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POLICY ISSUE (Information)

SECY-93-133

FOR: The Commissioners

FROM: James M. Taylor
Executive Director for Operations

SUBJECT: SECOND ANNUAL REPORT TO THE COMMISSION ON REQUESTS FOR
AMENDMENTS OR LICENSES TO STORE LOW-LEVEL RADIOACTIVE WASTE,
AND THE NUMBER OF AMENDMENTS OR LICENSES GRANTED

PURPOSE:

To provide the Commission with the second annual report identifying the number of requests that the Nuclear Regulatory Commission has received for license amendments and licenses to store low-level radioactive waste (LLW), and the number of amendments or licenses granted. The report fulfills the Commission direction in the January 30, 1992, Staff Requirements Memorandum (SRM), for the period between March 1, 1992, and March 1, 1993.

BACKGROUND:

In the SRM of January 30, 1992, the Commission directed the staff to undertake a rulemaking to establish a regulatory framework setting forth the procedures and criteria that will apply to on-site storage of LLW beyond January 1, 1996. The Commission also directed the staff to provide annual reports that indicate the number of requests that NRC received for amendments or licenses to store LLW and the number of amendments or licenses granted.

NOTE: TO BE MADE PUBLICLY AVAILABLE
IN 10 WORKING DAYS FROM THE
DATE OF THIS PAPER

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The regional offices, the Office of Nuclear Reactor Regulation (NRR), and the Office of Nuclear Material Safety and Safeguards (NMSS) provided the necessary information. These organizations are responsible for all NRC licensees. These organizations were asked to report requests for amendments or licenses to store LLW received from licensees between March 1, 1992, and March 1, 1993, and the number of amendments and licenses granted.

Consistent with the first annual report (SECY-92-202), this report does not consider requests for amendments or licenses authorizing decay-in-storage, disposal in sanitary sewers, or on-site disposals. However, the Regions acknowledge that many licensees are requesting amendments for decay-in-storage principally to store LLW containing isotopes with greater than 65 day half-lives.

DISCUSSION:

Overall, NRC received 20 requests for amendments to store LLW, and no requests for new licenses to store LLW during the March 1, 1992, to March 1, 1993, time period. Nine of these requests were approved during the reporting period, whereas the remaining 11 requests were pending as of March 1, 1993. All were submitted by materials licensees. A total of seven license amendment requests submitted before March 1, 1992, were approved during the reporting period. The following table summarizes the number of requests that NRC received for amendments to store LLW and the number of amendments granted. (1991 data reported here differ from that reported last year in SECY-92-202. Revised data have been provided by the regions ; The table in the enclosure contains all of the data collected.

TOTAL AMENDMENTS REQUESTED
DURING REPORTING PERIOD

1991	1992
20	20

TOTAL AMENDMENTS GRANTED
DURING REPORTING PERIOD

1991	1992
7	16

With respect to the various licensing organizations in the agency, Region I received the majority of requests for LLW storage amendments, accounting for 13 of the 20 reported amendment requests. Region III received one amendment request, which was submitted by a Michigan licensee. Region II received no requests for amendments to store LLW, Region IV received one request, and Region V received five requests, of which three were from Federal government licensees. Regions II, IV, and V contain a large number of Agreement States, so NRC licenses a smaller number of licensees within these regions, and consequently, the number of requests for amendments to store LLW is low here. NMSS received one amendment request, and NRR received no requests for license amendments to store LLW.

Power reactor licensees submitted none of the requests to store LLW. Power reactor facility licenses contain a "boiler plate" clause that permits on-site storage of LLW generated by reactor operations. When additional storage

capacity has been needed, reactor licensees have used the 10 CFR 50.59 evaluation process to accommodate storage of LLW for less than five years. In the future, most reactor licensees are expected to continue to use the 50.59 process for additional storage capacity.

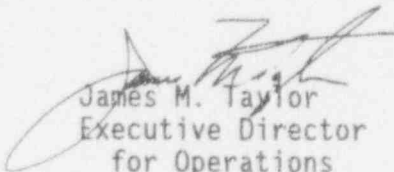
Although the number of States denied access to LLW disposal facilities has increased recently, there has been no significant increase in the number of amendments requested to store LLW. Michigan generators were denied access to all LLW disposal facilities on November 11, 1990. The six amendment requests from LLW generators in Michigan received by Region III immediately after Michigan's denial of access, and identified in last year's report, are attributed to this action. This year, Michigan licensees submitted only one request for an amendment to store LLW. It appears that Michigan LLW generators may have developed adequate storage capacity, through license amendment actions, to satisfy LLW storage needs generated by the November 1990 denial of access.

