



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

PDR

December 18, 1990

MEMORANDUM FOR: Chairman Carr
Commissioner Rogers
Commissioner Curtiss
Commissioner Remick

FROM: *For* Carlton Kammerer, Director *[Signature]*
State Programs
Office of Governmental and
Public Affairs

SUBJECT: MONTHLY STATE PROGRAMS AND REGIONAL REPORT
FOR NOVEMBER 1990

The November 1990 Significant Intergovernmental Activities and
Issues Report is enclosed for your information. This Report is the
result of the combined efforts of NRC's Regional State Liaison Officers,
Regional State Agreements Officers and the State Programs staff.

Enclosure: Significant Intergovernmental Activities
and Issues - November 1990

cc: See Distribution List Attached

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HEADQUARTERS

New England Radiological Health Committee Annual Conference

Joel Lubenau, State Programs, and Marie Miller, Region I State Liaison Officer, participated in the New England Radiological Health Committee Annual Conference on November 7-9, 1990 in Williamstown, Massachusetts. Mr. Lubenau gave a presentation on radioactive scrap metal. Ms. Miller gave a LLW update and made a presentation on the NRC BRC policy. The meeting was attended by radiation protection staffs from all the New England States and Federal representatives from EPA and FDA.

NARUC Annual Meeting

Spiros Droggitis, State Programs, attended the National Association of Regulatory Utility Commissioners' (NARUC) Annual Meeting on November 10-13, 1990 in Orlando, Florida. Mr. Droggitis accompanied Commissioner Kenneth Rogers and Myron Karman, Legal Assistant, to the NARUC Subcommittee on Nuclear Issues/Workshop meeting and other NARUC sessions. The Subcommittee discussed the status of the high-level radioactive waste (HLW) management program and related issues and NRC's proposed policy on performance incentive programs.

The Subcommittee adopted a resolution on nuclear waste disposal (which was later approved by the Committee on Electricity and NARUC's Executive Committee). The resolution urges Congress to exert oversight of the HLW program to insure that there are no further delays in the program and that funds are spent prudently; urges the Department of Energy (DOE) to determine whether the Yucca Mountain site is suitable; and urges Congress and DOE to develop contingency plans should the Yucca Mountain site prove unsuitable for development into a repository. The Subcommittee members indicated that they viewed the NRC proposed policy on performance incentive programs as an invitation to communicate with the NRC on such programs. Commissioner Rogers provided the Subcommittee with an update on NRC activities including plant life extension, regulatory impact surveys and recent discussions with the waste negotiator. Mr. Karman briefed the Subcommittee on the recent Court of Appeals decision on NRC's Part 52.

A nuclear power panel discussion on HLW and new reactor technology was held with representatives from DOE, Westinghouse, the Edison Electric Institute and the Pennsylvania Public Utility Commission. In addition, Linda Stuntz, DOE Deputy Under Secretary for Policy, Planning and Analysis spoke before NARUC on the development of the National Energy Strategy.

NCAI Annual Convention

Rosetta Virgilio, State Programs, attended the 47th Annual Convention of the National Congress of American Indians (NCAI), which was held in Albuquerque, New Mexico the week of November 12, 1990. This year's convention theme centered on "The 90's: A New Federalism on Our Terms".

Dr. John Bartlett, Director of DOE's Office of Civilian Radioactive Waste Management, was one of several Federal officials addressing the convention. Dr. Bartlett discussed the status of the Department's high-level radioactive waste program activities.

CRCPD G-20 Committee Meeting

The Conference of Radiation Control Program Directors, Inc. (CRCPD) G-20 Committee on Licensing State Designation met in Rockville, Maryland on November 13-14, 1990. The Licensing State concept is intended to stimulate development of State regulatory programs for naturally accelerator-produced radioactive materials (NARM) and is similar in concept with the NRC's Agreement State Program. The Licensing State program is carried out by the CRCPD. The Committee acted on 13 State requests for final designation and will recommend the CRCPD Board extend final designations to 7 additional States and conditionally to 4 others (contingent upon receiving State commitments to make minor revisions to their Licensing State programs). The Committee will continue to review the two other requests. As a result of this action, a total of 17 States can be designated Licensing States. The Committee also took steps to improve the national basis for approving use of NARM sources and devices. The Committee plans to discuss these actions at the CRCPD annual business meeting and offer to hold a workshop during the regular meeting.

