

# HELLER EHRMAN WHITE & McAULIFFE

ATTORNEYS

A PARTNERSHIP OF PROFESSIONAL CORPORATIONS

315 CONNECTICUT AVENUE, N.W.  
SUITE 200  
WASHINGTON, D.C. 20006-4004

TELEPHONE: (202) 785-4747  
FACSIMILE: (202) 785-8877

STEPHEN K. GARDNER  
(202) 785-6272  
sgardner@hewm.com

WASHINGTON, D.C.  
HONG KONG  
SINGAPORE

SAN FRANCISCO  
LOS ANGELES  
PALO ALTO

SEATTLE  
PORTLAND  
TACOMA  
ANCHORAGE

December 19, 1997

## FOIA/PA REQUEST

Case No: 97-490  
Date Rec'd: 12-23-97  
Action Off: FOO1  
Related Case:

Russell Power  
Chief, Freedom of Information  
and Local Public Documents  
Nuclear Regulatory Commission  
Room 6D-37 - 2 White Flint  
11545 Rockville Pike  
Rockville, Maryland 20852

Re: **Freedom Of Information Act Request**

Dear Mr. Power:

Enclosed herewith is a copy of section 151 of the Public Law 97-425, the Nuclear Waste Policy Act of 1982 ("the Act"), which has been codified as 42 U.S.C. § 10171. This section of the Act sets out provisions related to closure of low-level radioactive waste sites.

Also enclosed are copies of pages H8592-93 of the Congressional Record for November 30, 1982. These pages record the comments of House members regarding an amendment offered by Congressman Rahall allowing the transfer of title of certain types of sites to the Department of Energy. This amendment was subsequently adopted and became subsection (c) of section 151.

The enclosed colloquys among the Congressmen appear to be the only published legislative history of subsection 151(c). However, in one of his comments during these exchanges (see p. H8592) Congressman Rahall indicated that both the Department of Energy and the Nuclear Regulatory Commission ("NRC") had identified sites they believed would be covered by the subsection. This indicates the existence of information in your agency's files relevant to Congressional consideration of this amendment.

Pursuant to the Freedom of Information Act (5 U.S.C. § 552), I request copies of any correspondence, memoranda, reports, analyses, notes, or other documents, including but not limited to any communications to or from the NRC, including communications

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with other agencies or offices of the U.S. government, and any communications internal to the NRC, relating to:

- 1) Congressional consideration or adoption of subsection 151 (a), (b) and (c) to the Act, 42 U.S.C. § 10171;
- 2) any applications under 42 U.S.C. § 10171 received or reviewed by the NRC, whether submitted to the NRC or to another agency; and
- 3) any evaluations conducted by the NRC or any other agency, entity, or person of the applicability of 42 U.S.C. § 10171 to any site or sites.

If the records are so voluminous that there will be a charge for copying, or if you have any questions regarding this request, please feel free to contact me at (202) 785-4747.

Yours very truly,



Stephen K. Gardner

Enclosure



only apply until such time as the Secretary decides that such candidate site is no longer a candidate site under consideration for development as a repository. Such restriction shall continue to apply to any site selected for construction as a repository.

*Ante*, pp. 2217,  
2220, 2222, 2225.

(h) PARTICIPATION OF STATES AND INDIAN TRIBES.—Any facility authorized pursuant to this section shall be subject to the provisions of sections 115, 116(a), 116(b), 116(d), 117, and 118. For purposes of carrying out the provisions of this subsection, any reference in sections 115 through 118 to a repository shall be considered to refer to a monitored retrievable storage facility.

#### CUSTOMER D—LOW-LEVEL RADIOACTIVE WASTE

##### FINANCIAL ARRANGEMENTS FOR LOW-LEVEL RADIOACTIVE WASTE SITE CLOSURE

42 USC 10171.

SEC. 151. (a) FINANCIAL ARRANGEMENTS.—(1) The Commission shall establish by rule, regulation, or order, after public notice, and in accordance with section 81 of the Atomic Energy Act of 1954 (42 U.S.C. 2231), such standards and instructions as the Commission may deem necessary or desirable to ensure in the case of each license for the disposal of low-level radioactive waste that an adequate bond, surety, or other financial arrangement (as determined by the Commission) will be provided by a licensee to permit completion of all requirements established by the Commission for the decontamination, decommissioning, site closure, and reclamation of sites, structures, and equipment used in conjunction with such low-level radioactive waste. Such financial arrangements shall be provided and approved by the Commission, or, in the case of sites within the boundaries of any agreement State under section 274 of the Atomic Energy Act of 1954 (42 U.S.C. 2021), by the appropriate State or State entity, prior to issuance of licenses for low-level radioactive waste disposal or, in the case of licenses in effect on the date of the enactment of this Act, prior to termination of such licenses.

