

POR



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

JAN 22 1988

MEMORANDUM FOR: Chairman Zech
Commissioner Roberts
Commissioner Bernthal
Commissioner Carr
Commissioner Rogers

FROM:

Anton Kammerer
Anton Kammerer, Director
State, Local and Indian Tribe Programs
Office of Governmental and Public Affairs

SUBJECT: MONTHLY SLITP AND REGIONAL REPORT FOR
DECEMBER 1987

The December 1987 Significant Intergovernmental Activities and Issues Report is enclosed for your information. This Report is the result of the combined efforts of NRC's Regional State Liaison Officers, Regional State Agreement Representatives and the SLITP staff.

Enclosure:
Significant Intergovernmental Activities
and Issues - December 1987

cc: See Distribution List Attached

8805100116 880122
PDR COMMS NRCC
CORRESPONDENCE PDR

DISTRIBUTION LIST FOR MONTHLY SLITP/REGIONAL REPORT

H. Denton, GPA
J. Fouchard, PA
J. Shea, IP
J. Bradburne, CA
V. Stello, EDO
W. Parler, OGC
S. Chilk, SECY
E. Jordan, AEOD
H. Thompson, NMSS
T. Murley, NRR
E. Beckjord, RES
W. Russell, ROI
J. N. Grace, ROII
A. B. Davis, ROIII
R. Martin, ROIV
J. Martin, ROV
F. Brenneman, NRR
M. Miller, ROI
R. Trojanowski, ROII
R. Lickus, ROIII
G. Sanborn, ROIV
D. Kunihiro, ROV
J. McGrath, ROI
R. Woodruff, ROII
W. Adam, ROIII
R. Doda, ROIV
J. Horner, ROV

CONTENTS

<u>HEADQUARTERS</u>	<u>PAGE</u>
<u>State Legislators Tour NRC Operations Center</u>	1
<u>Regional State Liaison Counterpart Meeting</u>	1
<u>Presentation by CRCPD Executive Secretary</u>	1
<u>Review of Agreement State Programs</u>	1
 <u>REGION I</u>	
<u>MARYLAND</u>	
<u>State-Utility Agreement on Offsite Emergency Preparedness Concerns</u>	1
 <u>MASSACHUSETTS</u>	
<u>State and Congressional Involvement in Pilgrim Restart Deliberations</u>	2
<u>Petition Initiative</u>	2
<u>Massachusetts Towns Reject Sirens from New Hampshire Yankee</u>	2
 <u>PENNSYLVANIA</u>	
<u>State to Perform Independent Survey for Utility</u>	3
<u>Low-Level Radioactive Waste Disposal Facility Siting Plan Submitted Under Executive Order</u>	3
 <u>VERMONT</u>	
<u>Feasibility Study on Vermont Yankee Shutdown</u>	3
 <u>REGION II</u>	
<u>No Significant Items Reported</u>	3

CONTENTS (continued)

	<u>PAGE</u>
<u>REGION III</u>	
<u>ILLINOIS</u>	
<u>ASME Code Subagreement</u>	4
<u>LLW Seminar</u>	4
<u>INDIANA</u>	
<u>Interest in Agreement State Program</u>	4
<u>IOWA</u>	
<u>State/ASME Code Ruling</u>	4
<u>MICHIGAN</u>	
<u>Dow Chemical Thorium Slag</u>	5
<u>MISSOURI</u>	
<u>Contaminated Sites</u>	5
<u>OHIO</u>	
<u>Materials Licenses</u>	6
<u>REGION IV</u>	
<u>NEBRASKA</u>	
<u>Emergency Preparedness -- Cooper Nuclear Station</u>	6
<u>COLORADO</u>	
<u>Emergency Preparedness -- Fort St. Vrain</u>	6
<u>CENTRAL INTERSTATE WASTE COMPACT</u>	7
<u>REGION V</u>	
<u>Rocky Mountain Low-Level Radioactive Waste Compact</u>	7

HEADQUARTERS

State Legislators Tour NRC Operations Center

Fifteen State legislators toured the NRC Operations Center on December 2, 1987. The legislators are members of the Energy Committee of the National Conference of State Legislators (NCSL), and were here for NCSL's State-Federal Assembly meeting. The State-Federal Assembly is held twice a year in Washington, D.C. to allow State legislators to meet with U.S. Congressional representatives and discuss policy issues of importance to the States.

