12/16/66

ATOMIC ENERGY COMMISSION

Agreement Between Atomic Energy Commission
and State of Washington

Discontinuance of Certain Commission
Regulatory Authority and Responsibility
Within the State

Notice is hereby given that Wilfrid E. Johnson, Commissioner, on behalf of the Atomic Energy Commission and Daniel J. Evans, Governor of the State of Washington, have signed the Agreement below for discontinuance of certain Commission regulatory authority. The Agreement is published in accordance with the requirements of Public Law 86-373 (Section 274 of the Atomic Energy Act of 1954, as amended). The exemptions from the licensing requirements of Chapters 6, 7, and 8 of the Atomic Energy Act are contained in Part 150 of the Commission's regulations (10 CFR Part 150) in Federal Register issuances of February 14, 1962, 27 F. R. 1351; September 22, 1965, 30 F. R. 12069; and March 19, 1966, 31 F. R. 4668.

Dated at Washington, D. C., this 16th day of December, 1966.

FOR THE ATOMIC ENERGY COMMISSION

W. B. McCool
Secretary

A13

AGREEMENT
BETWEEN THE
UNITED STATES ATOMIC ENERGY COMMISSION
AND THE
STATE OF WASHINGTON
FOR
DISCONTINUANCE OF CERTAIN COMMISSION REGULATORY AUTHORITY
AND
RESPONSIBILITY WITHIN THE STATE PURSUANT TO
SECTION 274 OF THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

WHEREAS, The United States Atomic Energy Commission (hereinafter referred to as the Commission) is authorized under Section 274 of the Atomic Energy Act of 1954, as amended, (hereinafter referred to as the Act) to enter into agreements with the Governor of any State providing for discontinuance of the regulatory authority of the Commission within the State under Chapters 6, 7, and 8, and Section 161 of the Act with respect to byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and

WHEREAS, The Governor of the State of Washington is authorized under Revised Code of Washington 70.98.110 to enter into this Agreement with the Commission; and

WHEREAS, The Governor of the State of Washington certified on October 3, 1966, that the State of Washington (hereinafter referred to as the State) has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by this Agreement, and that the State desires to assume regulatory responsibility for such materials; and

WHEREAS, The Commission found on November 16, 1966, that the program of the State for the regulation of the materials covered by this Agreement is compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety; and

WHEREAS, The State and the Commission recognize the desirability and importance of cooperation between the Commission and the State in the formulation of standards for protection against hazards of radiation and in assuring that State and Commission programs for protection against hazards of radiation will be coordinated and compatible; and

WHEREAS, The Commission and the State recognize the desirability of reciprocal recognition of licenses and exemption from licensing of those materials subject to this Agreement; and

WHEREAS, This Agreement is entered into pursuant to the provisions of the Atomic Energy Act of 1954, as amended;

NOW, THEREFORE, It is hereby agreed between the Commission and the Governor of the State, acting in behalf of the State, as follows:

ARTICLE I

Subject to the exceptions provided in Articles II, III, and IV, the Commission shall discontinue, as of the effective date of this Agreement, the regulatory authority of the Commission in the State under Chapters 6, 7, and 8, and Section 161 of the Act with respect to the following materials:

A. Byproduct materials;

B. Source materials; and

C. Special nuclear materials in quantities not sufficient to form a critical mass.

ARTICLE II

This Agreement does not provide for discontinuance of any authority and the Commission shall retain authority and responsibility with respect to regulation of:

A. The construction and operation of any production or utilization facility;

B. The export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility;

C. The disposal into the ocean or sea of byproduct, source, or special nuclear waste materials as defined in regulations or orders of the Commission;

D. The disposal of such other byproduct, source, or special nuclear material as the Commission from time to time determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission.

ARTICLE III

Notwithstanding this Agreement, the Commission may from time to time by rule, regulation, or order, require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

ARTICLE IV

This Agreement shall not affect the authority of the Commission under subsection 161 b. or i. of the Act to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data or to guard against the loss or diversion of special nuclear material.

ARTICLE V

The Commission will use its best efforts to cooperate with the State and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that State and Commission programs for protection against hazards of radiation will be coordinated and compatible. The State will use its best efforts to cooperate with the Commission and other agreement States in the formulation of

standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that the State's program will continue to be compatible with the program of the Commission for the regulation of like materials. The State and the Commission will use their best efforts to keep each other informed of proposed changes in their respective rules and regulations and licensing, inspection and enforcement policies and criteria, and to obtain the comments and assistance of the other party thereon.

ARTICLE VI

The Commission and the State agree that it is desirable to provide for reciprocal recognition of licenses for the materials listed in Article I licensed by the other party or by any agreement State. Accordingly, the Commission and the State agree to use their best efforts to develop appropriate rules, regulations, and procedures by which such reciprocity will be accorded.

ARTICLE VII

The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the State, or upon request of the Governor of the State, may terminate or suspend this Agreement and reassert the licensing and regulatory authority vested in it under the Act if the Commission finds that such termination or suspension is required to protect the public health and safety.

ARTICLE VIII

This Agreement shall become effective on December 31, 1966, and shall remain in effect unless, and until such time as it is terminated pursuant to Article VII.

Done at Richland, State of Washington, in triplicate, this 6th day of December, 1966.

FOR THE UNITED STATES ATOMIC ENERGY COMMISSION

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Wilfrid E. Johnson, Commissioner

FOR THE STATE OF WASHINGTON

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Daniel J. Evans, Governor

has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Sam Duraiswamy (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m., EST.

Dated: March 9, 1982.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 82-7085 Filed 3-15-82 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-155]

Consumers Power Co.; Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) has issued Amendment No. 51 to Facility Operating License No. DPR-6, issued to Consumers Power Company (the licensee), which revised the Technical Specifications for operation of the Big Rock Point Plant (the facility) located in Charlevoix County, Michigan. The amendment is effective as of its date of issuance.

The amendment approves Technical Specification changes which pertain to (1) degraded grid protection for Class 1E power systems and (2) the scram discharge system.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the applications for amendment dated October 3, 1980, and October 27, 1981, (2) Amendment No. 51 to License No. DPR-6, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Charlevoix Public Library, 107 Clinton Street, Charlevoix, Michigan 49720. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 8th day of March, 1982.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Chief, Operating Reactors Branch #5, Division of Licensing.

[FR Doc. 82-7083 Filed 3-15-82 8:45 am]

BILLING CODE 7590-01-M

State of Washington; Discontinuance of Certain Regulatory Authority and Responsibility Within the State

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of amended agreement with state of Washington.

SUMMARY: Notice is hereby given that on January 7, 1982, the Honorable Nunzio J. Palladino, Chairman of the Nuclear Regulatory Commission, and that on February 19, 1982, the Honorable John Spellman, Governor of the State of Washington, signed an Amendment to the existing section 274b. Agreement between NRC and the State of Washington pursuant to Section 274 of the Atomic Energy Act of 1954, as amended. The amendment permits the State to continue to regulate byproduct material as defined in section 11e.(2) of the Act (uranium mill tailings) in conformance with the requirements of section 274o. of the Act.

The proposed Amendment to the existing section 274b. Agreement was published in the Federal Register for public comment for four consecutive weeks beginning September 17, 1981 (46 FR 46241-46245). A minor change to the introductory text was made to conform the Amendment to the requirements of the "Stratton-Schmitt" amendment (Pub. L. 97-88). The amended agreement was modified to delete the following paragraph:

"Whereas, it is necessary to enter into this amendment in order to implement new requirements of section 274 of the Act which become fully effective on November 8, 1981; and".

Public Law 97-88 makes it clear that such an amended agreement is not "necessary" for the State to continue to regulate uranium mill tailings after November 8, 1981. The following was inserted in its place:

"Whereas, the Governor of the State has requested this amendment in accordance with section 274 of the Act; and".

The Amendment is published in accordance with the requirements of Pub. L. 86-373. A copy of the consolidated version of the Agreement is available at the Office of State Programs.

FOR FURTHER INFORMATION CONTACT: Craig Z. Gordon, Office of State Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Phone: (301) 492-9886.

SUPPLEMENTARY INFORMATION:

Amendment to Agreement Between the United States Nuclear Regulatory Commission and the State of Washington for Discontinuance of Certain Commission Regulatory Authority and Responsibility Within the State Pursuant to Section 274 of the Atomic Energy Act of 1954, as Amended

Whereas, the United States Atomic Energy Commission [1] (hereinafter referred to as the Commission) entered into an Agreement (hereinafter referred to as the Agreement of December 6, 1966) with the State of Washington under section 274 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the Act), which Agreement became effective on December 31, 1966 and provided for discontinuance of the regulatory authority of the Commission within the State under Chapters 6, 7, and 8, and Section 161 of the Act with respect to byproduce materials as defined in section 11e.(1) of the Act, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and

Whereas, the Governor of the State has requested this amendment on accordance with section 274 of the Act; and

Whereas, the Commission found on January 7, 1982, that the program of the State for the regulation of materials covered by this amendment is in accordance with the requirements of section 274o. of the Act and in all other respects compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety; and

Whereas, this amendment is entered into pursuant to the provisions of the Atomic Energy Act of 1954, as amended;

Now, therefore, it is hereby agreed between the Commission and the Governor of the State, acting on behalf of the State, as follows:

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[1] Under the provisions of the Energy Reorganization Act of 1974, the regulatory functions formerly carried out by the Atomic Energy Commission are now carried out by the Nuclear Regulatory Commission as of January 19, 1975.

Section 1. Article I of the Agreement of December 6, 1966, is amended by adding "as defined in section 11e.(1) of the Act," after the words "byproduct materials" in paragraph A., by redesignating paragraphs B. and C. as paragraphs C. and D., and by inserting the following new paragraph immediately after paragraph A.:

"B. Byproduct materials as defined in section 11e.(2) of the Act;".

Section 2. Article II of the Agreement of December 6, 1966, is amended by inserting "A." before the words "This Agreement," by redesignating paragraphs A. through D. as subparagraphs 1. through 4., and by adding the following at the end thereof:

"B. Notwithstanding this Agreement, the Commission retains the following authorities pertaining to byproduct materials as defined in section 11e.(2) of the Act:

"1. Prior to the termination of a State license for such byproduct material, or for any activity that results in the production of such material, the Commission shall have made a determination that all applicable standards and requirements pertaining to such material have been met.

"2. The Commission reserves the authority to establish minimum standards governing reclamation, long term surveillance or maintenance, and ownership of such byproduct material. Such reserved authority includes:

"a. The authority to establish terms and conditions as the Commission determines necessary to assure that, prior to termination of any license for such byproduct material, or for any activity that results in the production of such material, the licensee shall comply with decontamination, decommissioning, and reclamation standards prescribed by the Commission; and with ownership requirements for such materials and its disposal site;

"b. The authority to require that prior to termination of any license for such byproduct material or for any activity that results in the production of such material, title to such byproduct material and its disposal site be transferred to the United States or the State at the option of the State (provided such option is exercised prior to termination of the license);

"c. The authority to permit use of surface or subsurface estates, or both, of the land transferred to the United States or the State pursuant to subparagraph B.2.b. of this Article;

"d. The authority to require the Secretary of the Department of Energy, other Federal agency, or State, whichever has custody of such byproduct material and its disposal site, to undertake such monitoring, maintenance, and emergency measures as are necessary to protect the public health and safety, and other actions as the Commission deems necessary; and

"e. The authority to enter into arrangements as may be appropriate to assure Federal long term surveillance or maintenance of such byproduct material and its disposal site on land held in trust by the United States for any Indian tribe or land owned by an Indian tribe and subject to a restriction against alienation imposed by the United States.".

Section 3. Article III of the Agreement of December 6, 1966, is amended by inserting "otherwise licensable by the State under Article I of this Agreement" after the words "special nuclear material."

Section 4. Article VII of the Agreement of December 6, 1966, is amended by inserting "all or part of" after the words "terminate or suspend," by inserting "(1)" after the words "finds that," and by adding at the end before the period the following: ", or (2) the State has not complied with one or more of the requirements of section 274 of the Act. The Commission shall periodically review this Agreement and actions taken by the State under this Agreement to ensure compliance with the provisions of section 274 of the Act.".

Section 5. Article VIII of the Agreement of December 6, 1966, is amended by redesignating it Article IX and by inserting a new Article VIII as follows:

"In the licensing and regulation of byproduct material as defined in section 11e.(2) of the Act, or of any activity which results in production of such material, the State shall comply with the provisions of section 274o. of the Act. If, in such licensing and regulation, the State requires financial surety arrangements for the reclamation or long-term surveillance or maintenance of such material,

"A. The total amount of funds the State collects for such purposes shall be transferred to the United States if custody of such material and its disposal site is transferred to the United States upon termination of the State license for such material or any activity which results in the production of such material. Such funds include, but are not limited to, sums collected for long term surveillance or maintenance. Such funds do not, however, include monies held as surety where no default has occurred and the reclamation or other bonded activity has been performed; and

"B. Such State surety or other financial requirements must be sufficient to ensure compliance with those standards established by the Commission pertaining to bonds, sureties, and financial arrangements to ensure adequate reclamation and long term management of such byproduct material and its disposal site.".

This amendment shall become effective on February 19, 1982.

Done at Olympia, State of Washington, in triplicate, this 19th day of February 1982.

For the State of Washington.

John Spellman,

Governor.

Done at Washington, District of Columbia, in triplicate, this 7th day of January 1982.

For the United States Nuclear Regulatory Commission.

Nunzio J. Palladino,

Chairman.

Dated at Bethesda, Maryland, this 9th day of March 1982.

For the United States Nuclear Regulatory Commission.

Donald A. Nussbaumer,

Acting Director, Office of State Programs.

[FR Doc. 82-7084 Filed 3-15-82; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket Nos. 301-27-31]

Hearing

Upon request of the petitioner a public hearing has been scheduled for April 14, 1982 to consider the issues raised in the petition with respect to the allegations concerning Austria, France, Italy, Sweden and the United Kingdom. The hearing is to be held at the New Executive Office Building, Room 2010, beginning at 10:00 a.m.

Requests to present oral testimony and accompanying briefs must be received on or before April 8, 1982 and should be addressed to the Chairman of the section 301 Committee. Written briefs from those persons not wishing to present oral testimony should be received on or before April 14, 1982. Requests to present oral testimony as well as written submissions should conform to the requirements set forth in 15 CFR 2006.8 and 2006.9.

