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# POLICY ISSUE (Information)

May 24, 1994

SECY-94-142

FOR: The Commissioners  
FROM: James M. Taylor  
Executive Director for Operations  
SUBJECT: THIRD ANNUAL REPORT TO THE COMMISSION ON REQUESTS FOR  
AMENDMENTS OR LICENSES TO STORE LOW-LEVEL RADIOACTIVE WASTE

PURPOSE:

To provide the Commission with the third annual (1993-1994) report identifying the number of requests that the U.S. Nuclear Regulatory Commission has received for license amendments and licenses to store low-level radioactive waste (LLW), and the number of amendments or licenses granted.

BACKGROUND:

In the Staff Requirements Memorandum (SRM) of January 30, 1992, the Commission directed the staff to provide annual reports on the number of requests that NRC received for amendments or licenses to store LLW and the number of amendments or licenses granted. Commission Papers SECY-92-202 and SECY-93-133 responded to this SRM request for the reporting periods March 1, 1991 to March 1, 1992, and March 1, 1992 to March 1, 1993, respectively.

The regional offices, the Office of Nuclear Reactor Regulation (NRR), and the Divisions of Industrial and Medical Nuclear Safety (IMNS), Fuel Cycle Safety and Safeguards (FCSS), and Waste Management (WM), provided the necessary information on requests for amendments or licenses to store LLW received from licensees between March 1, 1993, and March 1, 1994, and the number of amendments and licenses granted. These organizations are responsible for all NRC licensees.

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SECY NOTE: TO BE MADE PUBLICLY AVAILABLE IN 10 WORKING DAYS FROM THE DATE OF THIS PAPER.

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Consistent with the first and second annual reports, this report does not consider requests for amendments or licenses authorizing decay-in-storage, disposal in sanitary sewers, or on-site disposals. However, the regions note that a growing number of licensees are requesting amendments for decay-in-storage principally to store LLW containing isotopes with greater than 65-day half-lives.

#### DISCUSSION:

Overall, NRC received 46 requests for amendments to store LLW, and no requests for new licenses to store LLW during the March 1, 1993, to March 1, 1994, time period. Thirty-nine of these requests were approved during the reporting period, whereas the remaining seven requests were pending as of March 1, 1994. All were submitted by materials licensees. A total of 20 license amendment requests submitted before March 1, 1992, were approved during the reporting period. The following table summarizes the number of requests that NRC received for amendments to store LLW and the number of amendments granted. (1992 data reported here differ from those reported last year in SECY-93-133. Revised data have been provided by the regions.) The table in the enclosure contains all of the data collected.

Total Amendments Requested  
During Reporting Period

1991	1992	1993
24	40	46

Total Amendments Granted  
During Reporting Period

1991	1992	1993
7	25	59

With respect to the various licensing organizations in the Agency, Region I received the majority of requests for LLW storage amendments, accounting for 22 of the 46 reported amendment requests. Region III received six amendment requests, of which three were submitted by Michigan licensees. Region II received eight amendment requests to store LLW, and Regions IV and V each received five requests. Eight of the requests received from Regions IV and V were from Federal Government licensees. Regions II, IV, and V contain a large number of Agreement States, so NRC has only a small number of licensees within these regions, and consequently, the number of requests for amendments to store LLW are low here. Neither the Office of Nuclear Material Safety and Safeguards nor NRR received requests for license amendments to store LLW during the reporting period.


Power reactor licensees did not submit any requests to store LLW. All Part 50 licenses contain a standard clause that permits on-site storage of LLW generated by reactor operations. When additional storage capacity has been needed, reactor licensees have used the 10 CFR 50.59 evaluation process for changes to their facilities or operations, thereby precluding the need for license amendment requests.