Regional State Liaison Counterpart Meeting

SLITP staff and the Regional State Liaison Officers held a regional state liaison counterpart meeting in Region II on December 8-9, 1987. The meeting provided an opportunity to review policy guidance for the RSLOs and to discuss issues involving low-level waste, high-level waste, emergency planning evaluations, environmental monitoring performed by States, provision of information to State Liaison Officers and administrative matters. The group also met with Region II Administrator, J. Nelson Grace, and received a briefing by Dr. Stephen Salomon on the recent visit by a delegation from the Soviet Union to U.S. nuclear facilities.

Presentation by CRCPD Executive Secretary

Commissioner Assistants and NRC staff received a presentation by Charles Hardin, Executive Director of the Conference of Radiation Control Program Directors (CRCPD) on December 15, 1987. The CRCPD consists of the Radiation Control Program Directors of 50 States and their staffs; it promotes all aspects and phases of radiological health and encourages and promotes cooperative enforcement programs with Federal agencies and between related enforcement agencies within each State.

Review of Agreement State Programs

The initial review of the Illinois radiation control program was performed by SLITP and was completed December 18, 1987. Region III and NMSS staff participated. The program was found to be adequate to protect public health and safety and compatible with the NRC regulatory program for radioactive materials.

REGION I

MARYLAND

State-Utility Agreement on Offsite Emergency Preparedness Concerns

On December 15, 1987, Philadelphia Electric Company met with Maryland officials to discuss the comments on the PECO corrective action plans that were submitted on October 15, 1987 by Governor William Schaefer to NRC Region I. PECO agreed to resolve the six concerns in the area of offsite emergency preparedness that Maryland had identified. PECO has agreed to provide backup radio communications to Maryland police and firefighters, to relocate the Emergency Operations Facility and media center outside the ten mile EPZ, and to provide an engineering liaison and computer capability for projecting offsite plume exposures.

MASSACHUSETTS

State and Congressional Involvement in Pilgrim Restart Deliberations

In a January 4, 1988 letter from the Secretary of Public Safety, Massachusetts requested that their limited support of the two public meetings in Plymouth, Massachusetts not be cited as a waiver of their 10 CFR 2.206 Petition that requested an adjudicatory hearing. The first round of public meetings are being scheduled for mid-February. Complete copies of the Pilgrim Nuclear Power Station Restart Plan had been provided to the State and local governments and area libraries.

On January 7, 1988, Senator Edward Kennedy, Chairman of the Senate Labor and Human Resources Committee, conducted a hearing concerning the proposed restart of the Pilgrim facility. Thomas Murley and William Russell, representing NRC, provided testimony and responded to questions related to Mark I containment safety issues, NRC resolution of offsite emergency planning deficiencies, and NRC practices regarding State requests for adjudicatory hearings. A hearing report dated January 11, 1988 has been provided by Congressional Affairs of the Office of Governmental and Public Affairs.

Petition Initiative

An elections representative for the Secretary of the Commonwealth stated that the required number of signatures had been received to initiate a petition for a law that would stop the generation of high-level nuclear waste in Massachusetts. If acted upon by the legislature by May 4, 1988, the petition would require the shutdown of Yankee Rowe and Pilgrim by July 4, 1989. If the legislature fails to act upon the petition, it would be included as a binding referendum question on the November 1988 State ballot.

Massachusetts Towns Reject Sirens from New Hampshire Yankee

As of January 5, 1988, five Massachusetts towns in the Seabrook ten mile EPZ have rejected the utility's offer to relinquish ownership of the siren warning system to these towns for use in non-nuclear emergencies. The Assistant Secretary of Public Safety, Peter Agnes, also ordered that State Civil Defense Agency personnel not support keeping the sirens in place on the basis that

existing radio and telephone systems are sufficient to comply with Superfund regulations to warn residents in case of a chemical disaster.

PENNSYLVANIA

State to Perform Independent Survey for Utility

On December 1, 1987, the Saxton Nuclear Experimental Corporation offered \$20,000 to the Pennsylvania Department of Environmental Resources to pay for an independent inspection during the dismantling of most of the buildings at the Saxton nuclear reactor plant. Currently, decontamination work is in progress and awaiting NRC approval of demolition of all structures except the containment building. The State plans to perform independent monitoring and has contacted NRC staff regarding how closeout surveys at byproduct material licensees have been conducted.

