

NOV 16 1989

MEMORANDUM FOR: Chairman Carr
 Commissioner Roberts
 Commissioner Rogers
 Commissioner Curtiss original signed by Carlton Kammerer

FROM: Carlton Kammerer, Director
 State, Local and Indian Tribe Programs
 Office of Governmental and Public Affairs

SUBJECT: MONTHLY SLITP AND REGIONAL REPORT FOR OCTOBER 1989

The October 1989 Significant Intergovernmental Activities and Issues Report is enclosed for your information. This Report is the result of the combined efforts of NRC's Regional State Liaison Officers, Regional State Agreements Officers and the SLITP staff.

Enclosure: Significant Intergovernmental Activities and Issues - October 1989

cc: See Distribution List Attached

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All Agreement States Meeting

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Frederick Combs, Assistant Director for State, Local and Indian Relations, Paul Lohaus, Chief of the Operations Branch in LLWM, and Roland Lickus, Chief of Region III State and Government Affairs Staff, participated in a National Governors' Association (NGA) Staff Advisory Committee to the NGA Energy and Environment Committee meeting on low-level radioactive waste on October 12, 1989 in Chicago, Illinois. The purpose of the meeting was to discuss New York Governor Mario Cuomo's proposal that the Federal government assume responsibility for the disposal of Class B and C waste. Governor Cuomo's representative identified four issues: 1) the definition of LLW (that the Federal government should assume authority of the disposal of Class B and C waste); 2) title and liability; 3) BRC; and 4) import of foreign LLW. During the discussion, several States raised site proliferation as an additional issue. Following discussion, the State attendees voted 12-7 not to raise any of these issues to the NGA for its consideration. The concern was that, although these issues may have merit, that their consideration would retard the ongoing siting process. The New York representative indicated that Governor Cuomo may continue to raise these issues at the NGA.

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policy guidance and discuss issues of interest with other NRC staff. Harold Denton, Director of Governmental and Public Affairs, discussed the recent State Liaison Officers meeting held in Region II and items of interest from that meeting. Michael Bell, Chief of the LLW Regulatory Branch, gave a status report on decommissioning-related activities within the Commission. John Greeves, Deputy Director of LLWM, Paul Lohaus, Chief of the LLW Operations Branch, and Rob MacDougall, LLWM, reviewed the status of a variety of LLW-related issues including Governors' certifications, storage options and guidance development, mixed waste, greater than Class C, and the recent National Governors' Association staff meeting on LLW. Bill Lahs, RES, made a presentation on the status of activities on the regulatory exemption policy. During a discussion on implementation of the Commission policy on cooperation with States, John Jolicoeur, AEOD, discussed the status of implementation of the emergency response data system (ERDS) and State interest in negotiating memoranda of understanding for access to ERDS. In addition, the RSLOs made a courtesy visit with Commissioner Curtiss.

Tour of Beatty LLW Disposal Site and Potential California Sites

Harold Denton, Director of the Office of Governmental and Public Affairs, and Carlton Kammerer, Director of State, Local and Indian Tribe Programs, participated in a tour of the Beatty LLW disposal facility in Beatty, Nevada on October 23, 1989. The tour continued at the proposed California LLW disposal sites at Silurian Valley on October 24 and Ward Valley on October 25. The purpose of the tour was to observe a LLW disposal facility in operation and to examine the potential sites in California. Mr. Denton and Mr. Kammerer also toured a facility which manufactures explosive detectors for airports in San Jose on October 26. Jack Hornor, Region V State Agreements Officer, accompanied Mr. Denton and Mr. Kammerer on this part of the trip. Mr. Denton and Mr. Kammerer met with Charles Imbrecht, Chairman of the California Energy Commission and State Liaison Officer, on October 27 in Sacramento. The purpose of this meeting was to discuss issues of mutual interest with State representatives.

Presidential Commission on Catastrophic Nuclear Accidents Meeting

Steve Salomon, SLITP, attended a public meeting of the Presidential Commission on Catastrophic Nuclear Accidents in Washington D.C. on October 25, 1989. Professor Richard Wilson, Harvard University, presented a paper on the cost of catastrophic nuclear accidents using the experience at Chernobyl. According to Soviet estimates, the cost of the Chernobyl accident is 7 to 9 billion rubles. The equivalent U.S. estimate comes to about \$20 billion (which assumes the accident had occurred in the U.S.). He also emphasized that the likelihood of such an accident was small but not zero. Professor Marvin Goldman, University of California, Davis, presented a number of radiological impacts of Chernobyl. One of the commissioners posed the question on the relative emergency response capabilities of the Soviets versus the Americans.