In order to assure parties an opportunity to contest information provided by other interested parties in the written briefs and oral testimony,

(Reprint in 27 Federal Register, 1373, February 14, 1962)

AGREEMENT BETWEEN THE UNITED STATES ATOMIC ENERGY COMMISSION AND THE COMMONWEALTH OF KENTUCKY FOR DISCONTINUANCE OF CERTAIN COMMISSION REGULATORY AUTHORITY AND RESPONSIBILITY WITHIN THE COMMONWEALTH

Whereas, The United States Atomic Energy Commission (hereinafter referred to as the Commission) is authorized under section 274 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the Act), to enter into agreements with the Governor of any State providing for discontinuance of the regulatory authority of the Commission within the State under Chapters 6, 7, and 8, and section 161 of the Act with respect to byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass, and;

Whereas, The Governor of the Commonwealth of Kentucky is authorized under section 152.115 of the Kentucky Revised Statutes to enter into this Agreement with the Commission; and

Whereas, The Governor of the Commonwealth of Kentucky certified on January 31, 1962, that the Commonwealth of Kentucky (hereinafter referred to as the Commonwealth) has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the Commonwealth covered by this Agreement, and that the Commonwealth desires to assume regulatory responsibility for such materials; and

Whereas, The Commission found on February 1, 1962, that the program of the Commonwealth for the regulation of the materials covered by this Agreement is compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety; and

Whereas, The Commonwealth recognizes the desirability and importance of maintaining continuing compatibility between its program and the program of the Commission for the control of radiation hazards in the interest of public health and safety; and

Whereas, The Commission and the Commonwealth recognize the desirability of reciprocal recognition of licenses and exemption from licensing of those materials subject to this Agreement; and

Whereas, This Agreement is entered into and is subject to the provisions of the Atomic Energy Act of 1954, as amended, and the applicable regulations of the Atomic Energy Commission which may be issued from time to time pursuant thereto;

Now, therefore, it is hereby agreed between the Commission and the Governor of the Commonwealth, acting in behalf of the Commonwealth, as follows:

ARTICLE I

Subject to the exceptions provided in Articles II, III, and IV, the Commission shall discontinue, as of the effective date of this Agreement, the regulatory authority of the Commission in the Commonwealth under Chapters 6, 7, and 8, and section 161 of the Act with respect to the following materials:

A. Byproduct materials;

B. Source materials; and

C. Special nuclear materials in quantities not sufficient to form a critical mass.

ARTICLE II

This Agreement does not provide for discontinuance of any authority and the Commission shall retain authority and responsibility with respect to regulation of:

A. The construction and operation of any production or utilization facility;

B. The export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility;

C. The disposal into the ocean or sea of byproduct, source, or special nuclear waste materials as defined in regulations or orders of the Commission;

D. The disposal of such other byproduct, source, or special nuclear material as the Commission from time to time determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission.

ARTICLE III

Notwithstanding this Agreement, the Commission may from time to time by rule, regulation, or order, require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

ARTICLE IV

This Agreement shall not affect the authority of the Commission under subsection 161 b or i of the Act to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data or to guard against the loss or diversion of special nuclear material.

ARTICLE V

The Commonwealth will use its best efforts to maintain continuing compatibility between its program and the program of the Commission for the regulation of like materials. To this end the Commonwealth will use its best efforts to keep the Commission informed of proposed changes in its rules and regulations, and licensing, inspection, and enforcement policies and criteria, and of proposed requirements for the design and distribution of products containing source, byproduct, or special nuclear material, and to obtain the comments and assistance of the Commission thereon.

ARTICLE VI

The Commission will use its best efforts to keep the Commonwealth informed of proposed changes in its rules and regulations, and licensing, inspection, and enforcement policies and criteria and to obtain the comments and assistance of the Commonwealth thereon.

ARTICLE VII

The Commission and the Commonwealth agree that it is desirable to provide for reciprocal recognition of licenses for the materials listed in Article I licensed by the other party or by any agreement State. Accordingly, the Commission and the Commonwealth agree to use their best efforts to develop appropriate rules, regulations, and procedures by which such reciprocity will be accorded.

ARTICLE VIII

The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the Commonwealth, or upon request of the Governor of the Commonwealth, may terminate or suspend this Agreement and reassert the licensing and regulatory authority vested in it under the Act if the Commission finds that such termination of suspension is required to protect the public health and safety.

ARTICLE IX

This Agreement shall become effective on March 26, 1962, and shall remain in effect unless, and until such time as it is terminated pursuant to Article VIII.

Done at Washington, District of Columbia, in duplicate, this eighth day of February, 1962.

For the United States Atomic Energy Commission.

GLENN T. SEABORG,
Chairman.

For the Commonwealth of Kentucky.

BERT COMBS,
Governor.

[F.R. Doc. 62-1499; Filed, Feb. 13, 1962; 8:50 a.m.]

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10/26/62

U. S. ATOMIC ENERGY COMMISSION

(Reprinted from 27 Federal Register, 10419, October 25, 1962)
Notice of Agreement with the State of New York
Effective October 15, 1962

ATOMIC ENERGY COMMISSION

NOTICE OF AGREEMENT WITH THE STATE OF NEW YORK

Agreement between the United States Atomic Energy Commission and the State of New York for discontinuance of certain Commission regulatory authority and responsibility within the State pursuant to section 274 of the Atomic Energy Act of 1954, as amended.

Whereas the United States Atomic Energy Commission (hereinafter referred to as the Commission) is authorized under section 274 of the Atomic Energy Act of 1954, as amended, (hereinafter referred to as the Act) to enter into agreements with the Governor of any State providing for discontinuance of the regulatory authority of the Commission within the State under Chapters 6, 7, and 8, and section 161 of the Act with respect to byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and

Whereas the Governor of the State of New York is authorized under section 462 of the New York State Atomic Energy Law to enter into this Agreement with the Commission; and

Whereas the Governor of the State of New York certified on July 20, 1962, that the State of New York (hereinafter referred to as the State) has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by this Agreement, and that the State desires to assume regulatory responsibility for such materials; and

Whereas information as to the Radiation Control Program within the State of New York was submitted to the Commission on July 20, 1962, August 30, 1962, and October 8, 1962; and

Whereas the Commission found on October 12, 1962, that the program of the State for the regulation of the materials covered by this Agreement is compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety; and

Whereas the State and the Commission recognize the desirability and importance of cooperation between the Commission and the State in the formulation of standards for protection against hazards of radiation and in assuring that State and Commission programs for protection against hazards of radiation will be coordinated and compatible; and

Whereas the Commission and the State recognize the desirability of reciprocal recognition of licenses and exemption from licensing of those materials subject to this Agreement;

Now, therefore, it is hereby agreed between the Commission and the Governor of the State, acting in behalf of the State, as follows:

Article I. Subject to the exceptions provided in Articles II, III, and IV, the Commission shall discontinue, as of the effective date of this Agreement, the regulatory authority of the Commission in the State under Chapters 6, 7, and 8, and section 161 of the Act with respect to the following materials:

A. Byproduct materials;

B. Source materials; and

C. Special nuclear materials in quantities not sufficient to form a critical mass.

Article II. This Agreement does not provide for discontinuance of any authority and the Commission shall retain authority and responsibility with respect to regulation of:

A. The construction and operation of any production or utilization facility;

B. The export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility;

C. The disposal into the ocean or sea of byproduct, source, or special nuclear waste materials as defined in regulations or orders of the Commission;

D. The disposal of such other byproduct, source, or special nuclear material as the Commission from time to time determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission.

Article III. Notwithstanding this Agreement, the Commission may from time to time by rule, regulation, or order, require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

Article IV. This Agreement shall not affect the authority of the Commission under subsection 161 b or i of the Act to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data or to guard against the loss or diversion of special nuclear material.

Article V. The Commission will use its best efforts to cooperate with the State and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that State and Commission programs for protection against hazards of radiation will be coordinated and compatible. The State will use its best efforts to cooperate with the Commission and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection

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against hazards of radiation and to assure that the State's program will continue to be compatible with the program of the Commission for the regulation of like materials. The State and the Commission will use their best efforts to keep each other informed of proposed changes in their respective rules and regulations and licensing, inspection and enforcement policies and criteria, and to obtain the comments and assistance of the other party thereon.

Article VI. The Commission and the State agree that it is desirable to provide for reciprocal recognition of licenses for the materials listed in Article I licensed by the other party or by any agreement State. Accordingly, the Commission and the State agree to use their best efforts to develop appropriate rules, regulations, and procedures by which such reciprocity will be accorded.

Article VII. The Commission and the State recognize that the limits on their respective rights, powers and responsibilities under the Constitution, with respect to protection against radiation hazards arising out of the activities licensed by the Commission within the State, are not precisely clear. The Commission and the State agree to work together to define, within a reasonable time, the limits of, and to provide mechanisms for accommodating, such responsibilities of both parties. Without prejudice to the respective rights, powers and responsibilities of Federal and State authority, the State undertakes to obtain promptly and to maintain in effect while such cooperative endeavors are in progress, a modification of the Health, Sanitary and Industrial Codes which are to become effective within the State as of October 15, 1962, so as to exempt (except for registration; notification; inspection, not including operational testing but including sampling which would not substantially interfere with or interrupt any Commission licensed activities; and routing and scheduling of material in transit) licensees of the Commission from so much of such Codes as pertain to protection against radiation hazards arising out of activities licensed by the Commission within the State. While such cooperative endeavors are in progress, the existence or nonexistence of the exemptions and exceptions referred to above shall not prejudice the exercise by the Commission or the State, in an emergency situation presenting a peril to the public health and safety, of any constitutional rights and powers the Federal Government or the State may have now or in the future. If such cooperative endeavors do not result in a definition, within a reasonable time, of the limits of, and provision of mechanisms for accommodating, the responsibilities of the Commission and the State with respect to protection against radiation hazards arising out of the activities licensed by the Commission within the State, then the existence or nonexistence of the exemptions and exceptions referred to above shall not prejudice the exercise by the Commission or the State of any constitutional rights and powers the Federal Government or the State may have now or in the future.

Article VIII. The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the State, or upon request of the Governor of the State, may terminate or suspend this Agreement and reassert the licensing and regulatory authority vested in it under the Act if the Commission finds that such termination or suspension is required to protect the public health and safety.

Article IX. This Agreement shall become effective on October 15, 1962, and shall remain in effect unless, and until such time as it is terminated pursuant to Article VIII.

Done at Washington, District of Columbia, in triplicate, this 15th day of October 1962.

For the United States Atomic Energy Commission.

GLENN T. SEABORG,
Chairman.

Done at Albany, State of New York, in triplicate, this 15th day of October 1962.

For the State of New York.

NELSON A. ROCKEFELLER,
Governor.

[F.R. Doc. 62-10664; Filed, Oct. 24, 1962; 8:47 a.m.]

GPO 915885

ATOMIC ENERGY COMMISSION

AGREEMENT BETWEEN ATOMIC ENERGY COMMISSION AND STATE OF SOUTH CAROLINA

Discontinuance of Certain Commission Regulatory Authority and Responsibility Within the State

Notice is hereby given that Dr. Glenn T. Seaborg, Chairman of the Atomic Energy Commission and the Honorable Robert E. McNair, Governor of the State of South Carolina, have signed the Agreement below for discontinuance by the Commission and assumption by the State of certain Commission regulatory authority. The Agreement is published in accordance with the requirements of Public Law 86-373 (section 274 of the Atomic Energy Act of 1954, as amended). The exemptions from the licensing requirements of Chapters 6, 7, and 8 of the Atomic Energy Act are contained in Part 150 of the Commission's regulations (10 CFR Part 150) which was published in FEDERAL REGISTER issuances of February 14, 1962, 27 F.R. 1351; April 3, 1965, 30 F.R. 4352; September 22, 1965, 30 F.R. 12069; March 19, 1966, 31 F.R. 4668; March 30, 1966, 31 F.R. 5120; December 2, 1966, 31 F.R. 15145; July 15, 1967, 32 F.R. 10432; June 27, 1968, 33 F.R. 9388; and April 16, 1969, 34 F.R. 6317.

Dated at Germantown, Md., this 25th day of September 1969.

For the Atomic Energy Commission,

F. T. HOBBS,
Acting Secretary.

Agreement between the U.S. Atomic Energy Commission and the State of South Carolina for discontinuance of certain commission regulatory authority and responsibility within the State pursuant to Section 274 of the Atomic Energy Act of 1954, as amended.

Whereas, the U.S. Atomic Energy Commission (hereinafter referred to as the Commission) is authorized under section 274 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the Act) to enter into agreement with the Governor of any State providing for discontinuance of the regulatory authority of the Commission within the State under Chapters 6, 7, and 8, and section 161 of the Act with respect to byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and

Whereas, the Governor of the State of South Carolina is authorized under section 1-409.15 of the 1962 Code of Laws of South Carolina and cumulative supplement thereto to enter into this Agreement with the Commission; and

Whereas, the Governor of the State of South Carolina certified on June 4, 1969, that the State of South Carolina (hereinafter referred to as the State) has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by this Agreement, and that the State desires to assume regulatory responsibility for such materials; and

Whereas, the Commission found on August 26, 1969, that the program of the State for the regulation of the materials covered by this Agreement is compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety; and

Whereas, the State and the Commission recognize the desirability and importance of cooperation between the Commission and the State in the formulation of standards for protection against hazards of radiation and in assuring that State and Commission programs for protection against hazards of radiation will be coordinated and compatible; and

Whereas, the Commission and the State recognize the desirability of reciprocal recognition of licenses and exemptions from licensing of those materials subject to this Agreement; and

Whereas, this Agreement is entered into pursuant to the provisions of the Atomic Energy Act of 1954, as amended;

Now, therefore, it is hereby agreed between the Commission and the Governor of the State, acting in behalf of the State, as follows:

Article I. Subject to the exceptions provided in Articles II, III, and IV, the Commission shall discontinue, as of the effective date of this Agreement, the regulatory authority of the Commission in the State under Chapters 6, 7, and 8, and section 161 of the Act with respect to the following materials:

A. Byproduct materials;

B. Source materials; and

C. Special nuclear materials in quantities not sufficient to form a critical mass.

Article II. This Agreement does not provide for discontinuance of any authority and the Commission shall retain authority and responsibility with respect to regulation of:

A. The construction and operation of any production or utilization facility;

B. The export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility;

C. The disposal into the ocean or sea of byproduct, source, or special nuclear waste materials as defined in regulations or orders of the Commission;

D. The disposal of such other byproduct, source, or special nuclear material as the Commission from time to time determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission.

Article III. Notwithstanding this Agreement, the Commission may from time to time by rule, regulation, or order, require that the manufacture, production, or possession of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

Article IV. This Agreement shall not affect the authority of the Commission under subsection 161 b. or i. of the Act to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data or to guard against the loss or diversion of special nuclear material.

Article V. The Commission will use its best efforts to cooperate with the State and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that State and Commission programs for protection against hazards of radiation will be coordinated and compatible. The State will use its best efforts to cooperate with the Commission and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that the State's program will continue to be compatible with the program of the Commission for the regulation of like materials. The State and the Commission will use their best efforts to keep each other informed of proposed changes in their respective rules and regulations and licensing, inspection, and enforcement policies and criteria, and to obtain the comments and the assistance of the other party thereon.

Article VI. The Commission and the State agree that it is desirable to provide for reciprocal recognition of licenses for the materials listed in Article I licensed by the other party or by any agreement State. Accordingly, the Commission and the State agree to use their best efforts to develop appropriate rules, regulations, and procedures by which such reciprocity will be accorded.

Article VII. The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the State, or upon request of the Governor of the State, may terminate or suspend this Agreement and reassert the licensing and regulatory authority vested in it under the Act if the Commission finds that such termination or suspension is required to protect the public health and safety.

Article VIII. This Agreement shall become effective on September 15, 1969, and shall remain in effect unless and until such time as it is terminated pursuant to Article VII.

Done at Washington, District of Columbia, in triplicate, this 26th day of August 1969.

For the United States Atomic Energy Commission.

GLENN T. SEABORG,
Chairman.

Done at Columbia, State of South Carolina, in triplicate, this 11th day of September 1969.

For the State of South Carolina.

[SEAL] ROBERT E. MCNAIR,
Governor.

[F.R. Doc. 69-11603; Filed, Sept. 30, 1969; 8:48 a.m.]