Low-Level Radioactive Waste Disposal Facility Siting Plan Submitted Under Executive Order

Pennsylvania, which is the designated host State in the Appalachian States Low-Level Waste Compact, did not pass legislation that approves a siting plan before the January 1, 1988 Congressional milestone. Although House Bill 1808 was introduced on September 25, 1987, several changes to the draft bill were added in the final days of the House session. These changes were not resolved before the House recessed for 1987. If Pennsylvania fails to meet the January 1 deadline, the Commonwealth could lose as much as \$700,000 in rebate funds. By Executive Order, Governor Casey ordered the Department of Environmental Resources to submit a siting plan to show Pennsylvania's intent to meet the milestone. If this submittal is judged unacceptable by the sited States, generators in Pennsylvania could be forced to pay more than \$12 million in surcharge disposal costs. Generators in other States in the Appalachian Compact, Maryland, Delaware and West Virginia will also be subject to these penalties.

VERMONT

Feasibility Study on Vermont Yankee Shutdown

The State's Department of Public Service released its study on the feasibility of a State required shutdown of Vermont Yankee. The study found the following: (1) cost to the State would be between 569 and 612 million dollars, (2) 10 percent average increase to rate payers, and (3) excessive litigation expenses since there is no precedent for a State required shutdown of a nuclear power facility.

REGION II

No Significant Items Reported

REGION III

ASME Code Subagreement

Region III continued to receive comments on the proposed ASME Code Subagreement from NRC Program Offices. Region III analyzed and dispositioned all comments in December and began preparation of a draft Commission Paper to transmit the proposed document to the Commission.

LLW Seminar

On December 8-9, 1987, the Illinois Department of Nuclear Safety (IDNS) sponsored the fourth annual Low-Level Radioactive Waste Generators Conference in Chicago, Illinois. The theme of this conference was "The Illinois Approach-Assuring Safe Management of Low-Level Radioactive Waste." Illinois has made progress in the past year toward siting a low-level radioactive waste disposal facility for the Central Midwest Compact (Kentucky and Illinois). The purpose of this conference was to provide a forum for dissemination of information and discussion of current low-level radioactive waste issues. Topics of discussion included; communicating with the public; waste generation surveys and projections; the Regional Management Plan; evaluating alternatives to shallow land burial; and siting an Illinois disposal facility.

INDIANA

Interest in Agreement State Program

Dr. David Cundiff, Director, Bureau of Local Health Services, Indiana State Board of Health, met with SLITP staff on December 30, 1987 in Headquarters to obtain information on NRC's Agreement State program. Dr. Cundiff expressed interest in the program and indicated that he would be meeting with the Commissioner of the Board of Health in this regard and that if further information was needed he would contact NRC staff.

IOWA

State/ASME Code Ruling

On December 30, 1987, Walter H. Johnson, Deputy Labor Commissioner, transmitted to Region III a Declaratory Ruling that was issued by the Division of Labor in regard to State of Iowa ASME inspections at the Duane Arnold Energy Center. The ruling states that "The Federal Government pre-empts the states on safety and nuclear issues involving the generation of energy. The five vessels listed at Division One of Petitioner's Petition for a Declaratory Ruling are involved in the creation of nuclear energy. The state's authority to inspect these vessels in order to promote their safe use has been pre-empted by the Federal Government."

The ruling also concludes that 24 vessels listed at Division Two of the Petition qualify for biannual state inspections pursuant to State law. Region III is forwarding the ruling to the NRC Program Offices for review.

MICHIGAN

Dow Chemical Thorium Slag

On December 1, 1987, NMSS officials met with Dow Chemical Company representatives to discuss a license amendment proposal to transfer Dow's thorium-magnesium slag waste at their Midland facility to a new temporary location on the Midland site. The slag pile at Midland is adjacent to a water diversion basin which must be closed by November 1988; however, due to requirements of the federal Resource Conservation and Recovery Act (RCRA), the slag pile would have to be removed before closure of the basin can be completed. On December 17, 1987, the Region III Chief, State and Government Affairs contacted George Bruchmann, Michigan Radiation Control Program Director to inform him of the results of the Dow meeting. As a result, Mr. Bruchmann requested that approval of the Dow request by the NRC be conditioned by placing a time restriction on how long this material could be stored on site prior to final disposal. NMSS was made aware of Mr. Bruchmann's concern.