(2) If the Commission determines that any long-term maintenance or monitoring, or both, will be necessary at a site described in paragraph (1), the Commission shall ensure before termination of the license involved that the licensee has made available such bonding, surety, or other financial arrangements as may be necessary to ensure that any necessary long-term maintenance or monitoring needed for such site will be carried out by the person having title and custody for such site following license termination.

(b) TITLE AND CUSTODY.—(1) The Secretary shall have authority to assume title and custody of low-level radioactive waste and the land on which such waste is disposed of, upon request of the owner of such waste and land and following termination of the license issued by the Commission for such disposal, if the Commission determines that—

(A) the requirements of the Commission for site closure, decommissioning, and decontamination have been met by the licensee involved and that such licensee is in compliance with the provisions of subsection (a);

(B) such title and custody will be transferred to the Secretary without cost to the Federal Government; and

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## NUCLEAR WASTE

P.L. 97-425

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(C) Federal ownership and management of such site is neces-  
sary or desirable in order to protect the public health and  
safety, and the environment.

(2) If the Secretary assumes title and custody of any such waste  
and land under this subsection, the Secretary shall maintain such  
waste and land in a manner that will protect the public health and  
safety, and the environment.

(c) SPECIAL SITES.—If the low-level radioactive waste involved is  
the result of a licensed activity to recover zirconium, hafnium, and  
rare earths from source material, the Secretary, upon request of the  
owner of the site involved, shall assume title and custody of such  
waste and the land on which it is disposed when such site has been  
decontaminated and stabilized in accordance with the requirements  
established by the Commission and when such owner has made  
adequate financial arrangements approved by the Commission for  
the long-term maintenance and monitoring of such site.

### TITLE II—RESEARCH, DEVELOPMENT, AND DEMONSTRATION REGARDING DISPOSAL OF HIGH-LEVEL RADIOACTIVE WASTE AND SPENT NUCLEAR FUEL

#### PURPOSE

SEC. 211. It is the purpose of this title—

(1) to provide direction to the Secretary with respect to the  
disposal of high-level radioactive waste and spent nuclear fuel;

(2) to authorize the Secretary, pursuant to this title—

(A) to provide for the construction, operation, and mainte-  
nance of a deep geologic test and evaluation facility; and

(B) to provide for a focused and integrated high-level  
radioactive waste and spent nuclear fuel research and de-  
velopment program, including the development of a test  
and evaluation facility to carry out research and provide an  
integrated demonstration of the technology for deep geo-  
logic disposal of high-level radioactive waste, and the devel-  
opment of the facilities to demonstrate dry storage of spent  
nuclear fuel; and

(3) to provide for an improved cooperative role between the  
Federal Government and States, affected Indian tribes, and  
units of general local government in the siting of a test and  
evaluation facility.

#### APPLICABILITY

SEC. 212. The provisions of this title are subject to section 8 and  
shall not apply to facilities that are used for the disposal of high-  
level radioactive waste, low-level radioactive waste, transuranic  
waste, or spent nuclear fuel resulting from atomic energy defense  
activities.

#### IDENTIFICATION OF SITES

SEC. 213. (a) GUIDELINES.—Not later than 6 months after the date  
of the enactment of this Act and notwithstanding the failure of  
other agencies to promulgate standards pursuant to applicable law,  
the Secretary, in consultation with the Commission, the Director of  
the Geological Survey, the Administrator, the Council on Environ-

42 USC 10191.

Ante. p. 2205.  
42 USC 10192.

42 USC 10193.



York (Mr. OTTINGER) in our negotiations.

Mr. OTTINGER. Mr. Chairman, will the gentleman yield to me?

Mr. SWIFT. I yield to the gentleman from New York.

Mr. OTTINGER. I thank the gentleman for yielding to me.

Mr. Chairman, I think as the gentleman has indicated, Chairman FROQUA and I are in agreement on this and I think the gentleman's concerns are addressed. Therefore, I do not think an amendment is really necessary on this matter.

Mr. SWIFT. Mr. Chairman, with those assurances from the two gentlemen, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

There was no objection.

AMENDMENT OFFERED BY MR. RAHALL

Mr. RAHALL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Chair will inquire, is the amendment in order under the rule?

Mr. RAHALL. Yes, it is, Mr. Chairman.