[Dockets Nos. 50-352, 50-353]

PHILADELPHIA ELECTRIC CO.

Order Convening Evidentiary Hearing

In the matter of Philadelphia Electric Co. (Limerick Generating Station Units 1 and 2), Dockets Nos. 50-352, 50-353.

At an evidentiary session in this proceeding on May 26, 1972, the Atomic Safety and Licensing Board announced that a further evidentiary session would convene at 2 p.m. on July 18, 1972, in Pottstown, and that a formal order would be issued for general public notice. In addition, provision was made at this May 26 session for submission by June 26, 1972, of previously prepared written statements intended to be offered as evidence.

Wherefore, it is ordered, In accordance with the Atomic Energy Act, as amended, and the rules of practice of the Commission, a further evidentiary session in this proceeding shall convene at 2 p.m. on July 18, 1972, in the Post's Room, Holiday Inn, West King Street at Route 100, Pottstown, Pa.

And, it is further ordered, Pursuant to § 2.743(b) of the Commission's rules of practice, and as ordered at the May 26, 1972, evidentiary session, that all direct evidence intended to be offered by any party in this next evidentiary session on July 18, 1972, shall be prepared in written form and exchanged with other parties either by direct service or by placing in the U.S. Postal Service mails and postmarked on or before June 26, 1972, so that receiving parties may have adequate opportunity to examine the written statements.

Issued: June 5, 1972, Germantown, Md.

ATOMIC SAFETY AND LICENSING BOARD,
SAMUEL W. JENSCH,
Chairman.

[FR Doc.72-8980 Filed 6-8-72;8:45 am]

STATE OF NEVADA

Discontinuance of Certain Commission Regulatory Authority and Responsibility Within the State

Notice is hereby given that William O. Doub, Commissioner of the Atomic Energy Commission and the Honorable Mike O'Callaghan, Governor of the State of Nevada, have signed the agreement below for discontinuance by the Commission and assumption by the State of certain Commission regulatory authority. The agreement is published in accordance with the requirements of Public Law 86-373 (section 274 of the Atomic Energy Act of 1954, as amended). The exemptions from the Commission's licensing authority have been published in the FEDERAL REGISTER and codified as Part 150 of the Commission's regulations in Title 10 of the Code of Federal Regulations.

Dated at Germantown, Md., this 5th day of June 1972.

For the Atomic Energy Commission.

W. B. McCool,
Secretary of the Commission.

AGREEMENT BETWEEN THE U.S. ATOMIC ENERGY COMMISSION AND THE STATE OF NEVADA FOR DISCONTINUANCE OF CERTAIN COMMISSION REGULATORY AUTHORITY AND RESPONSIBILITY WITHIN THE STATE

Whereas the U.S. Atomic Energy Commission (hereinafter referred to as the Commission) is authorized under section 274 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the Act), to enter into agreements with the Governor of any State providing for discontinuance of the regulatory authority of the Commission within the State under Chapters 6, 7, and 8, and section 161 of the Act with respect to byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and

Whereas the Governor of the State of Nevada is authorized under Nevada Revised Statutes 459.090 to enter into this agreement with the Commission; and

Whereas the Governor of the State of Nevada certified on March 8, 1972, that the State of Nevada (hereinafter referred to as the State) has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by this agreement, and that the State desires to assume regulatory responsibility for such materials; and

Whereas the Commission found on May 16, 1972, that the program of the State for the regulation of the materials covered by this agreement is compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety; and

Whereas the State and the Commission recognize the desirability and importance of cooperation between the Commission and the State in the formulation of standards for protecting against hazards of radiation and in assuring that State and Commission programs for protection against hazards of radiation will be coordinated and compatible; and

Whereas the Commission and the State recognize the desirability of reciprocal recognition of licenses and exemptions from licensing of those materials subject to this agreement; and

Whereas this agreement is entered into pursuant to the provisions of the Atomic Energy Act of 1954, as amended; now therefore,

It is hereby agreed between the Commission and the Governor of the State, acting in behalf of the State, as follows:

ARTICLE I

Subject to the exemptions provided in Articles II, III, and IV, the Commission shall discontinue, as of the effective date of this agreement, the regulatory authority of the Commission in the State under Chapters 6, 7, and 8, and section 161 of the Act with respect to the following materials:

A. Byproduct materials;

B. Source materials; and

C. Special nuclear materials in quantities not sufficient to form a critical mass.

ARTICLE II

This agreement does not provide for discontinuance of any authority and the Commission shall retain authority and responsibility with respect to regulation of:

A. The construction and operation of any production or utilization facility;

B. The export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility;

C. The disposal into the ocean or sea of byproduct, source or special nuclear waste materials as defined in regulations or orders of the Commission;

D. The disposal of such other byproduct, source, or special nuclear material as the Commission from time to time determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission.

ARTICLE III

Notwithstanding this agreement, the Commission may from time to time by rule, regulation, or order, require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

ARTICLE IV

This agreement shall not affect the authority of the Commission under subsection 161 b or i of the Act to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data or to guard against the loss or diversion of special nuclear material.

ARTICLE V

The Commission will use its best efforts to cooperate with the State and other agreement States in the formulation of standards and regulatory programs of the State and the Commission programs for protection against of radiation and to assure that State and Commission program for protection against hazards of radiation will be coordinated and compatible. The State will use its best efforts to cooperate with the Commission and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that the State's program will continue to be compatible with the program of the Commission for the regulation of like materials. The State and the Commission will use their best efforts to keep each other informed of proposed changes in their respective rules and regulations and licensing, inspection and enforcement policies and criteria, and to obtain the comments and assistance of the other party thereon.

ARTICLE VI

The Commission and the State agree that it is desirable to provide for reciprocal recognition of licenses for the material listed in Article I licensed by the other party or by any agreement State. Accordingly, the Commission and the State agree to use their best efforts to develop appropriate rules, regulations, and procedures by which such reciprocity will be accorded.

ARTICLE VII

The Commission, upon its own initiative after reasonable notice and opportunity for

hearing to the State, or upon request of the Governor of the State, may terminate or suspend this agreement and reassert the licensing and regulatory authority vested in it under the Act if the Commission finds that such termination or suspension is required to protect the public health and safety.

ARTICLE VIII

This agreement shall become effective on July 1, 1972, and shall remain in effect unless and until such time as it is terminated pursuant to Article VII.

Done at Las Vegas, State of Nevada, in triplicate, this 30th day of May 1972.

For the U.S. Atomic Energy Commission.

[SEAL] WILLIAM O. DOUB,
Commissioner.

For the State of Nevada.

MIKE O'CALLAGHAN,
Governor.

Attest:

JOHN KNOPPA,
Secretary of State.

[FR Doc.72-8723 Filed 6-9-72;8:45 am]

[Docket Nos. 50-254, 50-265]

COMMONWEALTH EDISON CO. AND IOWA-ILLINOIS GAS AND ELECTRIC CO.

Notice of Availability of Supplement to Applicant's Environmental Report and Addendum I To Draft Detailed Statement on Environmental Considerations

On March 8, 1972, the Atomic Energy Commission (the Commission) published in the FEDERAL REGISTER (37 F.R. 5073) a notice of availability of Commonwealth Edison Co.'s Environmental Report (dated November 16, 1970) and supplements thereto (November 16, 1971 and January 6, 1972), and the Commission's Draft Detailed Statement on Environmental Considerations (dated March 6, 1972) relating to operation of Unit 1 and Unit 2 of the Quad-Cities Nuclear Power Station located in Rock Island County, Ill. The notice provided 30 days for comments, commencing with its March 8, 1972, publication. Subsequently, the Commission received from the Commonwealth Edison Co. Supplement 5 (dated April 24, 1972) to the above environmental report, which discusses environmental considerations related to the proposed changes in the condenser cooling water system of the Quad-Cities Nuclear Power Station. The Commission's Directorate of Licensing has analyzed Supplement 5 as set forth in an Addendum I (dated June 1972) to the March 6, 1972, Draft Detailed Statement.

Pursuant to the National Environmental Policy Act of 1969 and the Commission's regulations in Appendix D of 10 CFR Part 50, notice is hereby given that Commonwealth's Supplement 5 to its environmental report and the Commission's Addendum I to its Draft Detailed Statement are available for public inspection in the Commission's Public Document Room at 1717 H Street N.W., Washington, DC, and in the Moline Public Library, 504 17th Street, Moline, IL 61265. The Supplement and the Addendum are also being made available at the Office of Planning and Analysis, Executive Office of the Governor, Room 614, State Office Building, Springfield, Ill. 62706, the Bi-State Metropolitan Planning Commission, 1504 Third Avenue, Rock Island, IL 61201, and at the Office of Planning and Programming, Des Moines, Iowa 50319. A copy of Addendum I may be obtained upon request sent to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Interested members of the public may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, submit comments on Supplement 5 and Addendum I for the Commission's considerations. Such comments should be addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Federal agencies and State and local officials are being provided copies of the Supplement and Addendum for comments. When comments are received from these, they will be made available for public inspection at the above-designated AEC Public Document Room and the Moline Public Library.

Dated at Bethesda, Md., this 7th day of June 1972.

For the Atomic Energy Commission.

DONALD J. BRENNER,
Assistant Director for Operating Reactors, Directorate of Licensing.

[FR Doc.72-8809 Filed 6-9-72;8:48 am]

CIVIL AERONAUTICS BOARD

[Docket No. 24534, Order 72-6-14]

AIRLIFT INTERNATIONAL, INC.

Order of Suspension and Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 5th day of June 1972.

By tariff revisions filed May 8 and marked to become effective June 7, 1972, Airlift International, Inc. (Airlift), proposes a rate on wearing apparel and partly manufactured clothing of 5 cents per pound from San Juan to Miami. The proposed rate would be subject to a time-of-tender restriction, from 8 a.m. to 6 p.m., to a space-available limitation, and to a minimum weight of 20,000 pounds. The proposed rate would effect a reduction of 29 percent below the currently applicable specific commodity rate for the same commodities. This rate is scheduled to expire December 31, 1972.

Upon consideration of all relevant factors, the Board finds that Airlift's proposal may be unjust, unreasonable, unjustly discriminatory, unduly preferential or unduly prejudicial or otherwise unlawful and should be investigated. We further conclude that the rates should be suspended pending investigation.

Airlift's proposed rates would yield only 5.6 cents per ton-mile, which we believe is unduly low. The economies of transportation for shipments of 20,000 pounds are negligible in comparison with those that exist for much smaller shipments. Consequently, discounts at large weight breaks should be fully justified by cost elements. Airlift has not presented any factual support of the costs incurred for the traffic to be handled under its proposal. While there are rates now in effect in the same market for several commodities at a level equal to those here proposed, they appear generally applicable to lower value commodities.[1]

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof;

It is ordered, That:

1. An investigation be instituted to determine whether the reference "H" shown in connection with Commodity 2300 from San Juan, Puerto Rico, to Miami, Fla.; Commodity "P2300" and rate of 5 cents per pound minimum weight 20,000 pounds from San Juan, Puerto Rico, to Miami, Fla.; and the explanation of references "P" and "H" on 48th Revised Page 26-K of International Air Traffic Tariffs Corp., Agent's CAB No. 304, and rules, regulations, or practices affecting such rate and provisions are, or will be, unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful rate and provisions, and rules, regulations, or practices affecting such rate and provisions;

2. Pending hearing and decision by the Board, the reference "H" shown in connection with Commodity 2300 from San Juan, Puerto Rico, to Miami, Fla.; Commodity "P2300" and rate of 5 cents per pound minimum weight 20,000 pounds from San Juan, Puerto Rico, to Miami, Fla.; and the explanation of references "P" and "H" on 48th Revised Page 26-K of International Air Traffic Tariffs Corp., Agent's CAB No. 304, are suspended and their use deferred to and including September 4, 1972, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension, except by order or special permission of the Board;

[1] By tariff filed May 12, 1972, and marked to become effective June 11, 1972, Airlift is proposing a charge of $600 per Type A container from San Juan to Miami for general commodities. This charge is without regard to the weight placed in a container by shippers which has upper limits of 10,000 pounds per container. As shown in its support, the rate would be 6.7 cents per pound for a shipment of 8,400 pounds in a container, but this would decline and would reach 3.3 cents per pound for a shipment of 6,375 pounds and 3.3 cents a pound for a tender of 10,500 pounds in a container. This rate proposal appears to reflect the economies inherent in the movement of high-density traffic.

Occupational Safety and Health Administration

Virgin[illegible] Standards; Approval

1. Backg[illegible]

Part 1953, Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4), will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On September 11, 1973, notice was published in the Federal Register (38 FR 24896) of the approval of the Virgin Islands plan and adoption of Subpart S to Part 1952 containing the decision.

The Virgin Islands plan provides for the adoption of Federal standards as Virgin Islands standards by reference. The authority to adopt such standards is contained in Title 8, section 040, of the Virgin Islands Code. Health standards are adopted for application in the public sector. OSHA enforces its Federal health standards in the private sector. In response to Federal standards changes, the State has submitted supplements, and incorporated as part of the plan, State certification documenting promulgation of State standards comparable to Occupational Exposure to Ethylene Oxide, 29 CFR 1910.1047, technical amendments and corrections, as published in the Federal Register (51 FR 25053) dated July 10, 1986, and Electrical Standards for Construction, 29 CFR Part 1926, as published in the Federal Register (51 FR 25294) dated July 11, 1986.

These standards which are contained in the Virgin Islands Rules and Regulations 24 V.I.R.R. 36(b)1 and 36(b)3 were promulgated by resolution adopted by the Virgin Islands Department of Labor on September 22, 1986 pursuant to Title 24, Virgin Islands Code, section 36(b).

In response to Federal standards changes, the State has submitted supplements, and incorporated as part of the plan, State certification documenting promulgation of State standards comparable to Occupational Exposure to Asbestos, Tremolite, Anthophyllite and Actinolite, 29 CFR 1910.1001 and 29 CFR 1926.58, as published in the Federal Register (51 FR 22612) dated June 20, 1986.

These standards which are contained in the Virgin Islands Rules and Regulations 24 V.I.R.R. 36(b)1 and 36(b)3 were promulgated by resolution adopted by the Virgin Islands Department of Labor on November 21, 1986 pursuant to Title 24, Virgin Islands Code, section 36(b).

In response to Federal standards changes, the State has submitted supplements, and incorporated as part of the plan, State certification documenting promulgation of State standards comparable to Hazard Communication; Definition of Trade Secret and Disclosure of Trade Secrets to Employees, Designated Representatives and Nurses, 29 CFR 1910.1200, as published in the Federal Register (51 FR 34590) dated September 30, 1986.

This standard which is contained in the Virgin Islands Rules and Regulations 24 V.I.R.R. 36(b)1 was promulgated by resolution adopted by the Virgin Islands Department of Labor on March 20, 1987 pursuant to Title 24, Virgin Islands Code, section 36(b).

2. Decision

Having reviewed the Virgin Islands Regulations providing for the adoption of Federal standards by reference, it has been determined that Virgin Islands Regulations are identical to Federal standards and accordingly are hereby approved.

3. Location of Supplement for Inspection and Copying

A copy of the standards supplement, along with the approved plan, may be inspected and copied during the normal business hours at the following locations: Office of the Regional Administrator, Region II, 1515 Broadway, Room 3445, New York, New York 10036; Office of the Director for Federal-State Operations, Room N3478, 200 Constitution Avenue, NW., Washington, DC 20210; Department of Labor, Government of the Virgin Islands, Dronigans Gade, Charlotte Amalie, St. Thomas, V.I. 00801, and at Hospital Street, Christiansted, St. Croix, V.I. 00820.

