

FEB 3 1983

The Honorable Robert H. Eisengrein
State of New Hampshire
House of Representatives
Concord, New Hampshire 03301

Dear Mr. Eisengrein:

Subject: Low Level Radioactive Waste Management Per Public Law 96-573

This is in response to your inquiry regarding the possibility of long term storage of low-level radioactive waste on the site of the Seabrook Nuclear Plant.

The NRC position on such storage was stated in a letter dated November 10, 1981 to utility licensees and applicants from William J. Dircks, NRC's Executive Director for Operations (copy enclosed). This position was reaffirmed by Mr. Dircks in October 1982. The position is that NRC should not take deliberate action that would hinder the establishment of additional disposal capacity by the states and yet, consistent with NRC regulatory safety requirements, permit necessary operational flexibility by its licensees. Provisions for added storage capacity should be used only for interim contingency storage, and low-level waste should continue to be shipped to disposal sites to the extent practicable. Additionally, long term storage of waste does not obviate the need for final disposal.

If a utility, such as Public Service Company of New Hampshire, were to seek authority to store its low-level waste onsite for more than five years (long term), the license application and review procedures would be pursuant to 10 CFR Part 30 of the Commission's regulations. Among the issues that would be reviewed are container integrity and retrievability, volume reduction, influence on state planning for disposal, and implications of de facto onsite disposal. Certain of these issues are likely to be controversial.

Any license issued would be for a five-year, renewable term. NRC licensing jurisdiction would be retained in an Agreement State such as New Hampshire in accordance with 10 CFR 150.15(a)(1) for storage of reactor low-level waste generated and stored onsite.

If you wish to discuss these matters further, please feel free to contact me at (215)337-5216.

Sincerely,

Original Signed By:

Faith N. Brenneman
Regional State Liaison Officer

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Enclosure:
Generic Letter dated 11/10/81

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The Honorable Robert H. Eisengrein -2-

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

November 10, 1981

TO ALL HOLDERS OF AND APPLICANTS FOR OPERATING LICENSES AND CONSTRUCTION PERMITS

SUBJECT: STORAGE OF LOW-LEVEL RADIOACTIVE WASTES AT POWER REACTOR SITES

Gentlemen:

As a result of a reduction in waste disposal availability in the United States, many nuclear power reactor licensees are taking or are planning to take steps to provide for additional onsite storage of low-level radioactive wastes generated onsite. These steps range from storing packaged wastes in unused space to construction of new facilities for volume reduction and extended storage. The NRC has been considering the variety of plans which are underway and how they should be reviewed and approved.

Actions on waste storage can influence the development and implementation of final disposal plans by states, acting individually or on a regional basis, to establish additional disposal capacity. Some states have indicated to NRC that utilization of disposal services by nuclear power plant licensees is essential if disposal sites are to be developed by states or regional compacts. Thus, it is important that the NRC not take deliberate action that would hinder the establishment of additional disposal capacity by the states and yet, consistent with NRC regulatory safety requirements, permit necessary operational flexibility by its licensees. It is with these points in mind that the following guidance is provided.

For proposed increases in storage capacity for low-level waste generated by normal reactor operation and maintenance at power reactor sites, the safety of the proposal must be evaluated by the licensee under the provisions of 10 CFR 50.59. If (1) your existing license conditions or technical specifications do not prohibit increased storage, (2) no unreviewed safety question exists, and (3) the proposed increased storage capacity does not exceed the generated waste projected for five years, the licensee may provide the added capacity, document the 50.59 evaluation and report it to the Commission annually or as specified in the license.

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Radiological safety guidance has been developed by the staff for the design and operation of interim contingency low-level waste storage facilities. Necessary design features and administrative controls will be dictated by such factors as the waste form, concentrations of radioactive material in individual waste containers, total amount of radioactivity to be stored, and retrievability of waste. A copy of the guidance document is enclosed with this letter. This guidance shall be used in the design, construction and operation of your storage facility. In addition, the NRC will judge the adequacy of your 50.59 evaluation based on your compliance with the guidance. Please note also that IE Circular No. 80-19, dated August 22, 1980, provides information on preparing 50.59 evaluations for changes to radioactive waste treatment systems.

If you determine that an unreviewed safety question exists, authority for use should be requested through application to the Office of Nuclear Material Safety and Safeguards (NMSS) pursuant to 10 CFR 30, accompanied by an environmental evaluation that considers the incremental impact as related to reactor operations. Such application for a separate Part 30 license is for the administrative convenience of the Commission and is not intended to be substantively different than an application for amendment of the facility operating license. Application for use should also be accompanied by a showing that the storage provisions will not impact on the safety of reactor operations and will not foreclose alternatives for disposal of the wastes.

NMSS will notice the receipt of application in the Federal Register, offer an opportunity for public hearing if significant interest is demonstrated, and will perform an environmental assessment to determine if the proposed activity will significantly affect the quality of the environment. Facility construction prior to the staff's determination would be carried out at the licensee's risk. Any license issued will be for a standard five-year term, renewable if continued need is demonstrated and if safety of continued storage is established. NRC licensing jurisdiction will be retained in Agreement States in accordance with 10 CFR 150.15(a)(1) for storage of low-level waste generated and stored onsite. Indemnity coverage will be provided under and in accordance with your existing indemnity agreement with the Commission.

If it is determined that the storage provisions could impact on the safety of reactor operations or an existing license condition or technical specification limit the amount of waste storage, a change in the conditions of the reactor facility license may be necessary.

The provisions for added capacity should be used only for interim contingency storage, and low-level wastes should continue to be shipped to disposal sites to the extent practicable. The "Low Level Radioactive Waste Policy Act" of 1980 gives primary responsibility for the disposal of low-level waste to the states. Some states have initiated disposal plans, and we believe it is important that power reactor licensees, as major waste generators, work with and provide technical assistance and other support to assist individual states or regions in developing new disposal sites. You are encouraged to take an active role in the development of additional disposal sites.

Some licensees are considering the installation of major volume reduction processes, e.g., incineration, dehydration, or crystallization to substantially reduce the volume of waste for disposal. You are encouraged to examine the costs and benefits of such processes for your operations. However, notwithstanding the use of volume reduction, you are also encouraged to take an active role in the development of additional disposal sites.

For proposed increases in storage capacity for more than five years (long-term), the application and review procedures will be pursuant to 10 CFR 30 with consideration of container integrity and retrievability, volume reduction, influence on state planning for disposal, and implications of de facto onsite disposal. Any long-term license issued will be for a five-year, renewable term.

If you have any questions about these matters, please let us know.

Sincerely,



William J. Dircks
Executive Director
for Operations

Enclosure:
Guidance Document