REGION I

General

LLW Forum Meeting

The Low-Level Radioactive Waste Forum held its quarterly meeting on October 5-6, 1989 in Portland, Maine. Marie Miller, Region I State Liaison Officer, Paul Lohaus and Robert MacDougall, NMSS, represented the NRC. The Forum participants discussed State and Compact progress in LLW disposal site identification and development; received a briefing on the summary of findings and major recommendations of the Office of Technology Assessment LLW report; discussed mixed waste with presentations from the Forum Mixed Waste Working Group, EPA and NUMARC; and reviewed the 1990 milestone and certification review process. The Forum also received updates from Paul Lohaus on NRC LLW activities and from DOE on technical assistance to the States. A representative from the American Nuclear Insurers (ANI) gave an update on the ANI policy on liability. The Forum discussed State concerns with the National Governors' Association consideration of its LLW policy. The NUMARC representative reviewed the scope and rationale of the NUMARC "BRC" petition and Paul Lohaus discussed the NRC timetable and procedures for consideration of the petition. The Forum also sponsored a risk communication workshop on October 4, 1989. Staff from the EPA Office of Radiation Programs acted as facilitators in this workshop intended to address the need for risk communication, and the role of the media in risk communication. The workshop included role-playing exercises and small group discussions on experiences in risk communication.

CONNECTICUT

Millstone Emergency Planning Exercise

A full-scale emergency preparedness exercise was conducted at the Millstone Nuclear Power Plant in Connecticut on October 4, 1989. The NRC Headquarters and Region I Base and Site Teams fully participated in this exercise, along with State and local governments. Five staff members from Region I and two representatives from SLITP performed the government liaison functions at the various emergency response centers. There were no lessons learned recommendations with respect to supporting State and local decision makers.

MASSACHUSETTS

Pilgrim Emergency Preparedness Exercise

A full participation emergency preparedness exercise was conducted at the Pilgrim Nuclear Power Station on October 12, 1989. An NRC team was present to observe both onsite (licensee) and offsite (State and local government) response activities. The NRC observation team included the Region I Administrator, the Director, NRR Division of Radiation Protection and Emergency Preparedness, as well as other personnel from

Regions I, II and V, NRR and an NRC contractor. William Russell toured the offsite facilities with Richard Strome, FEMA Region I Director.

Pilgrim Agreement Approved

The Commonwealth of Massachusetts Department of Public Utilities (DPU) announced on October 31, 1989 that it had approved an agreement that settles all outstanding Boston Edison Company (BECO) rate cases before the DPU. The agreement, which includes rewards and penalties based on many factors including plant capacity factor, SALP ratings, selected NRC performance indicators and two INPO indicators, had been previously agreed to by all parties and submitted for DPU approval on October 3. BECO still has a rate case outstanding before FERC involving numerous other utilities who had agreed to purchase power generated by Pilgrim.

NEW JERSEY

New Jersey LLRW Disposal Facility Siting Board Meeting

John Starmer, Low-Level Waste Technical Branch, NMSS, and Marie Miller, Region I State Liaison Officer, attended the New Jersey Low-Level Radioactive Waste Disposal Facility Siting Board meeting on October 12, 1989 in Princeton, New Jersey. The purpose of the meeting was to discuss LLW disposal facility siting criteria and site characteristics.

New Jersey LLW Generators Workshop

George Pangburn, NMSS, accompanied by Marie Miller, Region I State Liaison Officer, participated in a workshop for New Jersey LLW generators on October 20, 1989 in Princeton, New Jersey. The purpose of the meeting, sponsored by the New Jersey Low-Level Radioactive Waste Disposal Facility Siting Board, was for the State to discuss onsite storage options and other alternatives with New Jersey's LLW generators. New Jersey officials held this workshop to gain additional information for the preparation of the Governor's certification.