REGION I

MAINE

Maine Identifies 12 Candidate Regions for Potential LLW Disposal

A team of consultants retained by the Maine LLW Authority presented the Authority with maps identifying 12 Candidate Regions as possible sites for a potential LLW disposal facility on November 15, 1990. The selection of the regions was based on siting factors established by the Authority with input and advice from the consulting team and a State-wide Citizens Advisory Group. The State-wide screening process is being conducted in conjunction with a volunteer siting program. Land in Wiscasset, Maine, offered by Maine Yankee, is currently being studied as a volunteer site. After additional study, the schedule in Maine calls for Preferred Candidate Areas to be announced in April 1991. Each Candidate Site, and any volunteer sites, will be compared and evaluated against the screening factors, leading to the selection of Preferred Candidate Site(s) for extensive on-site exploration and testing at the end of 1991.

The LLW Authority has conducted about half of its first round meetings with the public to discuss the screening process. The average attendance has been approximately fifty individuals at the seven meetings to date. Although the comments received from the public are not in favor of siting a facility in Maine, the meetings have not been disrupted by protests.

MASSACHUSETTS

Massachusetts Department of Environmental Protection Meeting

The Massachusetts Department of Environmental Protection (DEP) conducted a town meeting on November 14, 1990 in Concord, Massachusetts. The purpose of the meeting was for the DEP to describe its responsibilities for overseeing remedial response actions that Nuclear Metals, Inc. will be taking at its onsite sludge holding basin. The meeting was the first of several public meetings that will take place as part of its Public Involvement Plan.

John Kinneman, Chief, Region I Nuclear Materials Safety Section B, and Marie Miller, Region I State Liaison Officer, participated in the meeting. Mr. Kinneman discussed NRC's licensing and inspection responsibilities at the site and addressed questions on NRC staff review of the licensee's efforts to develop a plan to remove the uranium based sludge, decommissioning funds, contingency plans, licensing applications, renewals, and opportunities for public involvement. Ms. Miller addressed the topics of LLW disposal and the BRC policy. The licensee made a presentation on its water monitoring program and the status of the facility.

Massachusetts Department of Health Meeting on Pilgrim

Representatives from the Massachusetts Department of Health met with local officials and the public in Duxbury, Massachusetts on November 29, 1990. The briefing was conducted to discuss the details of the Massachusetts leukemia study. When discussing the Department's plans to reduce the annual effluent dose to 10 mrem/year, the issue was raised by the public to reduce the exposure levels to 1 mrem/year. No formal action by Massachusetts has been taken on recommending a 1 mrem/year exposure standard for effluents from Pilgrim.

NEW YORK

Exit Meeting with State Management on Agreement State Review

A summary meeting to present the results of the regulatory program review was held on November 19, 1990 in Albany at the offices of the New York State Energy Office. The NRC was represented by Harold Denton, GPA, Carlton Kammerer, GPA, William Kane and John McGrath, Region I. The State was represented by staff from the Energy Office, the State Department of Environmental Conservation, the State Department of Health, the State Department of Labor and the New York City Department of Health.

The NRC provided a summary of the review conclusions, indicating that the NRC would be withholding a finding of adequacy and compatibility for the program as a whole. There were four principle bases for the overall conclusions: (1) the status of the inspection program; (2) technical quality of licensing actions; (3) status of regulations; and (4) escalated

enforcement procedures. The NRC staff also discussed the need for better overall program coordination in the areas of permit/license issuance, emergency response, and waste issues.

The State staff responded with some questions on some areas of the NRC findings. The NRC staff proposed these areas be discussed in conference calls with the programs directors, where appropriate, and that after these discussions the NRC comments would be modified where the facts dictate.

Meeting with NYSERDA on LLW Storage Study

Harold Denton, Director, GPA, and Carlton Kammerer, Director, State Programs, were briefed by the New York State Energy Research and Development Authority (NYSERDA) on the status of its long-term LLW storage study on November 19, 1990 in Albany, New York. The FY 1990-91 New York State budget provided NYSERDA with \$800,000 to "establish and fund a study to examine existing on-site storage capacity and the ability to enhance such capacity to permit storage for a minimum period of ten years and to investigate the economic viability of establishing a separate centralized storage facility for Class A LLW as generated by hospitals, academic research and medical research." Although the study has not begun, the purpose of this briefing was to provide NRC with background on the scope and approach being taken in the study.