4. Public Participation

Under 29 CFR 1953.2(c), the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Virgin Islands plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reasons:

1. The standards are identical to the Federal standards which were promulgated in accordance with Federal law meeting requirements for public participation.

2. The standards were adopted in accordance with the procedural requirement of State law and further participation would be unnecessary.

The decision is effective June 16, 1987.

(Sec. 18 Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at New York City, New York, this twenty first day of May, 1987.

James W. Stanley,

Acting Regional Administrator.

[FR Doc. 87-13721 Filed 6-15-87; 8:45 am]

BILLING CODE 4510-26-M

NUCLEAR REGULATORY COMMISSION

Illinois; Discontinuance of Certain Commission Regulatory Authority and Responsibility Within the State

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of Agreement With State of Illinois.

SUMMARY: Notice is hereby given that on May 14, 1987, Lando W. Zech, Jr., Chairman of the Nuclear Regulatory Commission and on May 18, 1976, James R. Thompson, Governor of the State of Illinois signed the Agreement set forth below for discontinuance by the Commission and assumption by the State of certain Commission regulatory authority. The Agreement is published in accordance with the requirements of Pub. L. 86-373 (Section 274 of the Atomic Energy Act of 1954, as amended). The exemptions from the Commission's licensing authority have been published in the Federal Register and codified as Part 150 of the Commission's regulations in title 10 of the Code of Federal Regulation.

On May 13, 1987, the Commission with Chairman Zech and Commissioners Asselstine, Bernthal and Carr agreeing, approved the Agreement between the State of Illinois and the NRC pursuant to section 274b of the Atomic Energy Act, as amended.

Commissioner Bernthal approved the Agreement between the State of Illinois and the Commission. In his judgment, however, all materials and contaminated areas which have resulted from operations of the West Chicago Rare Earths Facility would more

A/6

properly be classified as "byproduct material" under section 11e.(2) of the Atomic Energy Act. As such, Commissioner Bernthal believes that jurisdiction for these materials and contaminated areas should remain with the Commission until such time as the State of Illinois elects to seek authority for *all* byproduct material.

In addition, the Commission, with Chairman Zech and Commissioners Bernthal and Carr agreeing, approved an Order to Allied-Chemical, Placing its uranium conversion plant under continued NRC regulatory authority based on common defense and security considerations. Commissioner Asselstine disapproved the order.

Commissioner Roberts did not participate in these actions.

FOR FURTHER INFORMATION CONTACT: Joel O. Lubenau, State, Local and Indian Tribe Programs, Office of Governmental and Public Affairs, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Phone (301) 492-0987.

SUPPLEMENTARY INFORMATION: On December 31, 1986, the Nuclear Regulatory Commission initially published for public comment a proposed agreement with the State of Illinois for discontinuance by the Commission and assumption by the State of certain regulatory authority and the staff's assessment of the proposed Illinois program for regulation of radioactive materials covered by the proposed agreement.

As required by Section 274 of the Atomic Energy Act, the proposed Agreement and the staff's assessment of the State's proposed radiation control program were to be published in the Federal Register once a week for four consecutive weeks. Interested persons were invited to submit comments by January 30, 1987. The 2nd publication was made on January 7, 1987. The December 31st and January 7th publications were determined to have been the subject of Federal Register printing errors. As a result, they were incomplete and also contained errors. A corrected notice was published January 21, 1987 at 52 FR 2309. Since the initial notice was incomplete and also contained significant errors, the 4 consecutive week publication cycle required by the Act was restarted beginning with the January 21, 1987 notice. A revision of the date for public comments was also published at the time (52 FR 2309) changing it to February 20, 1987. The 2nd consecutive weekly notice was published January 28, 1987 at 52 FR 2868. The 3nd consecutive weekly notice was published February 4, 1987 at 52 FR 3503 but printing errors again occurred, this time resulting in the omission of text. A correction notice for this omission was published February 12, 1987 at 52 FR 4589. The 4th consecutive weekly notice was published February 11, 1987 at 52 FR 4436.

The proposed agreement would have included the Allied Chemical plant which is one of plants in the United States licensed to convert uranium "yellowcake" to UF_6 (The other plant is Kerr-McGee's Sequoyah plant in Oklahoma). The Commission, in its Federal Register notices, noted that it was considering whether continued NRC regulation of the Allied Chemical Plant is necessary in the interest of the common defense and security of the United States. The Allied Chemical plant was identified by DOE as having a potential common defense and security significance. Section 274m of the Atomic Energy Act, as amended, provides that:

> No agreement entered into under subsection b., . . . shall affect the authority of the Commission under subsection 161b. or i to issue rules, regulations, or orders to protect the common defense and security . . .

The Commission has decided to retain regulatory authority over licensees subject to section 274b Agreements which have common defense and security significance. An order to effectuated this policy with respect to the Allied Chemical license has been issued and is published below. The order became effective May 14, 1987.

Public Comments: Five written comments on the proposed Agreement and NRC staff assessment were received prior to the end of the comment period on February 20, 1987. Three comment letters were submitted by Conner and Wetterhahn, P.C., counsel for US Ecology which holds the license for the Sheffield low-level waste disposal site. One comment letter was received from A. Eugene Rennels, the Mayor of the City of West Chicago. One comment letter was received from Covington and Burling, counsel representing Kerr-McGee which holds a license for the Kerr-McGee West Chicago Rare Earths Facility where thorium processing and recovery operations were conducted under an AEC/NRC license. These comments were fully considered by the Commission in its deliberations on the Illinois request. Summaries of the comments and the staff's responses are available in the Commission's public document room at 1717 H Street, NW., Washington, DC and the Commission's Region III Office, 799 Roosevelt Road, Building No. 4, Glen Ellyn, Illinois.

Agreement Between the United States Nuclear Regulatory Commission and the State of Illinois for Discontinuance of Certain Commission Regulatory Authority and Responsibility Within the State Pursuant to Section 274 of the Atomic Energy Act of 1954, as Amended

Whereas, the United States Nuclear Regulatory Commission (hereinafter referred to as the Commission) is authorized under section 274 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the Act), to enter into agreements with the Governor of any State providing for discontinuance of the regulatory authority of the Commission within the State under Chapters 6, 7, and 8, and section 161 of the Act with respect to byproduct materials as defined in sections 11e.(1) and (2) of the Act, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and,

Whereas, the Governor of the State of Illinois is authorized under Illinois Revised Statutes, 1985, ch. 111 ½, par. 216b and ch. 111 ½, par 241-19, to enter into this Agreement with the Commission, and,

Whereas, the Governor of the State of Illinois certified on October 2, 1986, that the State of Illinois (hereinafter referred to as the State) has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by this Agreement, and that the State desires to assume regulatory responsibility for such materials; and,

Whereas, the Commission found on May 13, 1987 that the program of the State for the regulation of the materials covered by this Agreement is compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety; and,

Whereas, the State and the Commission recognize the desirability and importance of cooperation between the Commission and the State in the formulation of standards for protection against hazards of radiation and in assuring that State and Commission programs for protection against hazards of radiation will be coordinated and compatible; and,

Whereas, the Commission and the State recognize the desirability of reciprocal recognition of licenses and exemptions from licensing of those materials subject to this Agreement; and,

Whereas, this Agreement is entered into pursuant to the provisions of the Atomic Energy Act of 1954, as amended;

Now, therefore, it is hereby agreed between the Commission and the Governor of the State, acting in behalf of the State, as follows:

Article I

Subject to the exceptions provided in Articles II, IV and V, the Commission shall discontinue, as of the effective date of this Agreement, the regulatory authority of the Commission in the State under Chapters 6, 7, and 8, and section 161 of the Act with respect to the following:

A. Byproduct material as defined in section 11e.(1) of the Act;

B. Source materials;

C. Special nuclear materials in quantities not sufficient to form a critical mass; and,

D. The land disposal of source, byproduct and special nuclear material received from other persons.

Article II

This Agreement does not provide for discontinuance of any authority and the Commission shall retain authority and responsibility with respect to regulation of:

A. The construction and operation of any production or utilization facility;

B. The export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility;

C. The disposal into the ocean or sea of byproduct, source or special nuclear waste materials as defined in regulations or orders of the Commission;

D. The disposal of such other byproduct, source, or special nuclear material as the Commission from time to time determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission; and,

E. The extraction or concentration of source material from source material ore and the management and disposal of the resulting byproduct material.

Article III

This Agreement may be amended, upon application by the State and approval by the Commission, to include the additional area specified in Article II, paragraph E, whereby the State can exert regulatory control over the materials stated therein.

Article IV

Notwithstanding this Agreement, the Commission may from time to time by rule, regulation or order, require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commissioner.

Article V

This Agreement shall not affect the authority of the Commission under subsection 161 b. or i. of the Act to issue rules, regulations or orders to protect the common defense and security, to protect restricted data or to guard against the loss or diversion of special nuclear material.

Article VI

The Commission will use its best efforts to cooperate with the State and other Agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that State and Commission programs for protection against hazards of radiation will be coordinated and compatible. The State will use its best efforts to cooperate with the Commission and other Agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that the State's program will continue to be compatible with the program of the Commission for the regulation of like materials. The State and the Commission will use their best efforts to keep each other informed of proposed changes in their respective rules and regulations and licensing, inspection and enforcement policies and criteria, and to obtain the comments and assistance of the other party thereon.

Article VII

The Commission and the State agree that it is desirable to provide reciprocal recognition of licenses for the materials listed in Article I licensed by the other party or by any Agreement State. Accordingly, the Commission and the State agree to use their best efforts to develop appropriate rules, regulations and procedures by which such reciprocity will be accorded.

Article VIII

The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the State, or upon request of the Governor of the State, may terminate or suspend all or part of this agreement and reassert the licensing and regulatory authority vested in it under the Act if the Commission finds that (1) such termination or suspension is required to protect the public health and safety, or (2) the State has not complied with one or more of the requirements of section 274 of the Act. The Commission may also, pursuant to section 274j of the Act, temporarily suspend all or part of this Agreement if, in the judgment of the Commission, an emergency situation exists requiring immediate action to protect public health and safety and the State has failed to take necessary steps. The Commission shall periodically review this Agreement and actions taken by the State under this Agreement to ensure compliance with section 274 of the Act.

Article IX

This Agreement shall become effective on June 1, 1987, and shall remain in effect unless, and until such time as it is terminated pursuant to Article VIII.

Done at Washington, DC, in triplicate, this 14th day of May, 1987.

For the United States Nuclear Regulatory Commission.

Lando W. Zech, Jr.,

Chairman.

Done at Springfield, Illinois, in triplicate, this 18th day of May, 1987.

For the State of Illinois.

James R. Thompson,

Governor.

Order To Protect the Common Defense and Security

I

Allied-Chemical Corporation, Metropolis, Illinois, (the "licensee") is the holder of License No. SUB-526 (the "license") issued by the Nuclear Regulatory Commission (the "Commission" or "NRC") which authorizes the licensee to use source material in a UF_6 conversion plant in Metropolis, Illinois. The license was last issued on May 28, 1985 and will expire on June 1, 1990 (Docket No. 0400-3992).

II

In a letter dated October 2, 1986, Governor James R. Thompson of the State of Illinois requested that the Commission enter into an Agreement with the State of Illinois requested that the Commission enter into an Agreement with the State pursuant to section 274 of the Atomic Energy Act, as amended. The specific authority requested includes the category, source material. An NRC staff assessment and the proposed agreement were published in the Federal Register for public comment (52 FR 2900, 2906, 3503 and 4436; correction notice at 52 FR 4589). The staff assessment noted that with respect to the Allied Chemical plant, the Commission was considering whether continued NRC regulation was necessary in the interest of the common defense and security of the United States.

III

In a letter dated November 17, 1986, the Department of Energy, ("DOE") commenting to NRC on the matter of the proposed inclusion of the NRC license to Allied Chemical among the category of source material licenses to be transferred to Illinois under a section 274b Agreement, stated that the combination of the commercially operated uranium conversion facilities in the U.S. and the DOE operated enrichment facilities represent a complex that is an important national asset essential to maintaining the common defense and security of the United States. DOE further expressed the view that, "It would be prudent for NRC to retain its existing regulatory authority over uranium conversion facilities consistent with its charter to regulate facilities whose operation is in the national interest."

IV

Upon consideration of these facts, the Commission has determined that regulation of the Allied-Chemical conversion plant in Metropolis should be continued under NRC jurisdiction to protect the common defense and security.

V

In view of the foregoing and pursuant to sections 161b and 274m of the Atomic Energy Act, as amended, 42 U.S.C. 2201(i), 2021(m), it is hereby ordered, effective immediately, that:

a. Notwithstanding the provisions of a section 274b Agreement with the State of Illinois as approved by the Commission the NRC jurisdiction over the possession and use of source material by Allied Chemical (license SUB-526) shall be retained by the NRC, and

b. NRC jurisdiction over the license shall remain in effect during the term of such section 274b Agreement unless the Commission shall determine that continued regulation by NRC is no longer needed to

assure the protection of the common defense and security of the United States.

VI

Any person whose interest may be adversely affected by this order may within 20 days of the date of this order file written comments with supporting analysis with the Secretary of the Commission explaining why this order should not have been issued. The Commission will consider any comments that are filed with a view to possible modification or rescission of the order. The filing of any comments does not stay the effectiveness of this order.

Commissioner Asselstine disapproved this Order.

Dated at Washington, DC this 14th day of May, 1987.

For the United States Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary, Office of the Secretary of the Commission.

Dated at Washington, DC this 9th day of June, 1987.

For the United States Nuclear Regulatory Commission.

Harold R. Denton,

Director, Office of Governmental and Public Affairs.

[FR Doc. 87-13729 Filed 6-15-87; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-456-OL and 50-457-OL; (ASLBP No. 79-410-03 OL)]

Commonwealth Edison Co. (Braidwood Nuclear Power Station, Units 1 and 2) Reconstitution of Board

Pursuant to the authority contained in 10 CFR 2.721 and 2.721(b), the Atomic Safety and Licensing Board for *Commonwealth Edison Company* (Braidwood Nuclear Power Station, Units 1 and 2), Docket Nos. 50-456-OL and 50-457-OL, is hereby reconstituted by appointing Administative Law Judge Ivan W. Smith in place of Administrative Judge Herbert Grossman, who has resigned from the Panel. Administrative Law Judge Ivan W. Smith is appointed Chairman of the Board.

As reconstituted, the Board is comprised of the following Administrative Judges: Ivan W. Smith, Chairman, Dr. Richard F. Cole, and Dr. A. Dixon Callihan.

All correspondence, documents and other material shall be filed with the Board in accordance with 10 CFR 2.701 (1980). The address of the new Board member is: Administrative Law Judge Ivan W. Smith, Chairman, Atomic Safety and Licensing Board, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

Dated at Bethesda, Maryland, this 9th day of June, 1987.

B. Paul Cotter, Jr.,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 87-13730 Filed 6-15-87; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-322-OL-3 (Emergency Planning); (ASLBP No. 86-529-02-OL)]

Long Island Lighting Co. (Shoreham Nuclear Power Station, Unit 1); Order Setting Date for Commencement of Hearing

Before Administrative Judges: Morton B. Margulies, Chairman, Dr. Jerry R. Kline, Mr. Frederick J. Shon.