The number of license amendment requests during the 1993 reporting period does not differ significantly from the number reported during the 1992 period. The staff believes that this may be caused by several similarities during the two periods. In both, many licensees were expecting access to disposal to be denied shortly. At first, the January 1, 1993, deadline in the Low-Level Radioactive Waste Policy Amendments Act of 1985 (LLRWPA) was approaching, and all three operating sites were expecting to discontinue or limit their operations. Later, South Carolina decided to keep Barnwell open for another one-and-one-half years, but generators are beginning, again, to plan for the closing of the Barnwell facility to out-of-compact waste on July 1, 1994. The number of States storing LLW has remained about the same. Generators in the States of Michigan, New Hampshire, Maine, Rhode Island, and the Commonwealth of Puerto Rico are storing their wastes because either access to disposal has been denied to their State, or their State has not entered into a contract allowing them to ship waste to the facility at Barnwell, South Carolina.

Most States submitting relatively large numbers of requests for amendments to store LLW include those with current access to Barnwell, including: Massachusetts (7); Pennsylvania (7); and New Jersey (4). It is expected that generators in these States are amending their licenses to accommodate wastes that would be prohibited from disposal when the Barnwell facility closes to generators located outside the Southeast Compact, on July 1, 1994. Michigan generators, denied access since November 11, 1990, submitted three requests for amendments to store LLW, and Puerto Rico, prohibited from disposing of LLW since 1987, submitted five license amendments to store LLW.

The data presented here provide one measure of the impacts of limited access to disposal capacity resulting from milestones of the LLRWPA. The impact of LLW storage on NRC's licensing program, to date, has been small.

Because these annual reports have not yielded significant information, the staff proposes to terminate these annual reports after the annual report for the period March 1994 - March 1995. This remaining period will span the period immediately before and shortly after the July 1, 1994, date for denial of access to the Barnwell disposal facility. The staff will continue to monitor the safety aspects of LLW storage and the level of NRC resources devoted to storage amendments.

  
James M. Taylor  
Executive Director  
for Operations

Enclosure:  
Table - Requests for  
Authorization for Interim Storage

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REQUESTS FOR AUTHORIZATION FOR INTERIM STORAGE\*  
THIRD ANNUAL REPORT TO THE COMMISSION

<u>Name</u>	<u>Date of Submission</u>	<u>License No.</u>	<u>Approval Date</u>
<b>Region I:</b>			
General Defense Corp.	10-29-92	SUB-1318	9-30-93
Bristol-Myers Squibb	3-27-92	06-27843-02	3-22-93
Cuno, Inc.	12-08-93	06-27924-01	2-05-94
Alexion Pharmaceuticals	2-08-93	06-28799-01	4-19-93
Howard University	9-27-93	08-00386-19	12-09-93
National Inst. of Mental Health	3-25-93	08-15484-01	6-01-93
NIH	10-13-92	19-00296-10	3-22-93
University of Lowell	9-21-92	20-07446-01	3-22-93
TSI Mason Labs	12-29-93	20-11085-01	2-05-94
Creative Biomolecules	2-09-93	20-20592-01	3-03-93
Inst. of Molecular Biology	5-06-93	20-23642-01	8-03-93
Biosurface Technology	5-21-93	20-28072-01	7-12-93
Dupont Merck	11-14-90	20-28598-01	7-12-93
Genica Pharmaceuticals	12-23-93	20-28630-01	Pending
Metasyn, Inc.	7-09-93	20-30042-01	7-26-93
Hemagen Diagnostics	6-28-93	20-30055-01	8-30-93
Millenium, Inc.	1-03-94	20-30094-01	1-21-94
Allied Signal, Inc.	7-19-93	29-00040-19	9-20-93
E.R. Squibb	10-30-92	29-00139-02	5-25-93
American Cyanimid	6-21-91	29-07694-01	4-20-93
Johnson & Johnson	11-29-93	29-17001-02	1-29-94
Interferon Sciences	2-07-92	29-19964-01	6-18-93
Xenobiotic Labs	9-04-93	29-28053-01	10-14-93
Celgene	6-02-93	29-28056-01	7-09-93
V.A. - Buffalo, N.Y.	12-07-92	31-00786-02	4-16-93
Geisinger Medical Center	12-13-93	37-01421-01	12-29-93
Fox Chase Center	5-27-92	37-02766-01	3-11-93
University of Scranton	7-15-92	37-04277-03	11-17-93
Lehigh University	6-19-92	37-07912-02	1-08-94
Lafayette College	6-14-93	37-14359-02	10-01-93
Damon Clinical Labs	12-30-93	37-15290-02	Pending
Sterling Winthrop	7-31-92	37-28076-01	6-21-93
Cephalon	10-14-93	37-28173-01	2-09-94
Avid Therapeutics	10-27-93	37-30068-01	11-29-93
Symphony, Inc.	2-02-94	37-30091-01	Pending
Centre Analytical Labs	1-05-94	37-30095-01	2-28-94
U.S. E.P.A.	7-23-93	38-11957-01	10-07-93

