

AUG 15 1989

MEMORANDUM FOR: Chairman Carr
Commissioner Roberts
Commissioner Rogers
Commissioner Curtiss

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

SUBJECT: MONTHLY SLITP AND REGIONAL REPORT FOR JULY 1989

The July 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 - July 1989

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HEADQUARTERS

Inspection Procedures Course

Joel Lubenau, SLITP, Richard Woodruff, Region II State Agreements Officer and Jack Hornor, Region V State Agreements Officer, conducted a materials inspection procedures training course on July 10-14, 1989 at the National Emergency Training Center in Emmitsburg, Maryland. The course covered a range of materials inspections including broad licenses, industrial sources and devices, industrial radiography, well logging and medical licenses. The class consisted of 21 State inspectors, two from the Department of Navy and one from the Air Force.

Neutron Products Public Meeting

Donald Mackenzie, SLITP, attended a public meeting in Barnesville, Maryland on July 12, 1989 intended to provide area citizens with a status report on progress made by Neutron Products, Inc. in complying with the State of Maryland's safety requirements. Most of the Neutron Products facility has been shut down since March, 1989. The meeting was arranged by Maryland Delegate Gene W. Counihan. The State of Maryland was represented by Lawrence Ward, Deputy Assistant Secretary of the Department of the Environment and State Liaison Officer, and Roland Fletcher, Administrator of the State's Center for Radiological Health. Jack Rasnihoff represented Neutron Products.

Low-Level Waste Forum Quarterly Meeting

Carlton Kammerer, Director, SLITP, participated in the Low-Level Waste Forum quarterly meeting on July 13-14, 1989 in Alta, Wyoming. The July meeting focused on risk perception and communications, interaction with the host communities, DOE waste management practices, updates on progress in siting LLW disposal facilities and updates on compliance with the 1990 milestone. The Forum meeting also included an all-day tour of the Idaho National Engineering Laboratory on July 12, 1989.

National Association of Regulatory Utility Commissioners Meeting

Commissioner Kenneth Rogers and Jack Martin, Region V Administrator, accompanied by Myron Karman, Commissioner Rogers' Legal Assistant, and Spiros Droggitis, SLITP, participated in the National Association of Regulatory Utility Commissioners Subcommittee on Nuclear Issues/Waste Disposal meeting on July 23, 1989, in San Francisco, California. The Subcommittee received a status report on the high-level waste (HLW) program and decided to pursue funding for a full-time Washington representative to follow the HLW program. State Public Utility Commissioners are very concerned with the amount of money ratepayers have contributed to the Nuclear Waste Fund and the lack of program progress.

Commissioner Rogers gave a summary of the NRC rule on standardization and combined licenses. The Commissioner and an industry representative also discussed the status and merits of legislative proposals to eliminate the opportunity for a second hearing. Jack Martin gave an overview of the NRC inspection and enforcement program on tracking plant performance and development of the watch list. The Subcommittee received a briefing from an Edison Electric Institute representative on the status of uranium enrichment legislation in Congress. Commissioner Rogers and an industry representative reported on the hearing on S.946 - Nuclear Regulation Reorganization and Reform Act of 1989 before the Senate Subcommittee on Nuclear Regulation on July 19, 1989.

REGION I

MARYLAND

Neutron Products, Inc. Hearing

John McGrath and Ronald Nimitz, Region I, testified at a State administrative hearing on Neutron Products, Inc. on July 20-21, 1989 in Baltimore, Maryland. In March of this year, the State issued an order shutting down Neutron Products as a result of an employee setting off radiation alarms at the Ginna power plant. The employee was contaminated with Co-60 which had been taken from the licensee's facility in Dickerson, Maryland. The State had issued a license amendment requiring the licensee to make significant changes to the facility and its operating procedures. The licensee subsequently requested a hearing on the State's action. The licensee has since rescinded its request for hearing and intends to comply with the license amendment.

MASSACHUSETTS

Pilgrim Pre-Exercise Drill

Massachusetts State and local officials, in coordination with the Pilgrim nuclear power station, have scheduled a pre-exercise drill for September 20, 1989. The graded off-site exercise is scheduled for October 12 and 13, 1989.

NEW JERSEY

Deputy State Liaison Officer Activities

Dr. Jill Lipoti, Assistant Director, Radiological Protection Program for the New Jersey Department of Environmental Protection and Deputy SLO, toured the Oyster Creek site on July 25, 1989 with Elmo Collins, Senior Resident Inspector, and Curtis Cowgill, Project Section 4B Chief. Because the tour was so informative, Dr. Lipoti has requested the licensee provide a similar introductory site tour for the Salem and Hope Creek nuclear power facilities next month.