PENNSYLVANIA

Evaporation of TMI Accident Generated Water

General Public Utilities (GPU) initiated activities related to the evaporation of accident generated water at Three Mile Island - Unit 2 on November 29, 1990 after the Commonwealth of Pennsylvania, Department of Environmental Resources, lifted a temporary hold. This hold was requested in September to allow the Commonwealth time to study a paper published by the American Journal of Epidemiology entitled, "Cancer Near the Three Mile Island Nuclear Plant: Radiation Emmissions." To date, no releases have occurred.

GPU conducted tours of the evaporator site for local officials and the news media on November 27, 1990. In addition, GPU provided information about the evaporation process to the local news media.

REGION II

TENNESSEE

Tennessee Radiation Control Program Follow-up Review

Richard Woodruff, Region II State Agreements Officer, conducted a follow-up review of the Tennessee Radiation Control Program on November 6-8, and 13-15, 1990 in Nashville, Tennessee. This review was intended to follow-up on problems identified during the last review. The

December 1989 review identified problems in overdue inspections and out-of-date regulations which prevented NRC findings of adequacy and compatibility of the program. Carlton Kammerer, Director, State Programs, James Milhoan, Region II Deputy Administrator, and Mr. Woodruff conducted an exit meeting with J. W. Luna, Commissioner, Tennessee Department of Health and Environment, on November 29, 1990 in Nashville, Tennessee. The exit meeting concerned the follow-up review. The results of this follow-up will be reviewed by Headquarters and Regional offices and confirmed in a letter to the State.

VIRGINIA

North Anna Remedial Emergency Planning Exercise

Robert Trojanowski, Region II State Liaison Officer, participated in a remedial emergency planning exercise held at the North Anna Power Station on November 29, 1990 in Mineral, Virginia. Mr. Trojanowski participated as a member of the Regional Assistance Committee, which evaluated the exercise. The remedial exercise was conducted to address two deficiencies identified during the last emergency planning exercise held in August of 1990. These deficiencies concerned coordination between State and local governments regarding alert notification to the public and accident assessment. The results of this exercise are continuing to be assessed.

GENERAL

Pilgrim Task Force

Robert Trojanowski, Region II State Liaison Officer, participated in Pilgrim Task Force Meetings on November 3-9, 1990 in Plymouth, Massachusetts and on November 19-20, 1990 in Rockville, Maryland.

REGION III

ILLINOIS

Resident Engineer Memorandum of Understanding (MOU)

Thomas Ortziger, Director, Illinois Department of Nuclear Safety, signed Subagreement No. 3 pertaining to State Resident Engineers at nuclear power plants in Illinois on November 20, 1990. The Subagreement defines the way in which NRC and Illinois will cooperate in planning and conducting inspections of nuclear power plants in the State to ensure compliance with NRC regulations.

Kerr-McGee's West Chicago Facility

B. J. Holt, Region III State Agreements Officer, accompanied Don Sreniawski, Region III Project Manager, Fuel Facilities and Contaminated Sites, and IDNS personnel during the collection of ground water samples at the West Chicago Facility on November 7, 1990. A tour

of the site was provided by the radiation safety officer/site manager. Water samples were obtained by both agencies and there were informal discussions on the site's environmental monitoring program to foster a smooth transition of regulatory authority.

Meeting Between IDNS and Kerr-McGee

B. J. Holt, Region III State Agreements Officer, attended a meeting in Springfield, Illinois on November 20, 1990 between the IDNS staff and representatives of the Kerr-McGee Chemical Corporation. This was the first official meeting between IDNS and Kerr-McGee management since Illinois assumed regulatory authority over the West Chicago Facility. The meeting provided a forum for the introduction of key management staff members from both organizations. Kerr-McGee also provided IDNS with a briefing on the status of the site.

INDIANA

Indiana State Liaison Officer (SLO)

Governor Evan Bayh appointed Howard W. Cundiff, P.E., Director, Bureau of Local Health Services, Indiana State Board of Health, as Indiana's State Liaison Officer to the Nuclear Regulatory Commission. Mr. Cundiff replaces Dr. T. S. Danielson, Jr., who recently resigned from State government.

IOWA

Inspector Accompaniments

B. J. Holt, Region III State Agreements Officer, accompanied an Iowa inspector and the supervisor of the Iowa Radioactive Material program on inspections at Fansteel/Wellman Dynamics in Creston, Iowa and at Interstate Nuclear Services (INS) in Osceola, Iowa on November 27 and 28, 1990. Fansteel/Wellman Dynamics plans to cease the manufacture of castings containing thorium in late 1991.