PENNSYLVANIA

Pennsylvania Begins Implementation of LLW Subagreement

The Pennsylvania Department of Environmental Resources completed its first inspection under the terms of the Commonwealth of Pennsylvania and NRC Low-Level Radioactive Waste Package and Transportation Inspection Subagreement. The inspection was performed at the Beaver Valley Power Station on October 16, 1989. A copy of the inspection report has been prepared and will be provided to the Region to allow it to be officially forwarded to the licensee for review. No apparent violations were identified.

RHODE ISLAND

Rhode Island Radiation Control Program Review

John McGrath, Region I State Agreements Officer, conducted a review of the Rhode Island Radiation Control Program on October 23-27, 1989 in Providence, Rhode Island. Preliminary staff findings will be reviewed by Regional and Headquarters offices and the results will be confirmed in a letter to the State.

REGION II

GEORGIA

Georgia Radiation Control Program Review

R. L. Woodruff, Region II State Agreements Officer, conducted a review of the Georgia Radiation Control Program on October 16-20, 1989 in Atlanta, Georgia. Preliminary staff findings will be reviewed by Regional and Headquarters offices and the results will be confirmed in a letter to the State.

Hatch Emergency Planning Exercise

Robert Trojanowski, Director of Region II State and Government Affairs Staff, participated as a member of the Regional Assistance Committee at the emergency planning exercise held at the Hatch Nuclear Plant in Baxley, Georgia on October 24-25, 1989. The exercise included State and local government participation. There were no major deficiencies identified during the exercise.

ILLINOIS

Low-Level Waste

Illinois Governor James Thompson has inserted himself into the LLW site selection process due to charges of improper management and conduct by the Illinois Department of Nuclear Safety (IDNS) and technical disputes between the Illinois Geological Survey and IDNS. The Governor has appointed former Illinois Supreme Court Justice Seymour Simon to serve as an impartial hearing officer at the adversarial hearings to be conducted on the two alternative low-level disposal sites being studied by IDNS. Judge Simon is charged with ensuring that no site is selected unless and until he has determined that it is safe for construction and operation. In addition, Governor Thompson has also determined that both alternative sites currently under study must be put through the licensing process. These measures will most likely delay site development by at least one year. In addition, the Illinois Senate on October 31, 1989 passed a resolution ordering the Senate Executive Committee to conduct a prompt and thorough inquiry into the conduct of the Department of Nuclear Safety during the site selection process to ensure that no site will be

selected unless and until it can be determined that the disposal facility poses no threat to the public health and safety. Illinois Senate President Phillip Rock requested Governor Thompson to remove Dr. Terry Lash as Director of IDNS. The Governor has not acted on this request.

Region III was also informed that IDNS plans to begin inspections at NRC licensees under a low-level waste packaging and transportation MOU that has been in effect for five years. Region III will work with IDNS to develop implementing procedures consistent with the procedures developed with the Commonwealth of Pennsylvania. NRC has also been asked to comment on draft regulations that would allow IDNS to inspect and enforce standards for the treatment of low-level radioactive waste at all waste generators in Illinois.

Kerr-McGee Completes Clean Up

Kerr-McGee completed excavation of thorium-contaminated soil from a residence on Pomeroy Street, just outside the West Chicago city limits. The work was allowed to be completed as a result of a temporary restraining order issued by a federal judge. Kerr-McGee and local homeowners have a lawsuit pending against West Chicago which attempts to overrule the city ordinance which does not allow the shipment of radioactive material into the city. Kerr-McGee expects to resume excavations at other residences in the spring of 1990, if this legal action is successful.

IOWA

Nuclear Pacemaker Lost During Cremation

Mercy Hospital of Des Moines reported to the Iowa Department of Public Health (IDPH) that a deceased patient with a Cordis nuclear pacemaker containing approximately 3 curies of plutonium (principally Pu-238) was cremated without removal of the device. Region III assisted IDPH with follow-up actions to determine the extent of health and safety concerns. IDPH performed alpha surveys and wipe tests of the mortuary premises (including the burn chamber) and found no evidence of plutonium contamination, indicating that the pacemaker had not been ruptured in the process. The State believes that the pacemaker has been disposed in a local sanitary landfill. IDPH is proposing enforcement action against their licensee.