The Clerk read as follows:

Amendment offered by Mr. RAHALL: Section 151 is amended by adding the following at the end thereof:

"(c) SPECIAL SITES.—If the low-level radioactive waste involved is the result of a licensed activity to recover zirconium, hafnium, and rare earths from source material, the Secretary, upon request of the owner of the site involved, shall assume title and custody of such waste and the land on which it is disposed when such site has been decontaminated and stabilized in accordance with the requirements established by the Commission and when such owner has made adequate financial arrangements approved by the Commission for the long-term maintenance and monitoring of such site."

Mr. RAHALL (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

(Mr. RAHALL asked and was given permission to revise and extend his remarks.)

Mr. RAHALL. Mr. Chairman, the amendment I am proposing is virtually identical to a provision contained in the Energy and Commerce Committee's bill and similar in intent to a provision contained in the Interior and Insular Affairs Committee bill. However, it appears that in the rush to put the substitute, H.R. 7187, together, this provision was inadvertently omitted.

In any event, it is my understanding that both the Interior and Energy Committees have no objection to this amendment.

This amendment builds upon the low-level waste provisions of H.R. 7187 but addresses a very important differ-

ence. The sites my amendment addresses would not be used as commercial low-level disposal sites. Instead, my amendment concerns sites used for Atomic Energy Commission licensed activity which have been stabilized by the landowner in accordance with NRC criteria. Once stabilized, the landowner may request the Secretary of Energy to assume title and custody of the site. I would like to stress that the stabilization would be at the landowner's expense, and, that the Secretary could take title only at the request of the landowner. Furthermore, the landowner would have to make financial arrangements with the Secretary for the long-term maintenance and monitoring of the site.

Enabling the Secretary to take title to these sites will assure that they remain undisturbed and provide for a permanent record of their location. Situations addressed by this amendment—and there are only a very few—should be recognized as a shared responsibility of the Government.

This amendment does not preclude the option of having contaminated material moved off the site, and, does not affect the possibility that certain sites may require Federal assistance during the cleanup procedure.

Mr. ROE. Mr. Chairman, will the gentleman yield to me?

Mr. RAHALL. I yield to the gentleman from New Jersey.

Mr. ROE. I thank the gentleman for yielding.

Mr. Chairman, I have a similar situation existing in my State and in my district where we have a low-level radiation thorium material which is an extract, as you know, from rare earth.

I am concerned with the amendment because I want to be sure that this amendment does not forestall nor usurp the position and responsibility of the Federal Government in previous law on the removal of that material.

We are going through a whole examination now by the Federal Government, Nuclear Regulatory Commission, and so forth, so I would like to ask the gentleman specifically—and I thank the gentleman again for yielding—am I correct in understanding that his amendment does not address the question of financial responsibility for the decontamination of low-level waste sites that are not to be transferred to the custody of the Federal Government, or the disposal of such wastes from such sites, nor is it intended to change existing law relating to the cleanup or care of such sites?

Mr. RAHALL. Mr. Chairman, the gentleman is completely correct. There is no intent in my amendment to establish financial responsibility for such cleanup and caretaking operations or to change existing law relating thereto.

It is my intent merely to create a legal mechanism whereby certain sites may be transferred to the Government for long-term oversight.

Mr. ROE. Mr. Chairman, I thank the gentleman very much for that clarification for the situation.

Mr. RAHALL. I thank the gentleman from New Jersey for his clarification.

Mr. BROYHILL. Mr. Chairman, will the gentleman yield to me?

Mr. RAHALL. I yield to the gentleman from North Carolina.

Mr. BROYHILL. Mr. Chairman, the gentleman's amendment provides that the owner may make adequate financial arrangements that are approved by the Commission for the long-term maintenance and monitoring of the site.

My question is: Is it the intention of the gentleman, in his amendment, in approving the adequacy of these financial arrangements with the owner that the Nuclear Regulatory Commission consult with the Department of Energy?

Mr. RAHALL. Yes, it is my intent that such consultation would take place.

Mr. BROYHILL. Mr. Chairman, would the gentleman indicate: Will the Department have any powers of concurring with these financial arrangements or is it the intent that the final decision rests with the Commission?

Mr. RAHALL. The final decision would rest with the Commission, as I understand the way the amendment is structured.

I might add that the sites that I mentioned that may be covered by this amendment—and this is from Department of Energy information—are only two sites, one in Cook County, Ill., and one in Norton, Maine. The NRC identified a site in Parkersburg, W. Va.

Mr. BROYHILL. So the gentleman is stating that consultation is intended with the Department of Energy by the Nuclear Regulatory Commission in the determination of the adequacy of these financial arrangements?