June 10, 1987.

On April 23, 1987, the Board issued an order setting June 15, 1987 as an interim date for starting the OL-3 hearing on the reception center issues. The start of the OL-3 hearing is strongly influenced by the ongoing OL-5 hearings, which has a Board member common to both proceedings. The interim starting date of June 15, 1987 is fast approaching and from the status reports filed by the parties it remains unclear precisely when the OL-5 hearing will be completed. It appears from the information at hand the commencement of the OL-3 hearing on June 30, 1987 will reasonably meet the requirements of all concerned.

The interim starting date of the hearing on June 15, 1987 is therefore vacated. The OL-3 hearing will commence at 9:00 a.m. on June 30, 1987, in the Court of Claims, State of New York, State Office Building, 3rd Floor Courtroom (3B43), Veterans Memorial Highway, Hauppauge, New York 11788.

The parties shall confer and present the Board with a proposed hearing schedule no later than June 24, 1987.

It is so ordered.

Dated at Bethesda, Maryland this 10th day of June, 1987.

For the Atomic Safety and Licensing Board.

Morton B. Margulies,

Chairman, Administrative Law Judge.

[FR Doc. 87-13731 Filed 6-15-87; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards; Proposed Meetings

In order to provide advance information regarding proposed public meetings of the ACRS Subcommittees and meetings of the full Committee, the following preliminary schedule is published to reflect the current situation, taking into account additional meetings which have been scheduled and meetings which have been postponed or canceled since the last list of proposed meetings published May 18, 1987 (52 FR 18623). Those meetings which are definitely scheduled have had, or will have, an individual notice published in the Federal Register approximately 15 days (or more) prior to the meeting. It is expected that the sessions of the full Committee meeting designated by an asterisk(*) will be open in whole or in part to the public. ACRS full Committee meetings begin at 8:30 A.M. and Subcommittee meetings usually begin at 8:30 A.M. The time when items listed on the agenda will be discussed during full Committee meetings and when Subcommittee meetings will start will be published prior to each meeting. Information as to whether a meeting has been firmly scheduled, canceled, or rescheduled, or whether changes have been made in the agenda for the July 1987 ACRS full Committee meeting can be obtained by a prepaid telephone call to the Office of the Executive Director of the Committee (telephone: 202/634-3265, ATTN: Barbara Jo White) between 8:15 A.M. and 5:00 P.M., Eastern Time.

ACRS Subcommittee Meetings

Advanced Reactor Designs, June 17, 1987, Washington, DC. The Subcommittee will discuss and review the three DOE-sponsored advanced reactor designs (one HTGR two LMRs).

Thermal Hydraulic Phenomena, June 18, 1987, Washington, DC. The Subcommittee will review: MIST Program Status including results of MIST Phase III tests, IST Scaling Coordination, and plans for a follow-on test Program.

Occupational and Environmental Protection Systems, June 22 and 23, 1987, Washington, DC. The Subcommittee will discuss issues concerning emergency plans, control room habitability update, INPO's briefing on nuclear power plant occupational exposure, and other matters.

Human Factors, June 24, 1987, Washington, DC. The Subcommittee will review SECY 87-101, "Issues and Proposed Options Concerning Degree Requirement for Senior Operators."

Integrated Safety Assessment Program (ISAP), July 7, 1987, Washington, DC. The Subcommittee will review the Integrated Safety Assessment Program (ISAP) for Millstone Nuclear Power Station Unit 1 and will review the ISAP process.

Joint Severe Accidents/Probabilistic Risk Assessment, July 8, 1987, Washington, DC. The Subcommittees

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Subcommittees on Containment Systems and Structural Engineering; Meeting Rescheduled

The ACRS Subcommittees on Containment Systems and Structural Engineering scheduled to hold a joint meeting on November 7, 1990, 8:30 a.m., room P-110, 7920 Norfolk Avenue, Bethesda, MD has been rescheduled to Tuesday, December 4, 1990. All other items pertaining to this meeting remain the same as previously published in the Federal Register on Tuesday, October 23, 1990 (55 FR 42788).

Further information regarding topics to be discussed, the scheduling of sessions open to the public, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefore can be obtained by a prepaid telephone call to the Designated Federal Official, Mr. Dean Houston (telephone 301/492-9521) between 7:30 a.m. and 4:15 p.m. Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., which may have occurred.

Dated: October 30, 1990.

Gary R. Quittschreiber,

Chief, Nuclear Reactors Branch.

[FR Doc. 90-26037 Filed 11-2-90; 8:45 am]

BILLING CODE 7590-01-M

State of Illinois: Discontinuance of Certain Regulatory Authority and Responsibility Within the State

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of amended agreement with the State of Illinois.

SUMMARY: Notice is hereby given that the Honorable Kenneth M. Carr, Chairman of the United States Nuclear Regulatory Commission, and the Honorable James R. Thompson, Governor of the State of Illinois, signed an Amendment to the existing section 274b Agreement between NRC and the State of Illinois pursuant to section 274 of the Atomic Energy Act of 1954, as amended. The Amendment permits the State to regulate 11e.(2) byproduct material and the facilities that produce 11e.(2) byproduct material.

The Commission has determined that the Illinois program for regulation of 11e.(2) byproduct material and the facilities that produce 11e.(2) byproduct material generally is compatible with the Commission's program for the regulation of like materials and adequate to protect the public health and safety with respect to the materials covered by the proposed Amendment. However, certain standards adopted by Illinois differ from the standards adopted and enforced by the Commission for the same purpose. In accordance with the requirements of section 274o of the Atomic Energy Act, as amended, the Commission evaluated those differing standards in general, without reference to a particular site, and determined that those standards are adequate for purposes of amending the Commission's agreement with Illinois. If, at some time in the future, the State seeks to apply those or other differing standards to a particular site, including the West Chicago Rare Earths Facility site, section 274o requires the Commission to provide further notice and opportunity for a public hearing and to determine whether the State's differing standards will achieve a level of stabilization and containment of that site, and a level of protection for public health, safety and the environment from both radiological and nonradiological hazards associated with the site, which is equivalent to, or more stringent than, the level which would be achieved by any requirements adopted and enforced by the Commission for the same purpose.

The proposed Amendment to the existing section 274b Agreement was published in the Federal Register for public comment for four consecutive weeks beginning March 27, 1990 (55 FR 11459).

The Amendment is hereby published in accordance with the requirements of Public Law 86-373.

FOR FURTHER INFORMATION CONTACT: Vandy L. Miller, State Programs, United States Nuclear Regulatory Commission, Washington, DC 20555 (telephone 301-492-0326).

SUPPLEMENTARY INFORMATION: *Public Comments:* In response to the FR Notice, the NRC received 166 letters with two commenters (Kerr-McGee and the State of Illinois) submitting supplemental comments. The commenters included local residents (9708 total number of signatures), businesses (20), community leaders (9), the Environmental Protection Agency, the State of Illinois, and Kerr-McGee Chemical Corporation (the only licensee in the State affected by this amendment). Of the letters received, all except Kerr-McGee's were in support of the amendment and transfer of regulatory authority for 11e.(2) byproduct material to the State of Illinois. Kerr-McGee opposed the granting of the amendment and requested that a hearing be held. A list of all commenters was provided to the Commission along with an analysis of the major comments which was prepared by the staff. All comments except for those presented by Kerr-McGee Chemical Corp. supported the proposed amendment to the Agreement and all comments were carefully considered by the Commission in its deliberations on the Illinois request. The comments and the staff's analysis of the major comments are available in the Commission's Public Document Room at 2120 L Street, NW, Washington, DC.

Amendment Number One to the Agreement Between the United States Nuclear Regulatory Commission and the State of Illinois for Discontinuance of Certain Commission Regulatory Authority and Responsibility Within the State Pursuant to section 274 of the Atomic Energy Act of 1954, as Amended.

Whereas, the United States Nuclear Regulatory Commission (hereinafter referred to as the Commission) is authorized under section 274 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the Act), to enter into agreements with the Governor of any State providing for discontinuance of the regulatory authority of the Commission within the State under chapters 6, 7, and 8, and section 161 of the Act with respect to byproduct materials as defined in sections 11e. (1) and (2) of the Act, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and

Whereas, the Governor of the State of Illinois is authorized under Illinois Revised Statutes, 1987, ch. 111½, par. 216b and ch. 111½, par. 241-19 to enter into this Agreement with the Commission; and

Whereas, on June 1, 1987, an Agreement between the Commission and the State of Illinois became effective which provided for State assumption under State law regulatory authority over byproduct material as defined in section 11.e(1) of the Act, source materials, special nuclear materials in quantities not sufficient to form critical mass, and the land disposal of source, byproduct, and special nuclear material received from other persons; and

Whereas, article III of that Agreement provides that the Agreement may be amended upon application by the State and approval by the Commission, to include the extraction or concentration of source material from source material

ore and the management and disposal of the resulting byproduct material; and

Whereas, the Governor of the State of Illinois certified on April 11, 1989 that the State of Illinois (hereinafter referred to as the State) has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the extraction or concentration of source material from source material ore and the management and disposal of the resulting byproduct material, and that the State of Illinois desires to assume regulatory responsibility for such materials; and

Whereas, the Commission found on October 17, 1990 that the program of the State for the regulation of the extraction or concentration of source material from source material ore and the management and disposal of the resulting byproduct material is compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety; and

Whereas, the State and the Commission recognize the desirability and importance of cooperation between the Commission and the State in the formulation of standards for protection against hazards of radiation and in assuring that State and Commission programs for protection against hazards of radiation will be coordinated and where necessary compatible; and

Whereas, the Commission and the State recognize the desirability of reciprocal recognition of licenses and exemptions from licensing of those materials subject to Amendment Number One to the Agreement; and

Whereas, Amendment Number One to the Agreement is entered into pursuant to the provisions of the Atomic Energy Act of 1954, as amended;

Now, therefore, it is hereby agreed between the Commission and the Governor of the State, acting in behalf of the State, as follows:

(1) Article I of the Agreement is hereby amended to expand the scope of the Agreement to include the extraction or concentration of source material from any ore processed primarily for its source material content and the management and disposal of the resulting byproduct material as defined in section 11e.(2) of the Act. As amended, article I now reads as follows:

Article I

Subject to the exceptions provided in articles II, IV and V, the Commission shall discontinue, as of the effective date of this Agreement, the regulatory authority of the Commission in the State under chapters 6, 7, and 8, and section 161 of the Act with respect to the following:

A. Byproduct material as defined in section 11e.(1) of the act;

B. Source materials;

C. Special nuclear materials in quantities not sufficient to form a critical mass; and

D. The land disposal of source, byproduct, and special nuclear material received from other persons.

Pursuant to article III, and subject to the exceptions provided in articles II, IV and V, the Commission shall discontinue, as of the effective date of this Amendment Number One to this Agreement, the regulatory authority of the Commission in the State under chapters 6, 7, and 8, and section 161 of the Act with respect to the following:

E. The extraction or concentration of source material from any ore processed primarily for its source material content and the management and disposal of the resulting byproduct material as defined in section 11e.(2) of the Act.

(2) Article II of the Agreement is hereby amended by inserting "A." before "This Agreement," by redesignating paragraphs A. through D. as subparagraphs 1. through 4., by deleting paragraph E., relating to the extraction or concentration of source material from source material ore and the management and disposal of the resulting byproduct material, and by adding a new paragraph B., relating to authorities that will be retained by the Commission. As amended, Article II now reads as follows:

Article II

A. This Agreement does not provide for discontinuance of any authority and the Commission shall retain authority and responsibility with respect to regulation of:

1. The construction and operation of any production or utilization facility;

2. The export from or import into the United States of byproduct, source, or special nuclear material, or utilization facility;

3. The disposal into the ocean or sea of byproduct, source, or special nuclear waste materials as defined in regulations or orders of the Commission; and

4. The disposal of such other byproduct, source, or special nuclear material as the Commission from time to time determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission.

B. Notwithstanding this Agreement, the Commission retains the following authorities pertaining to byproduct materials as defined in section 11e.(2) of the Atomic Energy Act:

1. Prior to the termination of a State license for such byproduct material, or for any activity that results in the production of such material, the Commission shall have made a determination that all applicable standards and requirements pertaining to such material have been met.

2. The Commission reserves the authority to establish minimum standards governing reclamation, long-term surveillance or maintenance, and ownership of such byproduct material and of land used as a disposal site for such material. Such reserved authority includes:

a. The authority to establish terms and conditions as the Commission determines necessary to assure that, prior to termination of any license for such byproduct material, or for any activity that results in the production of such material, the licensee shall comply with decontamination, decommissioning, and reclamation standards prescribed by the Commission; and with ownership requirements for such materials and its disposal site;

b. The authority to require that prior to termination of any license for such byproduct material or for any activity that results in the production of such material, title to such byproduct material and its disposal site be transferred to the United States or the State at the option of the State (provided such option is exercised prior to termination of the license);

c. The authority to permit use of the surface or subsurface estates, or both, of the land transferred to the United States or a State pursuant to paragraph 2.b. in this section in a manner consistent with the provisions of the Uranium Mill Tailings Radiation Control Act of 1978, provided that the Commission determines that such use would not endanger the public health, safety, welfare, or the environment;

d. The authority to require, in the case of a license for any activity that produces such byproduct material (which license was in effect on November 8, 1981), transfer of land material pursuant to paragraph 2.b. in this section taking into consideration the status of such material and land and interests therein, and the ability of the licensee to transfer title and custody thereof to the United States or a State;

e. The authority to require the Secretary of the Department of Energy, other Federal agency, or State, whichever has custory of such byproduct material and its disposal site, to undertake such monitoring, maintenance, and emergency measures

as are necessary to protect the public health and safety, and other actions as the Commission deems necessary; and

f. The authority to enter into arrangements as may be appropriate to assure Federal long-term surveillance or maintenance of such byproduct material and its disposal site on land held in trust by the United States for any Indian tribe or land owned by an Indian tribe and subject to a restriction against alienation imposed by the United States.

(3) Article IX of the Agreement is hereby amended by redesignating it article X and by inserting a new article IX. As amended, articles IX and X now read as follows:

Article IX

In the licensing and regulation of byproduct material as defined in section 11e.(2) of the Act, or of any activity which results in production of such material, the State shall comply with the provisions of section 274o of the Act. If in such licensing and regulation, the State requires financial surety arrangements for the reclamation or long-term surveillance and maintenance of such material,

A. The total amount of funds the State collects for such purposes shall be transferred to the United States if custody of such material and its disposal site is transferred to the United States upon termination of the State license for such material or any activity which results in the production of such material. Such funds include, but are not limited to, sums collected for long-term surveillance or maintenance. Such funds do not, however, include monies held as surety where no default has occurred and the reclamation or other bonded activity has been performed; and

B. Such State surety or other financial requirements must be sufficient to ensure compliance with those standards established by the Commission pertaining to bonds, sureties, and financial arrangements to ensure adequate reclamation and long-term management of such byproduct material and its disposal site.

Article X

This Agreement shall become effective on June 1, 1987, and shall remain in effect unless and until such time as it is terminated pursuant to article VIII.

(4) The Agreement effective June 1, 1987 remains in effect except as modified by amendments contained in paragraphs (1), (2), and (3) of this Amendment Number One.