MISSOURI

Combustion Engineering Hematite Plant Hearing

Roland Lickus, Chief of Region III State and Government Affairs, attended the pre-hearing conference and limited appearance statements session of the Atomic Safety and Licensing Board proceeding on the proposed license amendments to the Combustion Engineering plant in Hematite, Missouri. Combustion Engineering is seeking approval from the NRC to amend its license to allow the plant to fabricate nuclear fuel pellets. The limited appearance session to allow the public to express its concerns was held on October 24, 1989, in Hillsboro, Missouri. Seven individuals

made statements at the session - six opposed the licensing action and one favored the action. The pre-hearing conference was scheduled to be held on October 25. However, the parties, including State Senator Jay Nixon, announced to the Judge in the proceeding that they had reached a settlement and as a result, the petitions to intervene could be withdrawn. The Judge accepted the joint stipulation agreed to by the parties and dismissed the case. One intervenor who did not participate was also dismissed.

MICHIGAN

Michigan Identifies Three Counties As Potential LLW Disposal Sites

The Michigan Low-Level Radioactive Waste Authority identified areas in St. Clair, Lenawee and Ontonogon Counties as potential sites for a LLW disposal facility. These three areas were selected from the 3 per cent of State land identified during the State's site screening process. Three specific candidate sites are to be selected by January 1990. A final site will be selected after a 12-18 month site characterization process. Coincident with the selection of these candidate areas, Michigan also indicated that it will seek NRC Agreement State status.

REGION IV

COLORADO

Colorado Radiation Control Program Review Visit

A review visit for the Colorado radiation control program was performed in Denver, Colorado, during the period October 16-18, 1989 by Robert J. Doda and Howard J. Faulkner. Mr. Faulkner, from the Office of International Programs, is on a rotational assignment to Region IV. The review visit also included an accompaniment inspection at a low-level radioactive waste broker/processor, Ramp Industries, Inc., Denver, Colorado. This licensee represents one of the most significant licensees in Colorado because of the variety and quantity of loose radioactive materials handled, and the possibility of the spread of contamination. Several violations and a number of recommendations were made to the licensee as a result of the inspection.

The current status of the Colorado radiation control program was found to be adequate under NRC review criteria. Region IV will continue to follow progress in two subject areas relating to this review visit.

URFO ACTIVITIES

Meeting with State of Wyoming

Ramon Hall, Ed Hawkins, Gary Konwinski and Dawn Jacoby, URFO, met with representatives from the State of Wyoming, Department of Environmental Quality and the State Engineers office on October 20, 1989.

The purpose of the meeting was to discuss areas of mutual interest regarding NRC uranium recovery licensees in the State and to consider conforming annual reporting requirements.

Assistance to the State of Washington

Gary Konwinski, URFO, assisted the State of Washington on October 23 and 24, 1989 in reviewing groundwater standards applicable to the Dawn Mill and in establishing license conditions necessary to characterize the site ground water contamination. A license condition was drafted similar to NRC license conditions requiring groundwater corrective actions and transmitted to Region V for referral to the State.

DOE UMTRA Meeting

Ramon Hall and Ed Hawkins, URFO, participated in a DOE sponsored meeting on October 25-27, 1989 with various States and Indian Tribes involved in Title I reclamation activities.

Lakeview Site

Ramon Hall participated in the closure ceremony on October 12, 1989, sponsored by the State of Oregon, for the Lakeview Title I Umtra Site.

REGION V

No significant items of interest reported.




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

November 16, 1989

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Commissioner Rogers
Commissioner Curtiss

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Regions I, II and V, NRR and an NRC contractor. William Russell toured the offsite facilities with Richard Strome, FEMA Region I Director.

Pilgrim Agreement Approved

The Commonwealth of Massachusetts Department of Public Utilities (DPU) announced on October 31, 1989 that it had approved an agreement that settles all outstanding Boston Edison Company (BECO) rate cases before the DPU. The agreement, which includes rewards and penalties based on many factors including plant capacity factor, SALP ratings, selected NRC performance indicators and two INPO indicators, had been previously agreed to by all parties and submitted for DPU approval on October 3. BECO still has a rate case outstanding before FERC involving numerous other utilities who had agreed to purchase power generated by Pilgrim.

