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

November 5, 1990

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C.F.

The Honorable Craig Thomas, Member
United States House of Representatives
Room 4003 Federal Building
Casper, Wyoming 82601-1969

Dear Congressman Thomas:

I am responding to your letter of October 17, 1990, to Mr. Tom Combs of our Congressional Affairs staff, in which you requested the Nuclear Regulatory Commission's (NRC's) views on on-site disposal of waste from in-situ uranium recovery facilities. Recently, the NRC staff evaluated requests from several in-situ licensees and developed an interim position that would permit on-site disposal of waste under certain conditions. On August 29, 1990, the staff sent the interim position to our in-situ licensees and Agreement States with a request for their comments within 60 days. A copy of this proposed staff position is enclosed for your information. Please note that the Commission has not formally reviewed the interim position because it is consistent with requirements previously established by the Commission in 10 CFR Part 40, Appendix A. Upon receipt and evaluation of comments received, the NRC will implement a final position with respect to on-site disposal. I want to assure you that the NRC will give careful consideration to the comments received on the interim position.

Sincerely,


Forrest J. Remick
Acting Chairman

Enclosure:
Interim Staff Position

Originated: NMSS:Fliegel

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PDR WASTE
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INTERIM POSITION ON DISPOSAL OF IN-SITU WASTES

On August 29, 1990, the Division of Low-Level Waste Management and Decommissioning by memorandum from Richard L. Bangart, Director to A. Bill Beach, Director, Division of Radiation Safety and Safeguards, Region IV, issued the following interim position.

We recommend the following three (3) points be followed and applied when reviewing requests from in-situ licensees to dispose of in-situ wastes onsite.

1. In-situ licensees should seek permanent disposal for in-situ wastes. The selection of any permanent disposal option should reflect existing policy guidance contained in Criterion 2 to avoid proliferation of small disposal sites and, therefore, associated long term surveillance obligations. Thus, licensees requesting onsite disposal should be encouraged to identify and use permanent disposal options and disposal options which will not lead to the establishment of small disposal areas at a number of sites. Such options could include commercial disposal at a facility such as Envirocare, disposal at a Part 61 licensed facility or disposal at a separate facility specifically established to serve multiple in-situ licensees.
2. An in-situ licensee may demonstrate that no option other than individual onsite disposal is currently available for in-situ wastes. In this case, the licensee should include a request to store in-situ wastes for a interim period of time until permanent disposal options become available. NRC would authorize storage for a period of time generally no greater than five years. As part of the license amendment request, the licensee would also be required to provide a surety sufficient to cover the costs to properly dispose of the waste that is being stored and provide assurance that there are no legal or technical restrictions against onsite storage or disposal in the future. This would include some site characterization activities and analysis sufficient to demonstrate that the onsite disposal option is feasible and would not be in conflict with Appendix A, Part 40 requirements. If onsite disposal is precluded because of site characterization problems or by economic or other institutional factors, onsite storage must not be approved. In such a case, a licensing action to approve initial or continuing operation could only occur after an offsite permanent disposal option was formulated.

ENCLOSURE

3. If during the third year of the five year temporary storage authorization no other options are likely to become available, NRC will consider requests for onsite disposal upon licensee demonstration, as required by Criterion 2, that offsite disposal or other disposal options are not available or are impracticable. Prior to the end of the third year, if no permanent offsite disposal option can be demonstrated to be available, the licensee must propose a suitable onsite disposal design for NRC review and approval.

The Honorable Craig Thomas
 United States House of
 Representatives
 Washington, D.C. 20515

Dear Congressman Thomas:

I am responding to your letter of October 17, 1990, to Mr. Tom Combs of my staff, that requested the Nuclear Regulatory Commission's (NRC) views on in-situ uranium recovery facility onsite disposal of waste. Recently, in response to requests from several in-situ licensees, the staff did evaluate onsite disposal and developed a proposed position that would permit onsite disposal of waste under certain circumstances. On August 29, 1990, that position was issued and sent to our in-situ licensees and Agreement States, with a request for their comments within 60 days. A copy of this interim final staff position is enclosed for your information. Upon receipt and evaluation of industry comment, the Commission will take a final position with respect to onsite disposal. I assure you that the Commission will give careful consideration to the comments received on the proposed position.

Sincerely,

Kenneth M. Carr

Enclosure:
 Interim Final Staff Position

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DMorris, EDO	Dir. r/f	RFonner	EDO r/f	CJenkins t/f
HThompson	JTaylor	RHall, RIV/URFO	SECY	JSniezek
PDR YES <u>X</u>	ACNW	YES <u>X</u> NO		MFliegel

* See Previous Concurrence

SUBJECT ABSTRACT: ONSITE DISPOSAL OF IN-SITU URANIUM FACILITY WASTES

c2j 10/26/90

OFC	:LLOB*	:LLOB*	:OGC*	:EDITOR*	:LLWM*	:LLWM*
NAME:	MFliegel/jj	PLohaus	RFonner	EKraus	JGreeves	RBangart
DATE:	10/23/90	10/23/90	10/24/90	10/23/90	10/25/90	10/26/90
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