MISSOURI

Contaminated Sites

Missouri State Liaison Officer, Ron Kucera, has historically been interested in the status of several radioactively contaminated sites in the St. Louis area. These include the Weldon Spring site, which is a former uranium processing plant near St. Charles, Missouri; a storage site in Hazelwood, Missouri, formerly owned by Cotter Corporation, at which uranium ore residues were stored and processed; a site at the St. Louis International Airport where contaminated materials from DOE uranium facilities were buried; and the West Lake landfill, which received a large volume of slightly contaminated soil taken from the Hazelwood site for cover fill. DOE presently has responsibility for the Weldon Spring, Hazelwood, and St. Louis Airport sites. The NRC is currently involved in a study of the West Lake landfill to determine what remedial actions may be necessary at that facility. The state is particularly interested in the results of this report, which has not been issued to date by NMSS. Missouri is a member of the seven-state Midwest Compact, which has chosen Michigan to be the first host state responsible for developing a low-level waste disposal facility for the seven-state region. Michigan was chosen largely because it was determined to be the largest generator of low-level radioactive waste among the seven states. Michigan has recently, however, found out about large quantities of contaminated material (such as the West Lake landfill site) which it claims were not included in the low-level waste inventory, and which may result in Michigan not being the largest generator of low-level waste. Missouri, therefore, is

anxiously awaiting NRC resolution of the disposition of the contaminated material at the West Lake landfill. Region III and SLITP staff is scheduled to meet with NMSS staff to discuss the State's concerns and the status of the West Lake landfill study.

OHIO

Materials Licenses

On December 14, 1987, Messrs. Roland Lickus, Chief, State and Government Affairs, and Bruce Mallett, Chief, Nuclear Materials Safety and Safeguards Branch, met in Columbus, Ohio with James Williams, Chief of Staff, Ohio Disaster Services Agency, and Robert Quillan, Ohio Radiation Control Program Director. The purpose of the meeting was to discuss three types of materials licenses: 1) licenses that we considered unusual uses of radioactive material; 2) materials licenses that were undergoing decommissioning; and 3) licensees undergoing escalated enforcement within the past year. State officials were particularly interested in determining if there are any existing NRC licenses that could be compared to the former J. C. Haynes license for using Americium-241 in powder form to irradiate diamonds. Region III representatives indicated that we do not consider any current materials licensees to be comparable to the J. C. Haynes case. State officials were very appreciative of the information presented and encouraged future dialogue in this regard.

REGION IV

NEBRASKA

Emergency Preparedness -- Cooper Nuclear Station

On December 3, FEMA Region VII officials evaluated a remedial exercise involving the state of Missouri and Atchison County, Missouri, designed to test the resolution of five deficiencies from an October 1987 exercise at Nebraska Public Power District's Cooper Nuclear Station. FEMA found all five shortcomings, all related to the ability of state and local officials to alert the public and provide instructions, to have been resolved.

COLORADO

Emergency Preparedness -- Fort St. Vrain

On December 11, the second of three required remedial drills -- this one to test the state of Colorado and Weld County's ability to alert the public in the vicinity of the Fort St. Vrain plant and to provide emergency instructions -- was conducted and evaluated by FEMA and Argonne National Laboratory officials. FEMA concluded that the state and county had adequately remedied deficiencies in this area that had been found in an August 1987 exercise.

The lone remaining deficiency, involving the capability to communicate with field monitoring teams, will be tested in another remedial drill once new communications equipment is installed.

CENTRAL INTERSTATE WASTE COMPACT

On December 15, the Central Interstate Low-Level Radioactive Waste Compact Commission met in New Orleans and designated Nebraska as the host state for the region's first low-level radioactive waste disposal facility. Nebraska was recommended by the compact's contractor, U.S. Ecology, based on analyses of environmental factors, waste volumes and transportation. The compact commission voted 4 to 1 to endorse U.S. Ecology's recommendation, with Nebraska's representative casting the negative vote. However state officials, including the governor, have indicated support for the process and have said they will act to meet the state's responsibility to the compact. Nebraska is an Agreement State and is in the process of adopting final regulations for disposal of low-level waste. The other states in this compact are Arkansas, Kansas, Louisiana, and Oklahoma.

REGION V

ROCKY MOUNTAIN LOW-LEVEL RADIOACTIVE WASTE COMPACT

The Rocky Mountain Low-Level Radioactive Waste Board met on December 4, 1987 in Mt. Charleston, Nevada. The Waste Board was briefed on the status of Colorado's effort to site a low-level waste site. Locations in Montrose County are currently under study as possible candidate sites. The Board directed counsel to draft a contract to permit Rhode Island and the District of Columbia access to the existing low-level waste site at Beatty, Nevada for a 2-year period. This action would allow Rhode Island and the District of Columbia to qualify for surcharge rebates.