(5) This Amendment Number One to the June 1, 1987 Agreement shall become effective on November 1, 1990 and shall remain in effect until such time as it is terminated pursuant to article VIII.

Done at Rockville, Maryland, in triplicate, this 18th day of October, 1990.

For the United States Nuclear Regulatory Commission.

Kenneth M. Carr,

Chairman.

Done at Springfield, Illinois, in triplicate, this 23rd day of October, 1990.

For the State of Illinois.

James R. Thompson,

Governor.

Dated at Rockville, MD this 26th day of October, 1990.

For the the United States Nuclear Regulatory Commission.

Carlton Kammerer,

Director, State Programs, Office of Governmental and Public Affairs.

[FR Doc. 90-26008 Filed 11-2-90; 8:45 am]

BILLING CODE 7590-01-M

[Materials License No. 29-14150-01; Docket No. 030-12145-CivP; ASLBP No. 91-622-01-CivP]

Certified Testing Laboratories, Inc.; Establishment of Atomic Safety and Licensing Board

Pursuant to delegation by the Commission dated December 29, 1972, published in the Federal Register, 37 FR 28710 (1972), and §§ 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717 and 2.721 of the Commission's Regulations, all as amended, an Atomic Safety and Licensing Board is being established in the following proceeding:

Certified Testing Laboratories, Inc.
Material License No. 29-14150-01, EA 89-079

This Board is being established pursuant to the request of the Licensee for an enforcement hearing regarding an Order issued by the Deputy Executive Director for Nuclear Materials Safety, Safeguards, and Operations Support, dated August 29, 1990, entitled "Order Imposing A Civil Monetary Penalty" (55 FR 36729, September 6, 1990).

An Order designating the time and place of any hearing will be issued at a later date.

All correspondence, documents and other materials shall be filed in accordance with 10 CFR 2.701. The Board is comprised of the following Administrative Judges:

Administrative Judge Charles Bechhoefer, Chairman, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555

Administrative Judge Cadet H. Hand, Jr., Member, University of California, P.O. Box 247, Bodega Bay, California 94923

Administrative Judge Elizabeth B. Johnson, Oak Ridge National Laboratory, P.O. Box X, Building 3500, Oak Ridge, Tennessee 37830.

Issued at Bethesda, Maryland, this 30th day of October 1990.

B. Paul Cotter, Jr.,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 90-26009 Filed 11-2-90; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-443]

Public Service Co. of New Hampshire; Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF-86 issued to The Public Service Company of New Hampshire (the licensee) for operation of the Seabrook Station located in Rockingham County, New Hampshire.

The proposed amendment would revise Technical Specification Surveillance Requirements 4.8.2.1d, 4.8.2.1e, and 4.8.2.1f by deleting the phrase "during shutdown" from these Surveillance Requirements. The design of vital DC systems at Seabrook Station incorporates two 100% capacity battery banks in each train. Technical Specification 3.8.3.2, DC Sources—Operating currently allows one battery bank to be inoperable for up to 30 days. Removing one of the battery banks from service while at power does not degrade the system capabilities to a level less than that currently allowed by this Technical Specification. Additionally, in accordance with Technical Specification requirements, the alternate battery and charger in the same train and both battery banks and chargers in the opposite train will be OPERABLE during the performance of this testing.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the request for amendment involves no significant hazards consideration. Under the Commission's regulations in 10 CFR

AMENDMENT 17

STATE OF WASHINGTON

RADIOACTIVE MATERIALS LICENSE

Pursuant to the Nuclear Energy and Radiation Control Act, RCW 70.98, and the Radiation Control Regulations, Title 402 WAC, and in reliance on statements and representations heretofore made by the licensee designated below, a license is hereby issued authorizing such licensee to transfer, receive, possess and use the radioactive material(s) designated below; and to use such radioactive materials for the purpose(s) and at the place(s) designated below. This license is subject to all applicable rules and regulations promulgated by the State Department of Social and Health Services.

Licensee	
1. Name: US Ecology, Inc. 2. Address: 9200 Shelbyville Road, Suite 300 P.O. Box 7246 Louisville, Kentucky 40207	3. License number: WN-I019-2 is renewed in its entirety to read as follows: 4. Expiration date: November 30, 1990 5. Reference number:

6. Radioactive materials (element and mass number)	7. Chemical and/or physical form	8. Maximum quantity licensee may possess at any one time
A. Any radioactive material excluding source material and special nuclear material.	A. Dry packaged radioactive waste except as authorized by this license.	A. 60,000 curies (2.22×10^{15} Bequerel
B. Source material.	B. Dry packaged radioactive waste except as authorized by this license.	B. 36,000 kilograms.
C. Any radioactive material excluding special nuclear material.	C. Any.	C. 0.1 curie (3.7×10^{9} Bequerel)

CONDITIONS

9. Authorized use:

A. & B. - Radioactive waste may be received, transferred, stored, repackaged and disposed at a low-level radioactive waste burial facility. The maximum radioactivity and/or quantity of radioactive material indicated in item 8A and 8B applies only to above ground activity.

C. - Check and calibration sources.

A/9

STATE OF WASHINGTON

RADIOACTIVE MATERIALS LICENSE

License Number WN-1019-2

10. The authorized place of use is a low-level waste burial facility located in southeast corner of Section 9, Township 12 North, Range 26E W.M., Benton County Washington, Route 4 - USDOE Hanford Reservation, Richland, Washington 99352, within the boundary of the land area described in Sublease Agreement with the state of Washington dated July 29, 1965, as amended. For the purposes of this license, the authorized place of use shall be referred to as the "facility".

11. Reference to the "Department" in this license shall mean the Department of Social and Health Services or successor agency.

12. The licensee shall notify the Department in writing within 30 days of the appointment of a new Facility Manager, Facility Assistant Manager and Corporate or Facility Radiological Control and Safety Officer, describing how the appointee meets or exceeds the minimum qualifications specified in the Facility Standards Manual.

13. Upon receipt of a shipment, the licensee shall furnish to the Department copies of all shipment manifests received. The licensee shall furnish to the Department, within 30 days of a specific written request, special reports consisting of selected information contained on shipment manifests. By the 10th of each month, the licensee shall submit a report totaling the volume and activity of the waste received during the previous month. In addition, two copies of a monthly facility receipt and burial activities report shall be submitted by the licensee, no later than the 15th day of the following month to the Department of Social and Health Services, Head, Radioactive Waste Management Section. The report shall include the following information for each shipment:

    a. name and address of the generator(s); broker (if any), and shipper;

    b. radionuclides and activity of each radionuclide in millicuries (total and by generator);

    c. grams of special nuclear material as received under NRC License No. 16-19204-01 (total and by generator);

    d. mass (in kilograms) of source material received (total and by generator);

    e. class totals of volume and activity of Class A, B, and C waste entrenched (total and by generator); and

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f. volume of packages disposed with radiation readings at the surface of the disposal container of:

≤ 50 mR/hr
> 50 mR/hr ≤ 200 mR/hr
> 200 mR/hr ≤ 1 R/hr
> 1 R/hr ≤ 10 R/hr
> 10 R/hr ≤ 100 R/hr
>100 R/hr

and to the extent practicable:

g) type and physical form of the waste, and
h) chemical form of the waste and solidification/stabilization/sorption agent.

GENERAL PACKAGING CONDITIONS

14. All radioactive waste shall be packaged, loaded, received, and transported in accordance with all applicable U.S. Department of Transportation Regulations, U.S. Nuclear Regulatory Commision Regulations, state regulations, and the requirements of this license. Nothing in this license shall in any way relieve the licensee from full compliance with all applicable state and federal laws and regulations, including but not limited to the Resource Conservation and Recovery Act of 1976, as amended, and the State Hazardous Waste Management Statutes of 1976, as amended, and subsequently enacted regulations.

15. Unless specifically authorized by the Department, all radioactive waste shall be received and buried in closed containers. Cardboard, corrugated paper and fiberboard are prohibited burial containers. Unless specifically authorized by the Department, radioactive waste packaged in wooden outer containers shall not be received after February 28, 1987.

16. All metal containers shall be secured by an intact heavy duty closure device when presented for disposal. Closure devices of open-head metal drums having 55-gallons or greater capacity shall be secured by bolts having 5/8 inch or larger diameters. DOT 7A Type A containers shall be tested by the generator or shall meet the use restrictions contained in "DOT 7A Type A Certification Document," NLM 3245. Appendix A lists examples of those containers and restrictions.

17. Radioactive waste shall be packaged in such a manner that waste containers received at the facility do not show:

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a. Significant deformation,

b. Loss or dispersal of contents,

c. An increase in the external radiation levels as recorded on the manifest, within instrument tolerances, or

d. Degradation due to rust or other chemical action which results in a loss of container integrity.

18. Void spaces within the radioactive waste and between the waste and its package shall be reduced to the maximum extent practicable. Unless specifically approved by the Department, void spaces in Class A stable , Class B and Class C waste packages shall be less than 15 percent of the total volume of the disposal package, provided the disposal package is not a high integrity container.

19. Waste shall not contain, or be capable of generating, toxic gases, vapors, or fumes during transportion, handling, or disposal.

20. No pyrophoric, hazardous, or chemically explosive materials or materials which could react violently with water or moisture or when subject to agitation shall be accepted for disposal.

21. Waste or packaging shall not contain any liquid except as authorized by Conditions 28 and 32 of this license.

22. The licensee shall not accept radioactive waste unless each waste package has been:

a. Classified in accordance with Appendix B of this license and "Low-Level Waste Licensing Branch Technical Position on Radioactive Waste Classification," issued May 1983 by the U.S. Nuclear Regulatory Commission.

b. Marked as either Class A stable, Class A unstable, Class B or Class C, as defined in Appendix B of this license and "Low-Level Waste Licensing Branch Technical Position on Radioactive Waste Classification," issued May 1983 by the U.S. Nuclear Regulatory Commission; and

c. Stabilized, when required by this license, in accordance with criteria contained in "Technical Position on Waste Forms", issued May 1983 by the U.S. Nuclear Regulatory Commission using only those stabilization media approved by the Department and listed in Appendix D to this license, or High Integrity Containers approved by the Department and listed in Appendix E to this license. Stability may also be achieved using engineered barriers in the disposal unit. Specific approval of the Department is required prior to construction of any engineered barrier.

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23. The classification marking required by Condition 22 is in addition to any marking or labeling required by US NRC or US DOT and shall consist of lettering 1/2 inch high or greater in a durable contrasting color to the background surrounding the lettering. The classification marking shall be visible on the same side as the radioactive marking or label and in close proximity (within six inches). Waste packages marked "Radioactive", "Limited Quantity" or "Radioactive LSA" need only one classification marking whereas waste packages labeled White I, Yellow II or Yellow III shall have classification markings in close proximity (within six inches) to each label.

SPECIFIC WASTE FORM REQUIREMENTS

24. Except as allowed under Conditions 28 and 32, untreated liquids and wet sludges are not allowed for disposal. Liquids shall be rendered noncorrosive ($4 < pH < 11$) prior to treatment. Acceptable treatments are stabilization, solidification, or sorption, depending on waste class. Wet sludges or slurries, such as evaporator bottoms, shall be noncorrosive and shall be treated by stabilization or solidification. Ion exchange media shall not be treated by sorption.

25. Liquids treated by stabilization shall be processed in accordance with a process control program using an approved stabilization medium (see Appendix D). The resulting waste form shall contain no detectable free-standing liquid and shall meet the stability requirements of Condition 22. No detectable free-standing liquid is defined to be as little free standing and noncorrosive liquid as is reasonably achievable, but in no case shall the liquid exceed one percent of the volume of the waste when the waste is in a disposal container designed to ensure stability, or 0.5 percent of the volume of waste processed to a stable form.

26. Liquids treated by solidification shall be processed in accordance with a process control program using an approved solidification medium (see Appendix C). The resulting waste form shall contain no detectable free standing liquid. No detectable free standing liquid is defined to be as little liquid as is reasonably achievable but in no case shall it exceed more than 0.5 percent (by volume) of liquid per container.

27. Liquids treated by sorption may be received provided that:

    a. A metal outer disposal container is used which meets DOT 7A performance specifications and heavy duty closure devices as required by Condition 16.

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b. The metal container is lined with a minimum of 4 mil plastic liner, except as noted in Appendix F.

c. The liquid is contained in enough sorbent material to sorb at least twice the volume of liquid contents.

d. Only sorbents approved by the Department shall be used (see Appendix F).

e. A quality control program is used which verifies that the above conditions are met.

28. Class A radioactive liquids in individual units or vials, not to exceed 50 milliliters per vial and used for clinical or laboratory testing, may be received provided that:

a. A metal outer disposal container is used which meets DOT 7A performance specification. (See Condition 16)

b. The metal disposal container is lined with a minimum of 4 mil plastic liner.

c. The individual units are layered in sufficient sorbent material to sorb twice the total volume of the liquid.

d. Only sorbents approved by the Department (see Appendix F) shall be

29. Waste containing biological (excluding animal carcasses, which are considered in Condition 30) pathogenic, or infectious material or equipment (e.g. syringes, test tubes, capillary tubes) used to handle such material, shall be treated to reduce, to the maximum extent practicable, the potential hazard from the non-radiological materials. The inner waste container shall be a metal container meeting either DOT 7A performance specifications (see Condition 16) or manufactured to DOT 17H specifications and shall be lined with a minimum 4 mil plastic liner which shall be sealed. The inner waste container shall be placed in an outer metal container meeting DOT 7A performance specifications with a heavy duty closure device (see Condition 16) and shall have a capacity at least 40 percent greater than the inner container. The void between inner container and outer container shall be completely filled by approved sorbent material and the outer container must be sealed. Only sorbents approved by the Department shall be allowed. (See Appendix F).

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30. Animal carcasses containing, or contained in, radioactive materials shall be packaged in accordance with the following requirements: the biological material shall be layered with absorbent and lime and placed in a metal container meeting either DOT 7A performance specification or manufactured to DOT 17H specifications, having a heavy duty closure device (see Condition 16). The inner container shall be sealed and placed in a metal container meeting DOT 7A performance specification with a heavy duty closure device, having a capacity at least 40 percent greater than the inner container. The void between the inner container and the outer container shall be completely filled by approved sorbent material and the outer container must be sealed. Only sorbents approved by the Department shall be used. (See Appendix F).

31. Waste in gaseous form must be packaged at a pressure that does not exceed 1.5 atmospheres at 20°C. Total activity shall not exceed 100 curies (3.7×10^{12} Bqs) per container. Class A gaseous waste shall be contained within U.S. DOT specification cylinders. Specific approval of the Department is required if the gaseous waste is Class B or C.

32. Class A ion exchange and filter media containing radionuclides with half-lives greater than five years, the total concentration of which is one microcurie (3.7×10^4 Bqs) per cubic centimeter or greater, shall meet the stability requirements of Condition 22 and shall contain no detectable free-standing liquid. No detectable free-standing liquid is defined to be as little liquid as reasonably achievable but in no case shall the liquid exceed one percent of the volume of the waste when the waste is in a disposal container designed to ensure stability, or 0.5 percent of the volume of waste processed to a stable form. Other Class A ion exchange and filter media which are classified as unstable shall contain not more liquid than 0.5 percent by volume of the waste.