NEW YORK

Committee on Licensing Meeting

John McGrath, Region I SAO, attended a meeting of the Committee on Licensing, the coordinating committee of the New York Agreement State agencies, on July 10, 1989. One major topic of interest was radioactive waste disposal. The Committee discussed the possible need to increase penalties for improper disposal of such wastes, and the storage capacity of current State licensed waste generators. Mr. McGrath discussed the possible need for interagency review of contingency plans for major State licensees.

NORTHEAST COMPACT (NEW JERSEY AND CONNECTICUT)

Low-Level Radioactive Waste Financial Assurance Workshop

The Northeast Interstate Low-Level Radioactive Waste Commission sponsored a workshop on July 19, 1989 in Stamford, Connecticut, to provide an overview of financial assurance requirements and to discuss traditional and alternative insurance. Michael Bell, Acting Deputy Director, Low-Level Waste Management and Decommissioning, NMSS, and Marie Miller, Region I State Liaison Officer, participated in the workshop. Highlights of the discussion included the announcement by American Nuclear Insurers (ANI) to resume coverage of third party damage claims resulting from new LLRW disposal facilities after January 1990 and the clarification that non-nuclear fuel cycle radioactive material would be covered by conventional insurance because it is not captured under the nuclear exclusion exemption.

PENNSYLVANIA

Pennsylvania Awards LLRW Contract

The Department of Environmental Resources and the Appalachian States Compact selected Chem Nuclear Systems, Inc. to site, design, construct and operate a low-level radioactive waste disposal facility in Pennsylvania. With this announcement on July 7, 1989, completion of screening activities for three potentially suitable sites is scheduled for fall of 1990. NRC is in the process of negotiating with the State for a limited agreement to cover State regulation of the site. The staff has reviewed State regulations equivalent to Part 61 and recently provided comments on other necessary State regulations (those equivalent to Parts 19 and 20). The staff plans to meet with the State later this month to discuss further steps the State needs to take.

MAINE

Governor Signs Legislation to Contract with Rocky Mountain Board

Governor John McKernan signed legislation on July 12, 1989 which authorizes the State to enter into a contract with the Rocky Mountain Low-Level Radioactive Waste Board for the disposal of Maine's LLW for a

three year period. This measure requires approval by State-wide referendum, which is scheduled for November 7, 1989. The Rocky Mountain LLW Board has scheduled a meeting on August 28, 1989 to consider the proposed contract with Maine, as well as similar arrangements with Rhode Island, New Hampshire, Vermont and the District of Columbia.

In addition, the Governor signed legislation which authorizes the Maine LLW Authority to require generators to provide on-site low-level waste storage after January 1, 1996, and allows the Authority to plan, site, and build a State storage facility, beginning in 1993 and to be operational in 1996, if no permanent disposal facility is in sight by 1993.

The Governor also signed a bill which says that even if the Nuclear Regulatory Commission changes its definition of "below regulatory concern" (BkC) waste, the change will not affect waste generated by Maine Yankee, which will still have to be sent to a licensed disposal facility.

REGION II

GEORGIA

Unusual Occurrence at Radiation Sterilizers, Inc. (RSI) Irradiator, Decatur, Georgia

An unusual occurrence happened at the RSI irradiator in Decatur, Georgia, July 12, 1989. The cask used to transport WESF capsules was being lifted from the pool when a brake malfunction occurred with the lifting crane. The main brake failed but a hand brake stopped the descent shortly after the cask re-entered the pool. DOE reported that there was no equipment damage, no personnel or equipment contamination, no airborne radioactivity, and no personnel injury resulting from this occurrence. To prevent recurrences, brake inspections will be performed daily before crane operations and will be documented and the results will be reviewed by the site quality assurance supervisor. A safety team has inspected and tested the crane according to OSHA requirements and the results were satisfactory. The team also found the crane operator to be competent and in compliance with OSHA requirements. Crane and cask handling operations resumed July 17, 1989.

Radiation Sterilizers, Inc. (RSI) Monthly Meeting

R. L. Woodruff, Region II State Agreements Officer, attended an RSI Capsule and Site Recovery Information monthly meeting on July 18, 1989 at the WESF facility in Richland, Washington. The meeting covered the capsule investigation status, capsule shipping plans, various regulatory items, and the unusual occurrence involving the crane. A tour of the facilities concerned with capsule operations was also included.