In addition, generators in several other States recently have lost access to disposal facilities, and thus, must store their LLW. Rhode Island, New Hampshire, and the District of Columbia previously had access to only the Beatty, NV, site, which discontinued disposal operations on January 1, 1993. Generators in Maine also must store their LLW because the State of Maine, under State law, cannot enter into an agreement at this time with the Southeast Compact Commission to obtain access to the Barnwell disposal facility. The State, however, is exploring means of obtaining access to Barnwell, and hopes to secure access in the near future. Although these additional States have now been denied access, no impact on NRC storage licensing has occurred since all but the District of Columbia are Agreement States.

The data presented here provide one measure of the impacts of limited access to disposal capacity resulting from milestones of the Low-Level Radioactive Waste Policy Amendments Act of 1985. The number of licensee requests to store LLW is expected to increase as many licensees prepare for limited access to Barnwell in 1994. At that time, it is projected that only the 17 States within the Northwest, Rocky Mountain, and Southeast Compacts will have access to LLW disposal facilities. To date, however, the impact of LLW storage on NRC's licensing program has been small.

COORDINATION:

This paper has been reviewed by the Office of the General Counsel and they have no legal objection.


James M. Taylor
Executive Director
for Operations

Enclosure: Table-Req. for
...Interim Storage

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REQUESTS FOR AUTHORIZATION FOR INTERIM STORAGE*
SECOND ANNUAL REPORT TO THE COMMISSION

<u>Name</u>	<u>Date of Submission</u>	<u>License No.</u>	<u>Approval Date</u>
Region I:			
V. A. West Haven	9-13-92	06-00092-05	10-29-92
University of Connecticut	9-23-91	06-01450-47	6-16-92
Pfizer	7-30-92	06-05869-01	Pending
Bristol-Myers Squibb	3-27-92	06-27843-02	Pending
NIH	10-13-92	19-00296-10	Pending
Program Resources	9-09-91	19-21091-01	6-16-92
Williams College	3-21-91	20-04028-04	12-31-92
University of Lowell	9-21-92	20-07446-01	Pending
E.R. Squibb	10-30-92	29-00139-02	Pending
Unilever	8-23-91	29-00304-02	7-10-92
Ethicon	4-28-92	29-02786-06	Pending
U Med & Dentistry NJ	7-30-92	29-02957-13	12-15-92
Deborah Institute	4-27-92	29-20513-01	2-24-93
Center for Molecular Medicine	2-07-92	29-28554-01	1-29-93
SKB	10-28-91	37-00282-04	1-07-93
Allegheny Hospital	10-02-92	37-01317-05	Pending
Robert Packer	1-16-92	37-01893-01	1-29-93
ALARON	2-02-93	37-20826-01	Pending
DuPont Merck	5-24-92	37-28764-01	12-31-92
DuPont Merck	5-26-92	37-28764-02	12-31-92

Region II:

Region II has not received any requests for licenses or amendments to store LLW.

Region III:

Adrian College	9-11-92	21-07252-02	1-19-93
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Region IV:

Department of Veterans Affairs	1-14-93	26-00138-10	Pending
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Region V:

V.A. Loma Linda	12-28-92	04-17862-01	Pending
V.A. Los Angeles	12-23-92	04-00181-04	Pending
Boeing Company	8-21-92	SNM-255	8-31-92
State of Alaska, Eagle River	6-25-92	50-21297-02	2-23-93
U.S. Army, San Francisco	5-11-92	04-01496-02	5-20-92

Enclosure

REQUESTS FOR AUTHORIZATION FOR INTERIM STORAGE* - SECOND ANNUAL REPORT TO THE
COMMISSION (Continued)

<u>Name</u>	<u>Date of Submission</u>	<u>License No.</u>	<u>Approval Date</u>
NMSS: Combustion Engineering, Windsor	12-23-92	SNM-1067	Pending

NRR:

LLW storage is permitted at all reactors under their facility licenses. Reactor licensees requiring additional storage of LLW often manage these changes through the 10 CFR 50.59 evaluation process. NRR has no pending requests from Part 50 licensees to store LLW on-site nor pending requests for amendments to Part 50 licenses that directly affect the storage of LLW on-site.

*This table contains both license amendment requests received during the reporting period and license amendment requests granted during the reporting period. Some of the amendments granted this year were received last year. As a consequence, the total number of license amendment requests reported here is different from data presented in the summary tables listed on page 2 of this report.