33. Radioactive waste containing radium and transuranic radionuclides, as described in Appendix B, are acceptable provided that the radium and transuranic radionuclides are essentially evenly distributed within an homogenous waste form. The receipt and disposal of waste in which the radium or transuranic radionuclides are not evenly distributed (components or equipment primarily contaminated with radium or transuranic radionuclides) or radium or transuranics in excess of Class A limits requires the specific approval of the Department.

34. Radioactive consumer products, the use and disposal of which is exempt from licensing control, may be received without regard to concentration limits of Appendix B provided the entire unit is received and is packaged with sufficient sorbent material so as to preclude breakage and rupture of its contents.

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This condition allows the disposal of such consumer products as intact household or industrial smoke detector units containing Americium-241 foils, and radium or other radioactive materials incorporated into self-luminous devices and electron tubes. Only sorbents approved by the Department shall be used (see Appendix F).

35. Incinerator ash which is classified as Class A waste according to Condition 22 shall be solidified, granular or treated in such a manner as to be rendered nondispersible in air, exclusive of packaging.

36. Until alternative waste management techniques such as incineration or recycling become generally available, waste liquids which have a pre-treatment concentration of oil in excess of ten percent by weight, shall be treated by either solidification or stabilization. Dilution by solidification or stabilization media shall not be allowed in determining waste composition. Oil means an organic liquid which is immiscible in water, the disposal of which is not regulated under RCRA or the state hazardous waste laws.

37. Until alternative waste management techniques such as incineration or recycling become generally available, waste liquids, which have a pre-treatment concentration of chelating agents in excess of one percent by weight, shall be treated by either solidification or stabilization. Dilution by solidification or stabilization media shall not be allowed in determining waste composition. Chelating agent means amine polycarboxylic acids (e.g., EDTA, DTPA), hydroxy-carboxylic acids and polycarboxylic acids (e.g., citric acid, carbolic acid, and glucinic acid), the disposal of which is not regulated under RCRA or the state hazardous waste laws.

38. The licensee shall not accept for disposal any neutron source (e.g., polonium-201, americium-241, radium-226 in combination with beryllium or other target) unless the generator has notified the licensee of the intent to ship such source to the licensee's disposal facility. The notification shall consist of telephone and written notification to the Facility Manager prior to shipment. The notification shall indicate the isotope, activity, form of the source, a description of the packaging utilized, and anticipated date of arrival.

RECEIPT, ACCEPTANCE AND INSPECTION CONDITIONS

39. The licensee is exempt from the timely inspection requirements of WAC 402-24-125(2)(a) and (3)(a) provided the requirements of the Facility Standards Manual and Conditions 40 through 42 of this license are met.

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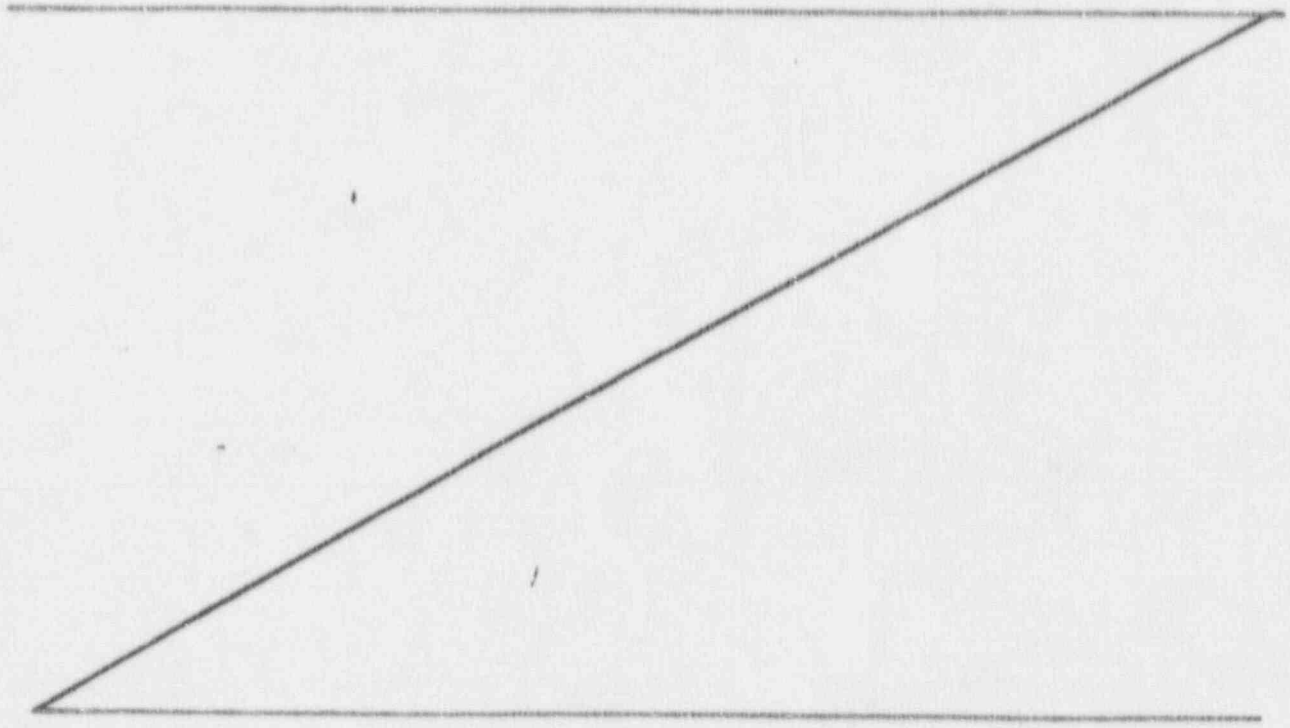
40. Waste shipments shall not be accepted at the facility unless accompanied by the following: (A single shipment shall consist of not more than one vehicle or one tractor with legal trailer(s) attached).

a. shipment manifest approved by the Department:

b. Washington State Patrol or Washington State Utilities and Transporation Commission vehicle inspection certificate, or a visible Washington State 90 day vehicle inspection seal.

c. Current certification Form RMF-31 properly executed by a representative of the shipper/generator of the waste, in accordance with requirements of Washington State Rules and Regulations for Radiation Protection, WAC 402-12-530(3).

d. Upon Departmental request, other permits or documentation required under state or federal law or regulation.



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41. Waste shipments shall not be accepted by the facility unless the accompanying Form RHF-31 is stamped as received and initialed by an authorized representative of the Department. (This individual may be the licensee when designated by telephone notification and confirming letter from the Department.)

42. a. The licensee shall acknowledge receipt of the waste as soon as practicable, but no later than seven days following its acceptance for disposal by returning a signed copy, or equivalent documentation, of the shipment manifest to the shipper. The shipper to be notified by the licensee is the one last possessing the waste and transferring it to the licensee.

b. The licensee shall indicate on the returned copy of the shipment manifest, shipping papers, or equivalent documentation any discrepancy between noted waste descriptions listed on the manifest or papers and the waste materials received in the shipment.

c. The licensee shall notify the shipper and the Department when any shipment or part of a shipment has not arrived 60 days after the separate copy of the shipment manifest or shipping papers was received by the licensee.

d. The licensee shall maintain copies of completed shipment manifests including annotations of discrepancies found in accordance with Condition 42.b.

BURIAL OPERATIONS CONDITIONS

43. Unless otherwise specifically authorized by the Department, the licensee is not authorized to open any package containing radioactive material at the facility, except for the following:

a. For purposes of repairing, repackaging, or overpacking leaking containers or containers damaged in transport in the event the material is to be disposed of, or returned to the generator if required for the protection of the health and safety of the employees or the environment.

b. For purposes of inspection and waste confirmation in the presence of a Department inspector for compliance with Title 402 WAC, other applicable federal and state regulations, and conditions of this license; or

c. For purposes of returning outer shipping containers.

The licensee shall maintain a facility in which the above operations can be safely conducted.

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44. Wastes containing chelating agents in excess of 0.1 percent by weight shall be segregated from other wastes by placing them in disposal units which are sufficiently separated from disposal units for other waste classes so that any interaction between these wastes and other wastes will not affect the radionuclide mobility of the other wastes for 100 years. Until engineering studies provide justification otherwise, minimum separation distance shall be ten feet. In addition to segregation, the licensee shall record the three dimensional location of these wastes.

45. Wastes containing solidified oils shall be segregated from other wastes by placing them in disposal units which are sufficiently separated from disposal units for other classes of waste so that any interaction between these wastes and other wastes will not affect the radionuclide mobility of the other wastes for 100 years. Until engineering studies provide justification otherwise, minimum separation distance shall be ten feet. In addition to segregation, the licensee shall record the three dimensional location of wastes containing solidified oils.

SITE DESIGN AND CONSTRUCTION CONDITIONS

46. All burial trenches or disposal units shall be in a controlled area surrounded by a chain link fence, eight feet high, and topped with barbed wire.

47. Thirty days prior to commencement of construction of Trench 12, the licensee shall submit to the Department a detailed engineering plan for this trench in accordance with the provisions of the Facility Standards Manual.

48. The licensee shall submit, for approval by the Department prior to commencement of construction of any new disposal unit subsequent to Trench 12, a comprehensive site utilization and engineering plan encompassing proposed site operations for the expected lifetime of the facility. The plan shall discuss the reasoning for the choice of design and shall include detailed drawings and calculations sufficient to support the conclusions reached. Changes to the approved plan shall be submitted to the Department for review and approval.

49. The licensee shall conduct closure and stabilization operations in accordance with the approved site utilization and engineering plan required by Condition 48 and the facility closure and stabilization plan required by Condition 61 as each trench is filled and covered.

50. In addition to the requirements of Condition 49, the licensee shall design and construct interim disposal unit caps in accordance with the specifications contained in the Facility Standards Manual. Interim disposal unit caps shall be established within one year of completion of a disposal unit or as described in the comprehensive site engineering plan required by Condition 48.

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51. The dimensions of burial trenches shall not exceed a width of 150 feet (46 meters), a depth of 45 feet (14 meters), or a length of 1000 feet (305 meters) without specific documented approval from the Department. Measurements shall be referenced to pre-1965 contours.

52. Until an agreement is secured with agencies controlling adjacent lands which meets the requirements of Condition 61(k) of this license, disposal units constructed after the effective date of this license shall be placed at least 100 feet away from the North, South and West subleasehold boundries. The set back distance for the East boundary shall be no less than 50 feet.

53. The licensee shall, within 90 days of filling each disposal unit, erect interim disposal unit monuments upon which the following information shall be displayed in a legible manner:

a. Total activity of radioactive material, in Curies, excluding source and special nuclear materials; total amount of source materials in kilograms, and total amount of special nuclear material in grams;

b. Trench number or disposal unit designation;

c. Date of opening and closing disposal unit; and

d. Volume of waste in the disposal unit.

The erection of interim monuments may be omitted if permanent monuments, required by Condition 60, are scheduled to be erected within six months of completion of the disposal unit.

ENVIRONMENTAL MONITORING AND SURVEY CONDITIONS

54. The licensee shall have its comprehensive site monitoring plan for ground water, air, soil, vegetation and direct radiation pathways operational by January 31, 1987. In addition, the licensee shall perform comprehensive pathway analyses to include air, soil, vegetation, fauna, and human impacts which shall be completed by October 31, 1987. Within 60 days of completion of the pathway analysis report, the licensee shall submit to the Department the licensee's evaluation of the report with respect to the environmental monitoring program including all modifications of the plan as may be supported by the pathway analysis report.

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55. The licensee shall conduct an environmental monitoring program capable of detecting the potential contribution of radioactive material from the site to the environment. The program shall include collection of samples and analyses at frequencies specified in the Facility Standards Manual. The licensee shall coordinate sampling schedules with the Department to provide, when possible, duplicate samples on a prearranged frequency. A comprehensive annual report of the sample analyses, with statistical trend analyses and discussions of all anomalous results and actions taken, shall be forwarded to the Department by June 1 of each year. In addition, the licensee shall report immediately any environmental monitoring results in excess of action levels specified in the Standards Manual.

56. The licensee shall conduct an experimental monitoring program designed to determine the extent and modes of migration of disposed waste into the unsaturated zone, in accordance with procedures specifically approved by the Department. Annual reports shall be made to the Department and shall include a discussion of the results of the program.

57. The licensee shall submit a facility utilization report to the Department within three months of the issuance date of Amendment 17 to this license and by August 31 of each subsequent year. The report shall provide:

    a. identification of each disposal unit and description of all waste emplaced during the previous calendar year. A three dimensional identification to describe the disposal location of each package of waste in excess of Class A concentrations and the disposal location of those wastes containing oils or chelates shall also be provided beginning with the effective date of this Amendment. Three dimensional identification shall be within 50 feet horizontally and within 10 feet in the vertical plane.

    b. percent of utilization for each operating stable and unstable trench or disposal unit filled during the previous calendar year.

    c. annual aerial photograph of the leasehold.

58. In addition to the annual report required by Condition 57, an historical report of operations shall be submitted to the Department within one year from the issuance date of Amendment 17 to this license which shall include:

    a. Aerial and other photographs at the subleasehold which document the extent and type of disposal throughout the operational history of the facility.

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b. Large scale topographic maps denoting all radiological monitoring/sampling stations and location of radioactive materials on the leasehold.

c. Volumes of waste disposed in each disposal unit and an accounting of the total activity in Curies of byproduct material, kg of source material and grams of special nuclear material for each disposal unit. Major shipments or large activity sources within a dispusal unit shall be noted with anecdotal information to the extent possible.

By June 30, 1990, the licensee shall report to the Department the detailed location and description of all waste disposed, with the total trench content of each radionuclide listed. The chemical inventory of the single chemical trench should also be listed using data from original manifests. Nothing in this condition shall preclude the Department of Ecology from obtaining information needed to carry out its responsibilities under RCW 43.200.

By June 30, 1988, results and analyses of all environmental monitoring conducted by or for the licensee since operations began, including appropriate statistical assessments of possible trends, and discussion of any anomalous results and actions taken, if any.

59. As radioactive material buried may not be transferred by abandonment or otherwise, unless specifically authorized by the Department, the expiration date of this license applies only to the above ground activities and to the authority to bury radioactive material wastes at the site specified in Condition 10. The license continues in effect and the responsibility and authority for possession of buried radioactive material wastes continues until the Department finds that the plan established for preparation of the facility for transfer to another person or custodial agency has been satisfactorily implemented in a manner to reasonably assure protection of the public health and safety and the environment and the Department takes action to terminate the licensee's responsibility and authority under this license. All requirements for environmental monitoring, site inspection, maintenance and site security continue whether wastes are being buried or not.

60. All trenches or disposal units shall be conspicuously marked with permanent stable monuments at each end consistent with the approved site closure plan required by Condition 61. Permanent monuments shall be designed to stand erect, well above the grade of the final trench cover, and in a manner which will not allow them to be covered or obscured by drifting sand during the institutional control period. Inscriptions shall be made so as to endure and remain legible well beyond the institutional control period. The permanent monuments shall be inscribed with the following information:

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a. Total activity of radioactive material, in Curies, excluding source and special nuclear materials; total amount of source material in kilograms; and total amount of special nuclear material, in grams, in the trench;

b. Trench number or other means of identifying the disposal unit.

c. Date of opening and closing the disposal unit;

d. Volume of waste in the disposal unit; and

e. Coordinates of the stable and unstable disposal units, including disposal unit depth and depth of cover at closure.

This same information shall be reported to the Department of Social and Health Services and the Department of Ecology within 30 days of completion of each trench or disposal unit.

