

NOV - 2 1989

MEMORANDUM FOR: Paul H. Lchaus, Chief  
Operations Branch  
Division of Low-Level Waste Management  
and Decommissioning, NMSS

THRU: Robert D. MacDougall, Section Leader  
Low-Level Waste Section, Operations Branch  
Division of Low-Level Waste Management  
and Decommissioning, NMSS

FROM: LeRoy S. Person, Project Manager  
Low-Level Waste Section, Operations Branch  
Division of Low-level Waste Management  
and Decommissioning, NMSS

SUBJECT: TRIP REPORT OF MEETING (9/18/89) WITH THE STATE OF SOUTH  
CAROLINA REGARDING RENEWAL OF THE SPECIAL NUCLEAR MATERIALS  
LICENSE FOR THE BARNWELL DISPOSAL FACILITY

ATTENDEES: (SEE ATTACHED LIST)

SUMMARY OF IMPORTANT POINTS DISCUSSED:

On September 18, 1989, the staffs of the Low-Level Operations Branch (LLOB) and the South Carolina Department of Health and Environmental Control (SCDHEC) met to discuss State of South Carolina and NRC responsibilities and authorities regarding the licensing of special nuclear material (SNM) at the Barnwell, South Carolina waste disposal site. This meeting was arranged by NRC and had an additional purpose of providing the opportunity for pre-licensing discussions with the State.

The LLOB staff informed the SCDHEC that NRC intends to proceed with its review of the Chem-Nuclear license renewal application (SNM License # 12-13536-01) with the purpose of reviewing the application for all quantities of special nuclear material received at the site (including below critical mass quantities). The NRC Staff indicated that this approach was necessary to meet legislative requirements and to provide the consistency necessary to avoid problems that arise from dual NRC-State regulation of SNM at the Barnwell Site.

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The SCDHEC then expressed the opinion that the State has the authority to regulate less than critical quantities of SNM and believes this opinion to be practical and in the State's interest for the following reasons:

1. The Atomic Energy Act of 1954 and the NRC Agreement with South Carolina relinquish NRC control of sub-critical mass quantities of SNM to the State.
2. Control of the site's destiny and considerations related to the Low-Level Waste Policy Amendments Act and South Carolina law would dictate that if the State is to relinquish control over SNM, a policy decision by the Governor or State Legislature would be necessary.
3. The Barnwell site is located on State owned land and the closure process will be directed and subsequently monitored by the State.
4. The lengthy delay in dealing with NRC on licensing issues necessitates State licensing.
5. The State has more stringent waste form requirements, and needs the materials license to include SNM in order to enforce these requirements.
6. Enforcement actions to transportation problems can be quickly handled in order to restore shippers promptly.
7. The State believes that certain requirements imposed by NRC relative to SNM (e.g., placing trucks 25 ft. apart for criticality reasons) are too impractical.

The NRC Staff proposed that the State and NRC negotiate a working agreement or memorandum of understanding (MOU) which would recognize NRC's authority for regulating SNM at the Barnwell disposal site but would rely, to a great extent, on the State's safety and environmental reviews, audits, and inspections in all review areas except safeguards and criticality. NRC would, however, participate in joint inspections of the site to assure that the arrangement is working satisfactorily. The NRC Staff explained that much of this approach is contained in an earlier NRC policy memo (which was coordinated with the State of South Carolina) from Malcolm Knapp (LLWM) to Hugh Thompson (NMOSS). SCDHEC Staff members, however, appeared to be only recently aware of the memo. SCDHEC stated that they would remove SNM from the State source material license provided NRC could give the legal basis for such an action. In the event SNM is removed from the State license, SCDHEC proposed that a procedure similar to that used to certify topical reports be employed for NRC-State cooperation on licensing actions.

The SCDHEC agreed to provide copies of state legislation or documentation on the State's policy regarding licensing of SNM. NRC agreed to provide the requested legal justification for NRC maintaining authority over the Barnwell SNM license.

ORIGINAL SIGNED BY

LeRoy S. Person, Project Manager  
Low-Level Waste Section, Operations Branch  
Division of Low-Level Waste Management  
and Decommissioning, NMSS

Enclosures: As stated

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JJones, LLOB r/f

PDR YES

PDR NO  Category: Proprietary  or CF Only

ACNW YES  NO

SUBJECT ABSTRACT: TRIP REPORT ON MEETING WITH SOUTH CAROLINA AND  
CHEM-NUCLEAR OFFICIALS, BARNWELL, SC

\* See Previous Concurrence

OFC	:LLOB*	:LLOB*	:LLOB	:LLWM	:LLWM	:NMSS	:NMSS
NAME:	LPerson/jj:	RMacDougall:	:	:	:	:	:
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and Decommissioning, NMSS

Enclosures: As stated

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NMSS r/f JGreeves, LLWM MBell, LLRB JSurmeier, LLTB  
PLOhaus, LLOB RMacDougall, LLOB LPerson, LLOB JJones, LLOB r/f

PDR YES

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OFC :LLOB	<i>RDH</i>	:LLOB	<i>RDH</i>	:LLOB	:LLWM	:LLWM	:NMSS	:NMSS
NAME:LPerson/jj	:RMacDougall	:PLOhaus	:	:	:	:	:	:
DATE: 9/29/89	: 9/29/89	:	/	X89: /	/89	: /	/89	: /

MEETING BETWEEN NRC AND STATE OF SOUTH CAROLINA SEPTEMBER 18, 1989

ATTENDEES:

Virgil Autrey (SDHEC)  
Ann Ragan (SDHEC)  
Jim Jerozal (SDHEC)  
Henry Porter (SDHEC)  
Roy Person (NRC)  
Larry Camper (NRC)  
Debbie Corley (NRC)