NEW JERSEY

New Jersey LLRW Disposal Facility Siting Board Meeting

John Starmer, Low-Level Waste Technical Branch, NMSS, and Marie Miller, Region I State Liaison Officer, attended the New Jersey Low-Level Radioactive Waste Disposal Facility Siting Board meeting on October 12, 1989 in Princeton, New Jersey. The purpose of the meeting was to discuss LLW disposal facility siting criteria and site characteristics.

New Jersey LLW Generators Workshop

George Pangburn, NMSS, accompanied by Marie Miller, Region I State Liaison Officer, participated in a workshop for New Jersey LLW generators on October 20, 1989 in Princeton, New Jersey. The purpose of the meeting, sponsored by the New Jersey Low-Level Radioactive Waste Disposal Facility Siting Board, was for the State to discuss onsite storage options and other alternatives with New Jersey's LLW generators. New Jersey officials held this workshop to gain additional information for the preparation of the Governor's certification.

PENNSYLVANIA

Pennsylvania Begins Implementation of LLW Subagreement

The Pennsylvania Department of Environmental Resources completed its first inspection under the terms of the Commonwealth of Pennsylvania and NRC Low-Level Radioactive Waste Package and Transportation Inspection Subagreement. The inspection was performed at the Beaver Valley Power Station on October 16, 1989. A copy of the inspection report has been prepared and will be provided to the Region to allow it to be officially forwarded to the licensee for review. No apparent violations were identified.

RHODE ISLAND

Rhode Island Radiation Control Program Review

John McGrath, Region I State Agreements Officer, conducted a review of the Rhode Island Radiation Control Program on October 23-27, 1989 in Providence, Rhode Island. Preliminary staff findings will be reviewed by Regional and Headquarters offices and the results will be confirmed in a letter to the State.

REGION II

GEORGIA

Georgia Radiation Control Program Review

R. L. Woodyruff, Region II State Agreements Officer, conducted a review of the Georgia Radiation Control Program on October 16-20, 1989 in Atlanta, Georgia. Preliminary staff findings will be reviewed by Regional and Headquarters offices and the results will be confirmed in a letter to the State.

Hatch Emergency Planning Exercise

Robert Trojanowski, Director of Region II State and Government Affairs Staff, participated as a member of the Regional Assistance Committee at the emergency planning exercise held at the Hatch Nuclear Plant in Baxley, Georgia on October 24-25, 1989. The exercise included State and local government participation. There were no major deficiencies identified during the exercise.

ILLINOIS

Low-Level Waste

Illinois Governor James Thompson has inserted himself into the LLW site selection process due to charges of improper management and conduct by the Illinois Department of Nuclear Safety (IDNS) and technical disputes between the Illinois Geological Survey and IDNS. The Governor has appointed former Illinois Supreme Court Justice Seymour Simon to serve as an impartial hearing officer at the adversarial hearings to be conducted on the two alternative low-level disposal sites being studied by IDNS. Judge Simon is charged with ensuring that no site is selected unless and until he has determined that it is safe for construction and operation. In addition, Governor Thompson has also determined that both alternative sites currently under study must be put through the licensing process. These measures will most likely delay site development by at least one year. In addition, the Illinois Senate on October 31, 1989 passed a resolution ordering the Senate Executive Committee to conduct a prompt and thorough inquiry into the conduct of the Department of Nuclear Safety during the site selection process to ensure that no site will be

selected unless and until it can be determined that the disposal facility poses no threat to the public health and safety. Illinois Senate President Phillip Rock requested Governor Thompson to remove Dr. Terry Lash as Director of IDNS. The Governor has not acted on this request.

Region III was also informed that IDNS plans to begin inspections at NRC licensees under a low-level waste packaging and transportation MOU that has been in effect for five years. Region III will work with IDNS to develop implementing procedures consistent with the procedures developed with the Commonwealth of Pennsylvania. NRC has also been asked to comment on draft regulations that would allow IDNS to inspect and enforce standards for the treatment of low-level radioactive waste at all waste generators in Illinois.

Kerr-McGee Completes Clean Up

Kerr-McGee completed excavation of thorium-contaminated soil from a residence on Pomeroy Street, just outside the West Chicago city limits. The work was allowed to be completed as a result of a temporary restraining order issued by a federal judge. Kerr-McGee and local homeowners have a lawsuit pending against West Chicago which attempts to overrule the city ordinance which does not allow the shipment of radioactive material into the city. Kerr-McGee expects to resume excavations at other residences in the spring of 1990, if this legal action is successful.