61. The licensee shall submit to the Department for approval an interim facility closure and stabilization plan within three months of completion of the pathway analysis required by Condition 54. The plan shall be reviewed and updated as necessary every four years thereafter. The facility closure and stabilization plan shall address how the licensee meets or plans to meet the following requirements:

a. Bury all waste in accordance with the requirements of the license.

b. Dismantle, decontaminate, as required, and dispose of all structures, equipment, and materials that are not to be transferred to the site custodian.

c. Document the arrangements and the status of the arrangements for orderly transfer of site control and for long term care by the government custodian. Also document the agreement, if any, of state or federal governments to participate in, or accomplish, and performance objective. Specific arrangements to assure availability of funds to complete the site closure and stabilization plan shall be documented.

d. Direct gamma radiation from buried wastes shall be essentially background at any accessible above-ground location, as determined by evaluation of environmental data from the licensee, U.S. Department of Energy and its contractors.

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e. Demonstrate by measurement and model during operations and after site closure that concentrations of radioactive material which may be released to the general environment in ground water, surface water, air, soil, plants, or animals will not result in any member of the public receiving an annual dose equivalent to 25 millirems (2.5×10^{-4} Sv) to the whole body, 75 millirems (7.5×10^{-4} Sv) to the thyroid and 25 millirems (2.5×10^{-4} Sv) to any other organ of any member of the public.

f. Render the site suitable for surface activities without resort to custodial care exceeding vegetation control, minor maintenance, and environmental monitoring. No active on-going maintenance shall be necessary. Final conditions at the site must be acceptable to the government custodian and compatible with its plan for the site.

g. Demonstrate that all trench elevations are above water table levels taking into account the complete history of seasonable fluctuations.

h. Eliminate the potential for erosion or loss of site or trench integrity due to factors such as ground water, surface water, wind, subsidence, and frost action. For example, an overall site surface water management system shall be established for draining rainwater and snowmelt away from the burial trenches. All slopes shall be sufficiently gentle to prevent slumping or gullying. The surface shall be stabilized to minimize erosion, settling, or slumping of caps.

i. Demonstrate that permanent trench markers are in place, stable, and keyed to benchmarks. Identifying information shall be clearly and permanently marked as required by Condition 60 of this license.

j. Compile and transfer to the Department complete records of site maintenance and stabilization activities, trench elevation and locations, trench inventories, and monitoring data for use during custodial care for unexpected corrective measures and data interpretation.

k. Maintain a buffer zone to provide space to stabilize slopes, incorporate off-site surface water management features, assure that any future excavation on adjoining areas shall be evaluated as to its potential to compromise trench or site integrity, and provide working space for unexpected mitigating measures, if needed, in the future. The buffer zone may be within the subleasehold or, on adjacent land, provided written agreements are secured with persons owning or controlling adjacent lands which shall allow the licensee or custodial agency the required access and actions.

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l. Provide a secure passive site security system (e.g., a fence) that requires minimum maintenance.

m. Stabilize the site in a manner to minimize environmental monitoring requirements for the long-term custodial phase and develop a monitoring program based on the stabilization plan.

n. Investigate the causes of any statistically significant levels of radioactive or hazardous materials in environmental samples taken during operation and stabilization. In particular, any evidence of unusual or unexpected rates or levels of radionuclide migration in or with the ground water shall be analyzed and corrective measures implemented.

o. Eliminate the need for active water management measures, such as sump or trench pumping and treatment of water to assure that wastes are not leached by standing water in the trenches.

p. Evaluate present and proposed activities on adjoining areas to determine their impact on the long-term performances of the site and take reasonable action to identify and minimize the effects.

A final facility closure and stabilization plan shall be submitted for state of Washington approval within 90 days following issuance by the Department of Ecology of the final closure and stabilization requirements. The final plan shall address how the licensee meets or plans to meet the requirements developed pursuant to 43.200.190.

62. Notwithstanding other requirements of this license or the sublease, one year prior to the anticipated transfer of the licensee's facility and buried radioactive waste to another person (including an agency of the state or federal government), the licensee shall submit a final version of the facility closure plan, including a schedule for implementation of all remaining plan elements prior to transfer, and a description of the mechanics of orderly transfer in coordination with the transferee.

63. Except as specifically provided by this license, the licensee shall possess and use radioactive material described in Items 6, 7, and 8 of this license in accordance with statements, representations, and procedures contained in the documents listed below. The Department's "Rules and Regulations for Radiation Protection", Title 402 WAC shall govern the licensee's statements in applications or letters, unless statements are more restrictive than the regulations. Any change to the documents listed below shall require Departmental approval in the form of an amendment to this license.

A. Application dated December 24, 1986, (supercedes application dated July 19, 1985),

B. Facility Standards Manual, Revision 0, January 13, 1987.

FOR THE STATE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Date January 21, 1987

By Nancy P. Kirner, Office of Radiation Protection

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APPENDIX A

EXAMPLES* OF CONTAINERS MEETING 7A PERFORMANCE SPECIFICATION AND HAVING A HEAVY DUTY CLOSURE DEVICE

Spec. 6B Steel Drum (30 gallon)

Spec. 6C Steel Drum (5 and 10 gallon)

Spec. 6J Steel Drum (55 gallon)

Spec. 42B Aluminum Drum (55 gallon)

Spec. 17C Steel Drum (5 gallon)

Spec. 17C Steel Drum (55 gallon)

Spec. 17E Steel Drum (55 gallon)

Spec. 17H Steel Drum (30 gallon)

Spec. 17H Steel Drum (55 gallon) with 5/8" bolt closure

Spec. 7A Steel Box (Argonne National Laboratory's Steel Bin)

Spec. 7A Steel Box (BCL-5 Shipping Container)

Spec. 7A Steel Box (Type A Steel Box)

Spec. 7A Steel Drum (Follansbee Drum-MS 24347-2)

Spec. 7A Steel Drum (4 gallon)

*These are merely examples of containers. The waste generator must comply with all DOT requirements pertinent to the container's selection, use, handling and transportation.

FOR THE STATE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

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Appendix B

WASTE CLASSIFICATION TABLE

RADIONUCLIDES	CONCENTRATION LIMITS IN CURIES/CUBIC METER*		
Group 1 (short-lived)	Class A	Class B	Class C
Total of all with half-life less than 5 years	₹ 700	NOTE 1	
H-3	₹ 40	NOTE 1 with specific departmental approval	
Co-60	₹ 700	NOTE 1	
Ni-63	₹ 3.5	₹ 70	₹ 700
Ni-63 in activated metal	₹ 35	₹ 700	₹ 7000
Sr-90	₹ 0.04	₹ 150	₹ 7000
Cs-137	₹ 1	₹ 44	₹ 4600
Group 2 (long-lived)			
C-14	₹ 0.8		₹ 8
C-14 in activated metal	₹ 8		80
Ni-59 in activated metal	₹ 22		₹ 220
Nb-94 in activated metal	₹ 0.02		₹ 0.2
Tc-99	₹ 0.3		₹ 3
I-129	₹ 0.008		0.08

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Appendix B (Cont.)

WASTE CLASSIFICATION TABLE

RADIONUCLIDES	CONCENTRATION LIMITS IN CURIES/CUBIC METER*		
Group 2 (long-lived)	Class A	Class B	Class C
	CONCENTRATION LIMITS IN NANOCURIES/GRAM		
Alpha emitting Transuranics (excluding special nuclear material) with half-life >5 years	₹ 10		₹ 100 with specific departmental approval
Radium	₹ 10		₹ 100 with specific departmental approval
Curium-242	₹ 2,000		20,000 with specific departmen approval

*curies/cubic meter is equivalent to microcuries/cubic centimeter

NOTE 1: There are no limits established for these radionuclides in Class B or C wastes. Practical considerations such as the effect: of external radiation and internal heat generation on transportation, handling, and disposal will limit the concentrations for these wastes. These wastes shall be Class B unless the concentrations of other nuclides in Table 2 determine the waste to be Class C independent of these nuclides.

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APPENDIX B (cont.)

(1) Unless specifically restricted elsewhere in the license, the concentration of a radionuclide or radionuclide mixture may be averaged over the volume (or mass) of the waste and, if used, the solidification agent or matrix. The concentration of radionuclides in filters encapsulated with a solidification agent or matrix shall be averaged over the volume of the filter, not the solidification agent. The volume (mass) of packaging containers, liners or overpacks shall not be included in this calculation, nor shall the volume (mass) of the waste mixture be artificially increased by the addition of heavy, nondispersable solids or objects even if considered as waste. Further guidance is provided in "Low-Level Waste Licensing Branch Technical Position on Radioactive Waste Classification," May 1983, or successor documents issued by the U.S. Nuclear Regulatory Commission.

(2) The waste is Class A if none of the listed radionuclides is present. Radium or Americium waste packaged in accordance with Condition 34 of this license shall be Class A unstable and the words "Condition 34" shall be noted on the manifest or other documentation accompanying the waste package.

(3) There are no Class B values for the last eight radionuclides listed; their presence classifies the waste as either Class A or Class C according to their concentrations.

(4) The waste class for mixtures of the listed radionuclides is determined by deriving for each radionuclide the ratio between its concentration in the mixture and its concentration limit in the table of this and the special nuclear materials license issued by the U.S. Nuclear Rogulatory Commission and adding the resulting ratio values for each radionuclide group. All limits used in the calculations must be for the same waste class. The sum of the ratios for each radionuclide group must be equal to or less than 1.0 or the waste is the next higher classification than that used for the calculation.

If Class C limits are used in the calculation and the sum of ratios for either group exceeds 1.0, the waste is not acceptable for near-surface disposal without prior written approval from the Department.

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APPENDIX B (cont.)

(5) If radioactive waste contains a mixture of radionuclides, some of which are listed on Group 1, and some of which are listed on Group 2, classification shall be determined as follows:

(i) If the concentration of a nuclide listed in Group 2 does not exceed the Class A limit, the class shall be that determined by the concentration of nuclides listed in Group 1.

(ii) If the concentration of a nuclide listed in Group 2 exceeds the Class A limit, but does not exceed the Class C limit, the waste shall be Class C, provided the concentration of nuclides listed in Group 1 does not exceed the Class C value.

(6) If concentrations for any single radionuclide exceed the Class C values in the table, the waste is not acceptable for near-surface disposal under this license.

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APPENDIX C

APPROVED SOLIDIFICATION MEDIA

Only approved solidification media can be used. Approved solidification media are:

1) Aztech (General Electric)
2) Aquaset I and II
3) Bitumen* (Waste Chem and ATI)
4) Chem-Nuclear Cement
5) Concrete (Structural)
6) Delaware Custom Media
7) Dow Media
8) Envirostone
9) Hittman Grout
10) Petroset I and II
11) Safe T Set
12) Other solidification media and processes which have been approved by USNRC and/or the Department.

*Note: For waste types that require solidification, both oxidized bitumen and straight distilled are acceptable.

Solidification means a resultant waste form which is a free standing solid and primarily relies upon a chemical reaction or encapsulation to contain the liquid. Approved stabilization media may also be used as solidification agents without conducting tests necessary to verify stability provided the resulting waste form is a free standing solid.

It is the responsibility of the person processing the waste into a solid form to adhere to a quality control program to verify the waste form is appropriate. If a material can also be used as a sorbent, the restrictions noted for its use in Appendix F shall apply to its use as a solidification agent.

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APPENDIX D

APPROVED STABILIZATION MEDIA

Only those stabilization media which have been evaluated or are in the process of being evaluated and are used with the stability guidance requirements of the U.S. Nuclear Regulatory Commission's Low-Level Licensing Branch, Technical Position on Waste Form or are specifically approved by the Department are considered acceptable stabilization media. Approved stabilization media are:

1) Aztech (General Electric)

2) Bitumen* (ATI and Waste Chem)

3) Chem-Nucle Cement

4) Concrete**

5) Dow Media (Vinyl Ester Styrene)

6) Envirostone (U.S. Gypsum Cement)

7) Westinghouse - LN Technologies Cement

8) Stock Equipment Cement

9) Hittman Cement

10) Other stabilization media and processes which have been reviewed and approved by U.S. NRC and/or the Department as meeting waste form stability criteria.

*Note: Oxidized Bitumen only.

**Concrete, when used as an encapsulation medium around a small volume of radioactive material, e.g., a sealed source centered in a fifty-five gallon drum containing concrete, shall have a formulated compressive strength greater than or equal to 2500 psi.

FOR THE STATE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

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RADIOACTIVE MATERIALS LICENSE

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Appendix E

CERTIFICATES OF COMPLIANCE

C of C Number	Manufacturer	Package Identification Number
WN-HIC-01	Pacific Nuclear	DSHS-HIC-TMI-01
WN-HIC-02	Nuclear Packaging	DSHS-HIC-EA-50
WN-HIC-03	Chichibu Cement	DSHS-HIC-SFPIC 200L
WN-HIC-04	Chichibu Cement	DSHS-HIC-SFPIC 400L

Other High Integrity Containers which have been specifically approved by the Department.

FOR THE STATE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

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APPENDIX F

Approved Sorbents

Only those absorbents listed below have been approved by the state of Washington, Department of Social and Health Services, Office of Radiation Protection (Department) for general use in packaging and/or processing radioactive liquids or with materials that may contain a quantity of liquid that requires absorbing.

Absorbency efficiencies and quantity of absorbent required vary. In all cases, it is the responsibility of the waste generator and/or packager to determine the efficiency and proper proportions of absorbent for liquids being absorbed. Note: Enough absorbent materials must be provided to absorb at least twice the volume of radioactive liquid contents.

Media	Oil	Water
A. Clay Materials		
1. Speedi Dri	Approved	Approved
2. Hi Dri	Not Approved	Approved
3. Florco	Approved	Approved
4. Florco X	Not Approved	Approved
5. Instant Dri	Not Approved	Approved
6. Safe T Sorb	Not Approved	Approved
7. Opalex	Approved	Approved
B. Diatomaceous Earths		
1. Superfine	Approved	Approved
2. Floor Dry	Approved	Approved
3. Celetom	Approved	Approved
4. Safe N Dri	Approved	Approved
5. Solid-A-Sorb	Approved	Approved
C. Perlite		
1. Chemsil 30	Not Approved	Approved
2. Chemsil 50	Approved	Approved
3. Chemsil 3030	Approved	Approved
4. Dicaperl HP200	Approved	Approved
5. Dicaperl HP500	Approved	Not Approved

FOR THE STATE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

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APPENDIX F (Cont.)

Approved Sorbents

Media	Oil	Water
D. Others		
1. Dicalite Dicasorb	Approved	Not Approved
2. Petroset**	Approved***	Approved***
3. Petroset II**	Approved	Not Approved
4. Aquaset**	Not Approved	Approved
5. Aquaset II**	Not Approved	Approved*
6. Safe T Set	Not Approved	Approved

*Not for use with pure water

**Note: The products Aquaset, Aquaset II, Petroset, and Petroset II are exempt from Condition 27(B). These products shall only be used without an inner 4 mil plastic liner. Additionally, these products when used in accordance with the manufacturer's procedures incorporate the requirement of enough absorbent material to absorb at least twice the volume of radioactive liquid content.

***Note: The product Petroset is primarily used in conjunction with Petroset II or Aquaset II when a mixture of water and oils are present and the oils are in excess of five percent of the waste volume. Use of Petroset requires power mixing equipment.

FOR THE STATE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

By .....