NORTH CAROLINA

Low-Level Waste Authority Signs Contract with Chem-Nuclear

The North Carolina Low-Level Radioactive Waste Management Authority signed a contract on July 28, 1989 with Chem-Nuclear Systems Inc. of Columbia, South Carolina to site, design, develop, construct, operate and close the State's low-level radioactive waste disposal facility. North Carolina is a member of the Southeast LLW Compact and has been designated host State for the Compact's next disposal facility.

REGION III

OHIO

Meeting with Ohio Officials

Roland Lickus, Region III State Liaison Officer, met with James Williams, Chief of Staff of the Ohio Disaster Services Agency and State Liaison Officer, and members of his staff on July 19, 1989 in Columbus, Ohio. The purpose of the meeting was to resume discussions on an umbrella memorandum of understanding (MOU) with Ohio under the Commission policy on cooperation with the States. This MOU is intended to provide a basis for subsequent detailed subagreements between the NRC and Ohio. The State has expressed interest in inspection accompaniment and participation agreements. In addition, the Public Utilities Commission is interested in exploring agreements in the areas of performance indicators and utility management assessments, although the State representatives were unable to provide more detail on exactly what these agreements would entail.

Mr. Lickus also met with the newly appointed Chairwoman of the Ohio Public Utilities Commission (PUC) Jolynn Butler. Topics of discussion included MOU's, SALP reports, the Ohio Utility Radiological Safety Board, and Region III notifications to the PUC of significant issues at Ohio nuclear power plants.

ILLINOIS

Central Midwest Low-Level Waste Compact Commission Meeting

Roland Lickus, Region III State Liaison Officer, attended a meeting of the Central Midwest Low-Level Waste Compact Commission in Springfield, Illinois on July 27, 1989. Issues discussed included: development of a regional tracking system; a timetable for designating a regional treatment and storage facility; consideration of grants to local governments; and adoption of the FY 1990 budget.

Additionally, the State of Illinois has signed a \$10 million contract with Chem-Nuclear Systems to construct and operate the State's low-level waste disposal facility. Chem-Nuclear agreed to accept all liability risks, something which Westinghouse Electric Corporation, the project's former contractor, refused to accept.

IDNS Participation in Training

The materials inspection staff of the Chicago regional office of the Illinois Department of Nuclear Safety (IDNS) participated in a Region III training session on July 31, 1989. The training session, entitled "How Much Is a Big Deal?", was presented by Dr. Carl Paperiello, Deputy Region III Administrator. The training provided guidance on the quantities of various isotopes lost by licensees (via spillage, misplacement, theft, misadministration, etc.) which may indicate a health and safety concern and therefore should be brought to the attention of management.

REGION IV

TEXAS

Comanche Peak Emergency Preparedness Exercise

Charles Hackney, Region IV State Liaison Officer, participated in the Comanche Peak Emergency Preparedness Exercise in Glen Rose, Texas on July 24-27, 1989. Marked improvement was noted since the table-top exercise which was held earlier in July.

IDAHO

Idaho Radiation Control Program Routine Review

Robert J. Doda, Region IV State Agreements Officer, concluded a routine review of the Idaho radiation control program on July 28, 1989. An inspector accompaniment at a major medical facility was a part of this review. The State's program is currently much improved compared to early 1988 when staffing problems had reached a critical point. The program is now at full staff with an additional one or two FTEs anticipated for LLW and national lab activities. Preliminary staff findings were that the Idaho program was found to be adequate to protect the public health and safety and compatible with the NRC's program for similar materials. These preliminary findings will be reviewed by Regional and Headquarters offices and the results will be confirmed in a letter to the State.

NEW MEXICO

Uranium Mill Meeting

A meeting was held on July 17, 1989 in Santa Fe, New Mexico, between representatives of NRC and the New Mexico Environmental Improvement Division to coordinate efforts on two projects. The subjects covered were ground-water issues at Quivira Mining Corporation's Ambrosia Lake millsite and the application by Hydro Resources Inc. to operate commercial in-situ leach projects in western New Mexico.

REGION V

CALIFORNIA

City of Oakland Considering "BRC" Resolution

The Oakland, California City Council is considering a proposed resolution which opposes the designation of certain low-level radioactive wastes as "below regulatory concern" (BRC). The City Council has scheduled a meeting for September 15, 1989 to consider this issue and has invited the NRC and others to provide information on their positions. The Office of Research and Region V will respond to this request. The Santa Cruz County Board of Supervisors passed a resolution on February 7, 1989 which opposed the designation of BRC. Other California jurisdictions have considered this issue.