



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

MAR 19 1980

Mr. James Hugh Easter
Legislative Analyst
Maryland Commission on
Intergovernmental Cooperation
90 State Circle
Legislative Services Building
Annapolis, Maryland 21401

Dear Mr. Easter:

Your letter to Sheldon Schwartz has been referred to me for reply. At present Mr. Schwartz is on temporary detail to the Federal Emergency Management Agency to assist States in the development of radiological emergency response plans. Please keep this office informed as your Commission develops an agenda for its public hearing on nuclear waste disposal. We will be happy to try to provide either a speaker or prepared testimony for the record on areas within the Nuclear Regulatory Commission's (NRC) purview.

I have enclosed, at your request, several papers on waste disposal issues. You are probably aware that Maryland is an Agreement State. Section 274 (enclosed) of the Atomic Energy Act was enacted in 1959 to recognize the States' interest in nuclear activities, to clarify the respective responsibilities of the States and the Atomic Energy Commission (AEC) under the Act, and to provide a statutory means by which the AEC could relinquish to the States part of its regulatory authority, i.e., authority with respect to source material, byproduct material, and special nuclear material in quantities not sufficient to form a critical mass. You may wish to contact Mr. Robert E. Corcoran, Chief, Division of Radiation Control, Maryland Department of Health and Mental Hygiene (301-383-2744), for information on the Maryland Agreement program and low level waste disposal. NRC, under the Energy Reorganization Act of 1974, will license all high level waste repositories; and under the Atomic Energy Act, as amended, will license low level waste disposal facilities in Non-Agreement States. Maryland, as an Agreement State, would license a low level waste site, consistent with NRC regulations.

The NRC has provided for State participation in the licensing of both high and low level waste disposal sites. I've enclosed the proposed Part 60 (of Title 10, Code of Federal Regulations) on high level waste repository licensing, and a preliminary draft of Part 61 on low level waste site licensing. NRC plans to hold regional meetings with States this Spring on Part 61. We hope to avoid a schedule conflict with your hearings, so please let us know when you have selected a date.

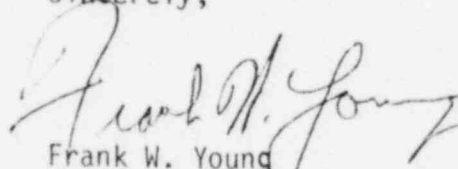
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Because State-by-State siting of disposal facilities may be uneconomical or geologically unsuitable, NRC staff believes that the regional concept of siting low level waste disposal facilities is preferable. Legislation has been introduced in the U.S. Congress to facilitate this. Furthermore, NRC is prepared to provide technical assistance to any interested Agreement State in its review of a possible site. NRC staff believes in the spirit of cooperative federalism such that the States and the Federal Government would join in solving the radioactive waste management problem. Towards that end, President Carter has recently formed a State Planning Council, of which Governor Hughes is a member, to work with the Department of Energy on site selection and construction review of high level waste repositories and selection of low level waste sites.

If you have further questions please call Elizabeth McCarthy on my staff at (301) 492-7794 and/or Rob MacDougall of the Waste Management staff at (301) 427-4423. Both can provide information on NRC's waste management programs.

Sincerely,



Frank W. Young
Acting Assistant Director
for Program Development
Office of State Programs

Enclosures:

1. NCSL Low Level Waste Paper
2. F. Brenneman CT paper
3. NUREG 0217&Supn. 1
4. President's Statement on WM
5. NUREG 0539
6. NUREG 0527
7. NUREG 0412
8. NUREG 0354, 0353
9. NUREG 0680
10. NUREG/CR 1137
11. Atomic Energy Legislation
12. 10 CFR Parts 60 and 61
13. NUREG 0240