



UNITED STATES
 NUCLEAR REGULATORY COMMISSION
 REGION II
 101 MARIETTA STREET, N.W., SUITE 2900
 ATLANTA, GEORGIA 30323-0199

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JUL 06 1993

MEMORANDUM FOR: Richard L. Bangart, Director
 Division of Low-Level Waste Management
 and Decommissioning, NMSS

FROM: J. Philip Stohr, Director
 Division of Radiation Safety
 and Safeguards

SUBJECT: ESTIMATE OF LICENSEES WHO WOULD STORE LOW-LEVEL RADIOACTIVE
 WASTE IF ACCESS TO A DISPOSAL FACILITY IS DENIED

In response to your memo of June 11, 1993, we enclose our estimates of the number of licensees who would store waste if disposal facility access is denied.

The storage data in Enclosure 1 assumes no changes in economics and licensee population, and denial of both direct and indirect (vendor/broker) disposal access. Our estimates are for the number of licensees who would have to store waste, using a five-year horizon. Unfortunately, it includes almost everyone, except 10 CFR 35.100, 35.200 and 35.300 medical licenses, now totalling 205. This assumes that if disposal access is denied, vendors of sealed sources will not accept return of sources from specific licensees who have been denied access. If vendors will accept such sources, the number would be lower.

This storage number depends somewhat on the assumptions used. For example, if the economics of a licensee, or class of licensees, declines, then declared waste may increase. Also, many sealed source vendors do not want an old source unless they can sell a new one.

In other cases, the high disposal cost for sealed sources (e.g. Am-241, Pu-239) causes licensees to store waste irrespective of access. The disposal cost for Sr-90 ophthalmic applicators (Puerto Rico) is several thousand dollars, and most of the original vendors have discontinued support. The University of Puerto Rico now stores biomedical radwaste indefinitely, awaiting governmental decisions on hazardous waste disposal, and certification of their incinerator.

Nuclear medicine users and most sealed source users will not need long-term storage provided their vendor/brokers retain disposal access. Many broad scope licensees will need to substantially increase their storage if disposal access is denied.

If the vendors/brokers are denied burial access for waste originating from more states, then storage will rise accordingly.

Enclosure 2 is a summary of our materials licensees by program type (except fuel fabricators) that may be useful in your impact analysis.

JUL 09 1993

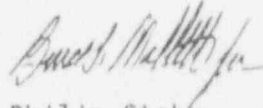
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Richard L. Bangart

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Please contact John Potter at 404/331-5571, or Charles Hosey at 404/331-5614 with any questions or comments.



J. Philip Stohr

Enclosures:

1. Impact Survey Data
2. Region II Materials Licensees
By Program Type

ENCLOSURE 1

ESTIMATE OF LICENSEES WHO WOULD STORE LOW-LEVEL RADIOACTIVE
WASTE IF ACCESS TO A DISPOSAL FACILITY IS DENIED

Region: II

Point of Contact: John Potter or Charles Hosey

Instructions:

1. Estimate the number of licensees by 10 CFR Part
2. Estimate those who would store, if denied disposal access
3. Include all states, regardless of compact
4. Omit those who store only for decay

<u>10 CFR PART</u>	<u>TOTAL LICENSEES</u>	<u>LICENSEES WHO WOULD STORE LLW</u>
30	878	668*
40	14	14
70	26	26**

* All, except 205 Medical (10 CFR 35.100, 200, & 300) and 5 Nuclear Pharmacies.

** Includes 6 Fuel Fabricators

Region II Materials Licenses (12/17/92)

Program Type	State												Total
	AL	FL	GA	KY	MS	NC	PR	SC	TN	VA	VI	WV	
Academic										7		2	10
Medical Institution	2	5	6	3	2	5	24	3	4	85	1	41	181
Medical Private							15			28		9	52
Nuclear Medicine Mobile										1			1
Eye Applicators							31						31
Teletherapy							5			9		4	18
In-vitro Testing Lab			1							6		2	9
Nuclear Pharmacy							1			3		1	5
Medical Product Dist										1			1
Well Logging					1				1	2		4	8
Fixed Gauges	1			1			7		3	46	1	47	106
Portable Gauges	2	6	2	5	3	4	25	1	5	116	3	65	237
Measuring Systems					3		15		2	23		12	55
Manufacturing & Dist	2	1					1			5			9
Nuclear Laundry								1					1
Leak Test & Other Services									2	4		2	9
Instrument Calibration	1	1		1			2		3	5		1	13
Waste Disposal				1				1					2
General License Dist							1			1			2
Industrial Radiography		3	1			1	2	2	3	13		3	28
Irradiators			1	1			3			5		1	11
Research & Development	9	5	4		2	3	7	1		29		6	66
Civil Defense							1			1		1	3
Source Material	1	1	1						1	3		4	11
Special Nuclear Mat	1	1		1					1	6		4	14
Possession Only	2						6			9		1	18
Totals	21	23	16	13	11	13	149	9	26	410	5	210	906



