



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

SECY
82-0470

June 11, 1982

The Honorable Walter B. Jones, Chairman
Committee on Merchant Marine and Fisheries
United States House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

This responds to your letter of April 29, 1982 in which you requested the Nuclear Regulatory Commission's views on H.R. 6144, a bill relating to the disposal of low-level radioactive waste in ocean waters.

Generally, the bill (in Section 1) would establish requirements which the Administrator of the Environmental Protection Agency (EPA) would have to satisfy (during a two-year period beginning on the date of enactment) for that Agency to issue a research permit under the Marine Protection, Research and Sanctuaries Act (MPRSA) of 1972 (P.L. 92-532, 33 U.S.C. s 1401 et.seq.) for the ocean dumping of any low-level radioactive waste. Except for research permits which satisfy the requirements of Section 1 of the bill, our understanding is that Section 1 would impose a moratorium for two years on the issuance of any other EPA permit under MPRSA for the dumping of low-level radioactive waste in ocean waters. (It appears that the substance of Section 1 of the bill was included in Section 5(b) of H.R. 6113 as reported (H.Rept. 97-562, Part 1) by your committee on May 17, 1982.)

Section 2 of H.R. 6144 provides certain requirements which an applicant for a permit to dump low-level radioactive waste in ocean waters must satisfy following the close of the two-year moratorium on the issuance of non-research permits which Section 1 of the bill would establish. The requirements include a site specific radioactive material disposal impact assessment which must be completed by the applicant and approved by the Administrator. Section 2 also provides for a congressional review procedure of the assessment. No permit issued under the section would become effective before the forty-fifth day of continuous session of the Congress after the day on which EPA issued the permit. During this period, the permit can be terminated by a resolution of disapproval by either House of Congress. (It appears that the substance of Section 2 of H.R. 6144 was included in Section 3 of H.R. 6113 as reported by your Committee.)

As we understand MPRSA, it prohibited the transport from the United States of any material for the purpose of dumping it into ocean waters, unless authorized by a permit issued by EPA pursuant to that Act. In this regard, MPRSA gave the EPA the authority and the responsibility to develop regulations and to issue permits for the future ocean dumping of waste, including low-level radioactive waste. Our understanding of H.R. 6144 is that it is directed only to the EPA's exercise of the authority

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under that Act. Accordingly, it does not now appear that the enactment of the bill is intended to have any direct impact on the activities of the NRC.

Thank you for the opportunity to comment on this bill.

Sincerely,

A handwritten signature in dark ink, appearing to read "L. Bickwit, Jr.", with a stylized flourish at the end.

Leonard Bickwit, Jr.
General Counsel