MICHIGAN

Low-Level Radioactive Waste (LLRW)

In early November, the States of Washington, Nevada, and South Carolina informed Governor Blanchard that LLRW generated in the State of Michigan will no longer be accepted at the three licensed LLRW disposal sites. Michigan's waste is being excluded because of the State's failure to make acceptable progress toward locating a low-level waste disposal site for the Midwest Compact. The three States with operational disposal sites notified Michigan in June 1990 that the State's waste would be excluded if the State did not act by November 1990 to identify potential disposal sites or to revise its siting criteria. Michigan had previously rejected all three of its candidate sites for the regional compact disposal

facility. On November 14, 1990, an organization of Michigan waste generators filed suit in U.S. District Court for the Western District of Michigan against the three States seeking to reverse the ban.

In addition, the Governors of the States of Connecticut, Maine, Massachusetts, New Jersey, and New York have been informed that similar restrictions may be imposed on the LLW generators in their respective States. These five States have responded to the sited States request for evidence of progress in siting and developing a LLRW disposal facility. A decision by the sited States is expected in January 1991.

OHIO

Generic Memorandum of Understanding (MOU)

On November 23, 1990, Chairman Carr responded to Ohio Governor Celeste on his proposal for a generic memorandum of understanding between the State of Ohio and the NRC. The Commission decided not to agree to this request, stating that the NRC does not see a need for a generic MOU, but would entertain a request from Ohio to negotiate a detailed agreement on a specific activity.

Newburgh Heights Mayor Requests Public Meeting

Mayor Ronald Sulik, Village of Newburgh Heights, Ohio has requested a public meeting be held in the Village to inform residents of the ongoing activities to decontaminate Chemetron Corporation's Bert Avenue Site in Newburgh Heights. Roland Lickus, Chief, State and Government Affairs, has worked with the Mayor to coordinate the scheduling and attendance for such a meeting.

REGION IV

TEXAS

Well Logging Course

Robert J. Doda, Region IV State Agreements Officer, coordinated a well logging course for State regulatory personnel during November 5-9, 1990, in Houston, Texas. The course had 27 students and included instructors from the NRC, State governments and industry. The course covered a variety of well logging subjects such as inspections, licensing, transportation of sources and devices, radiation safety training, well-logging equipment, and emergency response actions. A field site visit to a well drilling rig was part of the course.

NEBRASKA

Nebraska Radiation Control Program Follow-up Review

Robert J. Doda, Region IV State Agreements Officer, along with Vandy Miller, State Programs, and James Shaffner, Low Level Waste Management and Decommissioning, conducted a follow-up review of the

Nebraska radiation control program on November 26-29, 1990, in Lincoln, Nebraska. An exit meeting was held with the Directors and key staff representatives of Nebraska's Department of Health and Department of Environmental Control on November 29, 1990. Because of significant improvements in the program and the completion of a revision of the State's radiation control regulations, the staff is proposing a finding of adequacy and compatibility for the Nebraska program. However, two remaining problems in the Division of Radiological Health are the hiring of two additional technical staff members, which have already been authorized, and the application of resources to address a backlog of overdue inspections.

REGION V

OREGON

Referendum to Close Trojan Falls in Oregon

Oregon voters decided by approximately a 3-2 ratio not to approve a State-wide referendum which would have closed the Trojan Nuclear Plant until the State's Energy Facility Siting Council could make findings that 1) a permanent radioactive waste repository was federally licensed and accepting waste; 2) the plant was then cost-effective; and 3) the plant could withstand a major earthquake without harm to the public. Voters turned down a similar measure in 1986.

ARIZONA

Cal Rad Forum Annual Fall Conference

Frederick Combs, Assistant Director, State, Local and Indian Relations, and Dean Kunihiro, Region V State Liaison Officer, attended the Eighth Annual Fall Conference of the California Radioactive Materials Management (Cal Rad) Forum on November 19, 1990 in Tempe, Arizona. This year's conference was entitled "Low-Level Waste Disposal For the Southwestern Compact: Current Progress and Future Challenges". Chairman Carr gave the keynote address to the session. Representatives from US Ecology and the California Department of Health Services gave reports on the development and licensing of LLW disposal facility in California, the site for the Southwestern Compact. Other sessions included a panel discussion on NRC's revised Part 20 regulations, a report on legal challenges to the Low-Level Radioactive Waste Policy Amendments Act of 1985 and comments on the status of the California and National LLW disposal programs.