OFFICE OF THE SECRETARY

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

April 1, 1994

AE22-1 ACTION - Bernero, NMSS

Cys: Taylor Milhoan Thompson Blaha BShelton, IRM DMeyer, ADM RNelson, NMSS

PDR

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MEMORANDUM TO: James M. Taylor Executive Director for Operations FROM: Samuel J. Chilk, Secretary SUBJECT: SECY-94-062 - WITHDRAWAL OF PROPOSED RULEMAKING TO ESTABLISH PROCEDURES AND CRITERIA FOR ON-SITE STORAGE OF LOW-LEVEL RADIOACTIVE WASTE AFTER JANUARY 1, 1996

The Commission (with all Commissioners agreeing) has approved publication of the notice withdrawing the proposed rulemaking subject to the changes in the attachment.

(NMSS) 9200023

Attachment: As stated

cc: The Chairman Commissioner Rogers Commissioner Remick Commissioner de Planque OGC OCA OIG Office Directors, Regions, ACRS, ACNW, ASLBP (via E-Mail)

SECY NOTE: THIS SRM, SECY-94-062, AND THE VOTE SHEETS OF ALL COMMISSIONERS WILL BE MADE PUBLICLY AVAILABLE 10 WORKING DAYS FROM THE DATE OF THIS SRM

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January 1, 1996. The proposed rule was published in the Federal Register on February 2, 1993 (58 FR 6730). The public comment period expired on April 5, 1993.

After considering the comments submitted on the proposed rule, the staff determined that the proposed rule would not achieve either of the proposed rule's objectives. The staff found that there is not a sufficient connection between the requirements in the rule for documenting that a licensee has exhausted reasonable disposal options and the objective of reducing on-site storage of LLW or encouraging the development of new LLW disposal capacity.

In addition, the staff found that the proposed rule would not necessarily provide licensees a substantially greater incentive over existing requirements to dispose of their LLW at available locations in a timely manner. Therefore, the staff concluded the proposed rule would not be a necessary or significant addition to the protection of the public health and safety. The staff forwarded its recommendations to the Commission on November 29, 1993, in SECY-93-323.

In an SRM dated February 1, 1994, the staff was advised that the Commission (with all Commissioners agreeing) had approved the staff proposal to withdraw the proposed rule. The staff was directed to provide a clear indication in the withdrawal notice that the Commission continues to favor disposal of LLW over storage and that withdrawal of this proposed rule in no way alters that position. In addition, the staff was directed to submit the proposed withdrawal notice to the Commission for review and approval before publication.

DISCUSSION:

The notice to withdraw the proposed rulemaking (Enclosure 1) has been prepared in accordance with the requirements of the SRM dated February 1, 1994. The notice includes:

- The background of the rulemaking.
- The rationale for the withdrawal.
- A summary of the comments that impacted on the decision to withdraw the proposed rule and the U.S. Nuclear Regulatory Commission response to these comments.
- A clear statement that the Commission continues to favor disposal of LLW over storage and that withdrawal of this proposed rule in no way alters that position. In addition, the notice states that the Commission expects LLW disposal facilities to be sited and developed in a timely manner, and that it expects waste generators and States, to continue to take all reasonable steps to ensure that LLW disposal capacity is available soon.

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result, the Commission concludes that it should withdraw the proposed rule. The Commission continues to favor disposal of LLW over storage and emphasizes that withdrawal of this proposed rulemaking in no way alters this position. The Commission expects LLW disposal facilities to be sited and developed in a timely manner. The Commission also expects waste generators and States to continue to take all reasonable steps to ensure that LLW disposal capacity is available soon.

FOR FURTHER INFORMATION, CONTACT: Robert Nelson, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 504-2004.

SUPPLEMENTARY INFORMATION:

Background

On February 2, 1993 (58 FR 6730), the NRC published in the Federal Register, proposed amendments to 10 CFR Parts 30, 40, 50, 70, and 72 of its regulations. Under the provisions of the proposed rule, on-site storage of LLW would not have been permitted after January 1, 1996 (other than reasonable, short-term storage necessary for decay or for collection or consolidation for shipment off-site, when a licensee has access to an operating LLW disposal facility), unless a licensee documented that it had exhausted other reasonable waste management options. These options included the management of the waste by the State in which a waste generator is located. In addition, a reactor licensee would have had to document that