four points listed in your letter in addition to others. The steps called for in your letter are addressed as follows:

1. The dispatch of a trained team of inspectors to perform regular site inspections of both the source generators and the collectors of nuclear waste. These inspections must include the opening of containers.

Trained NRC and DOT inspectors will perform such inspections on a periodic basis. The greatest emphasis on package makeup will be directed at waste generators. We suggest that these inspectors be augmented by the Agreement State inspectors where appropriate. We will work with the Agreement States to arrange for these inspections and will keep you informed of our progress and of steps that you might take to help us in completing such arrangements. Selected containers will be opened during the course of inspection. I should point out that some waste collectors are not equipped to have packages opened at their facilities without endangering personnel or risking contamination of facilities and their licenses prohibit such activities. In these cases, we will need to identify qualified facilities to which the selected containers may be taken for opening, inspection, and repackaging.

558307

7908100197

2. The consistent and uncompromising enforcement of sanctions imposed whenever violations are discovered.

Enforcement action will be taken, in conjunction with DOT and the Agreement States, where violations of packaging and transportation regulations are found. We consider this a necessary ingredient to our inspection and enforcement program.

3. The submission of monthly reports to the three respective states detailing the activities of the team, including the number and locations of inspections and the findings of the team.

All reports of inspection and enforcement will be made public as they become available. They will be forwarded to the affected and interested States by our Office of State Programs.

4. The issuance of a joint announcement by the NRC and the DOT to all source generators of nuclear waste nationwide containing details of the new plan. Such issuance will guarantee maximum impact.

An announcement is being prepared for issuance by September 1, 1979. It will be coordinated with DOT.

5. The plan must be implemented by September 1, 1979.

With the exception of Item 4, which will be completed by September 1, all activities are under way.

In addition to these actions, the Commission is taking further steps to bring about improvements. Key to this effort is a rule change which the staff is preparing for Commission consideration which would allow NRC to directly enforce DOT regulations at NRC licensee sites and thus significantly upgrade inspection and enforcement actions in waste packaging and transportation. Such a rule change would be supplemented with new programs for inspecting transport activities and new enforcement criteria for violations of NRC-DOT shipping regulations. We are also exploring ways to provide training and packaging information for waste generators. These regulatory actions are being supplemented by investigations leading to improved design of Type A and other low specific activity material packages, which constitute the bulk of packages shipped to low-level burial grounds.

Your letter also mentions the timely implementation of a national waste management program. The NRC has supported the recommendations of the Interagency Review Group that the Department of Energy should develop a nationwide program aimed at establishing regional capacity for disposal of low-level radioactive waste. We have an active program underway to develop a comprehensive set of regulations, guides and standards for the

558308

disposal of low-level waste and we expect that such an active program could serve to facilitate the development of regional sites. The absence of such criteria has been noted as a major impediment to the development of licensed sites. Draft regulations will be available for public comment late next year.

We intend to explore ways by which NRC can play an active role in the encouragement of the principal waste generators to assume responsibility for providing means to dispose of their nuclear wastes. For example, we are investigating alternative methods for the disposal of liquid scintillation vials and will work with the medical research establishment to offer them licensable options for safe disposal of this kind of waste.

Again, we believe the States of South Carolina, Nevada, and Washington have taken an important step in dealing with problems of waste transport and disposal on a unified basis. It will allow us to work together in an effective and cooperative manner.

Sincerely,

Original Signed by
Joseph M. Hendrie

Joseph M. Hendrie
Chairman

cc: The Honorable Dixy Lee Ray
Governor of Washington

The Honorable Richard W. Riley
Governor of South Carolina

558309