

MD/W.LATIN/11/22

NOV 29 1989

Mr. William C. Lattin, Acting Manager
National Low-Level Waste Program
Idaho Operations Office
Department of Energy
P. O. Box 1625
Idaho Falls, Idaho 83415

Dear Mr. Lattin:

As you have requested, we have reviewed your factsheet for the public entitled, "Licensing a Low-Level Radioactive Waste Disposal Site." This fact sheet does a good job of summarizing for the public the regulations for licensing a new disposal site. We had one comment as to accuracy and one as to style. A couple of minor comments are included on the enclosed markup.

Our comment as to accuracy is that in order to differentiate 10 CFR 61 disposal from 10 CFR 20 disposal, the phrase, "receive, possess, or dispose" should be "receive, possess, and dispose," just as it is stated in 10 CFR 61.3. Our comment as to style is that an active rather than passive tone would make it clearer to the public with whom the action lies. For instance, the end of the fifth paragraph should state that "the applicant submits the technical information," not that "the technical information... is submitted." These points were informally discussed with Mindy Ludeman. If you have any questions, feel free to call either myself (FTS 492-0553) or Maxine Dunkelmann of my staff (FTS 492-0580).

Sincerely,
(SIGNED) PAUL H. LOHAUS

Paul H. Lohaus, Chief
Operations Branch
Division of Low-Level Waste Management
and Decommissioning, NMSS

Enclosure: Markup of factsheet

cc: Mindy Ludeman, EG&G

Distribution: TICKET # LLWM 89-128, Central File # 406.1.9 NMSS r/f
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PDR YES

PDR NO Category: Proprietary or CF Only

ACNW YES NO

SUBJECT ABSTRACT: COMMENTS ON 10 CFR 61 FACTSHEET

OFC :LLGB	:LLOB	:LLOB	:LLWM	:LLWM	:NMSS
NAME :MDunkelman/jj	:RMacDougall	:PLOhaus	:	:	:
Date:11/27/89	:11/27/89	:11/28/89	:11/ /89	:11/ /89	:11/ /89

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LICENSING A LOW-LEVEL RADIOACTIVE WASTE DISPOSAL SITE

The low-level radioactive waste management system is regulated throughout the entire waste cycle, from waste generation through final disposal and long-term care of disposal facilities. Federal, state, and local agencies are responsible for regulating the manufacture, use, and disposal of radioactive materials. Protection of public health and safety, and the environment are the primary objectives of all regulatory requirements and activities.

The U.S. Environmental Protection Agency (EPA) develops general criteria and standards that serve as the basis for the regulations developed by other agencies. The U.S. Nuclear Regulatory Commission (NRC) regulates commercial low-level wastes by licensing users of radioactive materials and developing regulations for proper management of radioactive waste.

Some states request from NRC an agreement that allows them to license and regulate their own commercial disposal facilities and low-level waste management activities. To obtain agreement state status, a state must show it has the technical capability to perform the licensing and regulatory work. The state must also develop regulations that are compatible with federal codes.

In January 1983, the NRC adopted a set of ~~strict requirements~~ for new low-level waste disposal sites. ~~These~~ regulation, published as Title 10, Code of Federal Regulations, Part 61, stipulates that no person may receive, possess, or dispose of commercial radioactive waste at a land disposal facility unless authorized by a license issued by the NRC or Agreement State. It also

requires that a license be obtained from the NRC or Agreement State before commencing construction of a land disposal facility.

During the preoperational phase of a low-level radioactive waste disposal facility, the potential applicant goes through a process of disposal site selection by selecting a region of interest, examining a number of possible disposal sites within the area of interest, and then narrowing the choice to a proposed site. Through a detailed investigation of the disposal site characteristics, the potential applicant obtains data on which to base an analysis of the disposal site's suitability. This technical information, along with general information about the applicant, institutional information, and financial information is submitted to the NRC or Agreement State in the form of an application for a land disposal license.

Technical Information

No radioactive waste may be disposed of at a waste disposal facility until the NRC or Agreement State has inspected the facility and has found it to be in conformance with the description, design, and construction described in the application for a license. Once operations begin, the NRC or Agreement State will periodically review the operating history of the facility and a decision will be made to allow or deny continued operation.

Some of the technical information required in the application includes:

- (1) A description of the natural and demographic disposal site characteristics.

*Passive.
The applicant submits...*

*Passive
The licensee may not dispose...*

regulations

*and
(see 61.3)*

(2) A description of the design features of the land disposal facility. For near-surface disposal, the description must include many design features. Some of these features concern contact of wastes with standing water; disposal site drainage; disposal site closure and stabilization; inadvertent intrusion; and adequacy of the size of the buffer zone for monitoring and potential mitigative measures.

(3) A description of codes and standards which the applicant has applied to the design and which will apply to construction of the land disposal facilities.

(4) A description of the construction and operation of the land disposal facility.

(5) A description of the kind, amount, classification, and specifications for the radioactive materials proposed to be received, and disposed of at the land disposal facility.

(6) A description of the environmental monitoring program that will provide data to evaluate potential health and environmental impacts and the plan for taking corrective measures if migration of radionuclides exceeds predicted values.

(7) A description of the site closure and long-term maintenance plan.
surveillance

General Information

Some of the general information required includes:

- (1) Identity of the applicant.
- (2) Qualifications of the applicant, both technical and non-technical.
- (3) Proposed schedules for construction, receipt of waste, and first emplacement of waste at the proposed land disposal facility.

Institutional Information

Institutional information must include a certification by the Federal or State government that assigns the disposal site that they will assume responsibility for custodial care after site closure and post-closure observation and maintenance. If the proposed disposal site is on privately-owned land, the applicant must submit evidence showing that arrangements have been made for assumption of ownership by the Federal or State government before the NRC issues a license.

Financial Information

Financial information must be sufficient to demonstrate that the financial qualifications of the applicant are adequate to:

- (1) Carry out the activities over the planned operating life of the project, including costs of construction and disposal.
- (2) Carry out disposal site closure and stabilization.
- (3) Provide for the costs of monitoring and any required maintenance during the institutional control period.

*redundant,
put in lead-in*

FROM

William C. Lattin

DATE OF DOCUMENT

11/7/89

DATE RECEIVED

11/14 for ticket

NO.

LLWM 89-128 ✓

LTR

MEMO

REPORT

OTHER

TO

Paul Lohaus

ORIG.

CC

OTHER

ACTION NECESSARY

CONCURRENCE

DATE ANSWERED

NO ACTION NECESSARY

COMMENT

By 12/08/89

CLASSIF

POST OFFICE

FILE CODE

REG NO

DESCRIPTION (Must Be Unclassified)

REVIEW AND COMMENTS ON FACTSHEET
"LICENSING A LOW-LEVEL RADIOACTIVE
WASTE DISPOSAL SITE"

REFERRED TO

DATE

RECEIVED BY

DATE

Lohaus

11/14

PLK

11/14

ENCLOSURES

*Jan
Jan*

REMARKS

*Teddy found 11/27
per letter to Wm Lattin
11/24/89*