IOWA

Nuclear Pacemaker Lost During Cremation

Mercy Hospital of Des Moines reported to the Iowa Department of Public Health (IDPH) that a deceased patient with a Cordis nuclear pacemaker containing approximately 3 curies of plutonium (principally Pu-238) was cremated without removal of the device. Region III assisted IDPH with follow-up actions to determine the extent of health and safety concerns. IDPH performed alpha surveys and wipe tests of the mortuary premises (including the burn chamber) and found no evidence of plutonium contamination, indicating that the pacemaker had not been ruptured in the process. The State believes that the pacemaker has been disposed in a local sanitary landfill. IDPH is proposing enforcement action against their licensee.

MISSOURI

Combustion Engineering Hematite Plant Hearing

Roland Lickus, Chief of Region III State and Government Affairs, attended the pre-hearing conference and limited appearance statements session of the Atomic Safety and Licensing Board proceeding on the proposed license amendments to the Combustion Engineering plant in Hematite, Missouri. Combustion Engineering is seeking approval from the NRC to amend its license to allow the plant to fabricate nuclear fuel pellets. The limited appearance session to allow the public to express its concerns was held on October 24, 1989, in Hillsboro, Missouri. Seven individuals

made statements at the session - six opposed the licensing action and one favored the action. The pre-hearing conference was scheduled to be held on October 25. However, the parties, including State Senator Jay Nixon, announced to the Judge in the proceeding that they had reached a settlement and as a result, the petitions to intervene could be withdrawn. The Judge accepted the joint stipulation agreed to by the parties and dismissed the case. One intervenor who did not participate was also dismissed.

MICHIGAN

Michigan Identifies Three Counties As Potential LLW Disposal Sites

The Michigan Low-Level Radioactive Waste Authority identified areas in St. Clair, Lenawee and Ontonogon Counties as potential sites for a LLW disposal facility. These three areas were selected from the 3 per cent of State land identified during the State's site screening process. Three specific candidate sites are to be selected by January 1990. A final site will be selected after a 12-18 month site characterization process. Coincident with the selection of these candidate areas, Michigan also indicated that it will seek NRC Agreement State status.

REGION IV

COLORADO

Colorado Radiation Control Program Review Visit

A review visit for the Colorado radiation control program was performed in Denver, Colorado, during the period October 16-18, 1989 by Robert J. Doda and Howard J. Faulkner. Mr. Faulkner, from the Office of International Programs, is on a rotational assignment to Region IV. The review visit also included an accompaniment inspection at a low-level radioactive waste broker/processor, Ramp Industries, Inc., Denver, Colorado. This licensee represents one of the most significant licensees in Colorado because of the variety and quantity of loose radioactive materials handled, and the possibility of the spread of contamination. Several violations and a number of recommendations were made to the licensee as a result of the inspection.

The current status of the Colorado radiation control program was found to be adequate under NRC review criteria. Region IV will continue to follow progress in two subject areas relating to this review visit.

URFO ACTIVITIES

Meeting with State of Wyoming

Ramon Hall, Ed Hawkins, Gary Konwinski and Dawn Jacoby, URFO, met with representatives from the State of Wyoming, Department of Environmental Quality and the State Engineers office on October 20, 1989.

The purpose of the meeting was to discuss areas of mutual interest regarding NRC uranium recovery licensees in the State and to consider conforming annual reporting requirements.

Assistance to the State of Washington

Gary Konwinski, URFO, assisted the State of Washington on October 23 and 24, 1989 in reviewing groundwater standards applicable to the Dawn Mill and in establishing license conditions necessary to characterize the site ground water contamination. A license condition was drafted similar to NRC license conditions requiring groundwater corrective actions and transmitted to Region V for referral to the State.

DOE UMTRA Meeting

Ramon Hall and Ed Hawkins, URFO, participated in a DOE sponsored meeting on October 25-27, 1989 with various States and Indian Tribes involved in Title I reclamation activities.

Lakeview Site

Ramon Hall participated in the closure ceremony on October 12, 1989, sponsored by the State of Oregon, for the Lakeview Title I Umtra Site.

REGION V

No significant items of interest reported.