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

CHAIRMAN

November 5, 1990

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The Honorable Malcolm Wallop
United States Senate
Washington, D.C. 20510-6150

Dear Senator Wallop:

I am responding to your letter of September 27, 1990, supporting the uranium industry's request that the Nuclear Regulatory Commission (NRC) permit on-site disposal of wastes generated by in-situ uranium facilities. Recently, the NRC staff evaluated requests received 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 issued the interim position to our in-situ licensees and Agreement States with a request for their comments within 60 days. A copy of this interim staff position is enclosed for your information. 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:Wastler

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WM-3
NL14

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.

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 Malcolm Wallop
United States Senate
Washington, D.C. 20510-6150

Dear Senator Wallop:

I am responding to your letter of September 27, 1990, asking that the Nuclear Regulatory Commission (NRC) consider the uranium industry's request to permit the onsite disposal of wastes generated by in-situ uranium facilities. Recently, in response to requests from several in-situ licensees, the staff did evaluate onsite disposal and developed a position to address it. On August 29, 1990, an interim final staff 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. I trust that this reply responds to your concern.

Sincerely,

Kenneth M. Carr

Enclosure:
Interim Final Staff Position
Distribution:(EDO 5893) Central File

RBangart	JGreeves	JAustin	NMSS r/f	EDO #5893
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RFonner	MFliegel	SWastler	JBlaha	SECY
PDR YES X	ACNW YES X		KCarr OCM	LLOB t/f
			LLOB r/f	

SUBJECT ABSTRACT: ON-SITE DISPOSAL OF IN-SITU URANIUM FACILITY WASTES
*See previous concurrence

OFC	:LLOB*	:LLOB *	:LLOB *	:OGC*	:TEDITOR*	:LLWM	:LLWM*
NAME	:SWastler	:MFliegel	:PLohaus	:RFonner	:EKraus	:JGreeves	:RBangart
DATE	:10/15/90	:10/15/90	:10/15/90	:10/16/90	:10/15/90	: / /90	:10/16/90

10/18/90

OFC	:NMSS	:NMSS	:OEDO	:DEDO	:DEDO	:EDO	:OCM
NAME	:GArlotto	:RBerrero	:JBlaha	:HThompson	:JSniezek	:JTaylor	:KCarr
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