

EDO 12197



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

September 10, 1982

The Honorable Donald W. Riegle, Jr.
United States Senate
Washington, DC 20510

Dear Senator Riegle:

Thank you for your letter to Mr. Kammerer received August 9, 1982 concerning a telephone inquiry from Ms. Mary Sinclair regarding a Nuclear Regulatory Commission (NRC) licensee, Dow Chemical Company of Midland, Michigan. Ms. Sinclair expressed the following concerns regarding incineration of radioactive waste:

1. What emission controls are placed on NRC licensed incinerators?
2. What right does NRC have to license incinerators without public input or State knowledge?

The NRC requires licensees authorized to incinerate radioactive waste to maintain releases at levels well below limits specified in NRC regulation 10 CFR Part 20, "Standards for Protection Against Radiation." This assures that the licensee's employees and persons living near the facility will not receive any significant radiation doses from the incineration operation. In addition, to assure that a licensee complies with NRC requirements, we periodically inspect the facilities.

The authority for Dow Chemical to incinerate waste applies only to waste generated under this license at their research and development laboratories. They are not authorized to incinerate waste from other sources such as the Midland Nuclear Power Plant.

Dow Chemical was originally licensed to incinerate in 1964. Authorization to incinerate under the renewed license was granted in 1981. In 1964, the policy of NRC's predecessor, the Atomic Energy Commission, did not include notification of the state or the public of this type of licensing action. In the past few years, there has been increased public interest in the nuclear industry, and we now request new licensees proposing to incinerate radioactive waste to submit evidence that state and local jurisdictions have been notified, and that state and local regulations have been met. In any case, we are not aware that Dow Chemical has violated any state or local requirements regarding incineration of radioactive waste.

With regard to MS. Sinclair's question concerning notification of the public, NRC has about 9,000 licensees and completes over 5,000 licensing actions per year. It is not practical to notify the public of every licensing action. Therefore, we require notification of the public for proposed major actions only. As discussed above, the Dow Chemical incinerator does not have potential for significant impact on the public, and therefore notification of the public was not required. However, if a licensee were to request authorization to commercially incinerate other people's waste, this would be considered a major licensing action and public notification would be required.

We trust that the above information adequately addresses your constituent's concerns. If you have any further questions, please do not hesitate to contact us. We are returning your letter as you requested. Thank you for your interest in our licensing program.

Sincerely,

(Signed) T. A. Rehm

William J. Dircks
Executive Director for Operations

Enclosure: As stated

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