Enclosure

REQUESTS FOR AUTHORIZATION FOR INTERIM STORAGE\* - THIRD ANNUAL REPORT TO THE  
COMMISSION - (Continued)

<u>Name</u>	<u>Date of Submission</u>	<u>License No.</u>	<u>Approval Date</u>
<b>Region II:</b>			
Moore Bros., Co., Inc.	9-14-93	45-25018-01	10-20-93
Kincaid Enterprises Inc.	9-08-93	47-25009-02	10-29-93
West Virginia University	8-10-93	SNM-1924	8-17-93
University of Puerto Rico	9-29-92	52-01946-09	3-26-93
Guillermo Pico, M.D.	3-31-93	52-07636-03	4-30-93
Centro Oftamologico	9-07-93	52-14939-02	2-02-94
Carribean Petroleum Corp.	7-27-93	52-15787-02	11-30-93
Samarantino Co., Inc.	9-15-93	52-21019-02	11-30-93
Jose Jimenez, M.D.	12-10-93	52-21485-01	2-17-94
<b>Region III:</b>			
V.A. Medical Center	2-23-93	21-00159-04	6-23-93
Henry Ford Hospital	4-19-93	21-04109-16	6-07-93
Oakland University	7-01-93	21-10725-03	9-22-93
Kalamazoo College	7-23-93	21-13658-01	9-08-93
Analytical Biochemistry	12-22-93	24-13365-01	Pending
Oberlin College	2-02-93	34-05669-04	3-16-93
University of Wisconsin	1-10-94	48-09944-01	2-28-94
<b>Region IV:</b>			
V.A. Boise, ID	10-25-93	11-18311-01	Pending
V.A. Omaha, NE	1-14-93	26-00138-10	11-04-93
V.A. Oklahoma City, OK	4-06-93	35-00526-04	2-03-94
V.A. Houston, TX	6-04-93	42-00084-06	11-04-93
V.A. San Antonio, TX	6-15-93	42-15881-01	11-16-93
Department of the Air Force	3-09-93	42-23539-01AF	Pending
<b>Region V:</b>			
V.A. Pleasant Hill, CA	7-12-93	04-02956-02	Pending
V.A. Loma Linda, CA	12-28-92	04-17862-01	2-28-94
V.A. Portland, OR	8-12-93	36-01395-01	11-08-93
Interior, Roseburg	8-18-93	36-19555-01	9-20-93
Camco Wireline, Inc.	8-28-93	50-21388-01	9-30-93
University of Honolulu	8-18-93	SNM-536	8-31-93

**IMNS:**

IMNS has not received any requests for licenses or amendments to store LLW.

**FCSS:**

Combustion Engineering, Windsor	12-23-92	SNM-1067	8-30-93
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REQUESTS FOR AUTHORIZATION FOR INTERIM STORAGE\* - THIRD ANNUAL REPORT TO THE  
COMMISSION - (Continued)

**NRR:**

NRR has not received any requests for licenses or amendments to store LLW.

**WM:**

WM has not received any requests for licenses or amendments to store LLW.

*\*This table contains both license amendment requests received during the reporting period and license amendment requests granted during the reporting period. Some of the amendments granted this year were received last year. As a consequence, the total number of license amendment requests reported here is different from data presented in the summary tables listed on page 2 of this report.*