Mr. RAHALL. The gentleman is correct.

The CHAIRMAN. The time of the gentleman from West Virginia (Mr. RAHALL) has expired.

(On request of Mr. LUJAN and by unanimous consent, Mr. RAHALL was allowed to proceed for 2 additional minutes.)

Mr. LUJAN. Mr. Chairman, will the gentleman yield to me?

Mr. RAHALL. I yield to the gentleman from New Mexico.

Mr. LUJAN. I thank the gentleman for yielding.

Mr. Chairman, I support the gentleman's amendment. I would only like to ask the gentleman: As I remember, we passed this through the Committee on Interior and Insular Affairs at one time, at the time that we were working on the bill. It is my understanding that it passed the Committee on Energy and Commerce also. So how come it is not in the bill? What hap-

pened between the time that we passed it in Interior and they passed it over at Energy and Commerce, and now it is necessary for the gentleman to offer an amendment?

Mr. RAHALL. I cannot adequately describe what happened. I was not sitting in during the process, but when it came to the floor it was not there. I am attempting to correct that oversight.

Mr. LUJAN. Mr. Chairman, will the gentleman yield further?

Mr. RAHALL. I would be happy to yield further to the gentleman from New Mexico.

Mr. LUJAN. I understand exactly. I simply wanted to raise the question at this point, because this is one of the things that has disturbed me about assigning jurisdiction to various committees and then a group of people, including myself, I must admit, get together and craft a bill and take things out that were passed by each committee as though it is not a big deal.

I raise this question because I think maybe we ought to have a change in the Rules of the House that once the committees of jurisdiction pass a particular provision, that maybe we should not be messing around with it and it ought to stay in the bill if, as a matter of fact, it did come from both committees of jurisdiction.

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. RAHALL. I yield to the gentleman from New York.

Mr. OTTINGER. I thank the gentleman for yielding.

Mr. Chairman, I do not think that is an accurate representation of what happened, either yesterday with respect to the number of repository sites selected where it was alleged that we did something entirely different, where in fact both of the committees provided for 5 or 6 sites for repositories, with different time schedules. The schedule for site selection was resolved in the substitute.

In this situation we had differing language in the 2 committee bills. We attempted to resolve that. We went to the gentleman from West Virginia (Mr. RAHALL). The gentleman from West Virginia indicated that the language that we have in the bill at the present time, in fact, resolved the problem.

The CHAIRMAN. The time of the gentleman from West Virginia (Mr. RAHALL) has again expired.

(On request of Mr. OTTINGER and by unanimous consent, Mr. RAHALL was allowed to proceed for 2 additional minutes.)

Mr. OTTINGER. Mr. Chairman, will the gentleman yield further?

Mr. RAHALL. I yield to the gentleman from New York.

Mr. OTTINGER. I thank the gentleman for yielding.

Mr. Chairman, that did in fact resolve the problem. Then later it appeared that the language was not adequate to resolve the problem. So we

are quite agreeable to changing the language for that purpose. But this is not something that is done underhandedly by the committees in violation of what was done in the bill. An attempt was made to give an interpretation that would adequately solve the problem of the gentleman from West Virginia. We thought we had done that originally. Now we have found that it does not. We are trying to accommodate the gentleman.

Mr. LUJAN. Mr. Chairman, will the gentleman yield further?

Mr. RAHALL. I yield to the gentleman from New Mexico.

Mr. LUJAN. I thank the gentleman for yielding.

Mr. Chairman, it is not my contention that it was done underhandedly. Absolutely not. It is done right out in the open.

Mr. OTTINGER. Mr. Chairman, will the gentleman yield further to me?

Mr. RAHALL. I yield to the gentleman from New York.

Mr. OTTINGER. I thank the gentleman for yielding.

Mr. Chairman, we have not done something that was not passed in either committee and suddenly it appears here, and that is what the gentleman, as I understand it, was seeking to imply. That really is not an accurate representation of what was done.

Mr. Chairman, I have no objection to the amendment.

Mr. RAHALL. I thank the gentleman from New York.

Mr. Chairman, I yield back the balance of my time, and I urge adoption of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia (Mr. RAHALL).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. WIRTH

Mr. WIRTH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WIRTH: Page 65, strike out line 8 and all that follows down through line 14 and substitute: "The Secretary may not develop a repository at any site unless the Secretary determines that such development, and the construction and operation of such repository, will not require any purchase or other acquisition of water rights that will have significant adverse effect on the present or future development of the area in which such site is located."

(Mr. WIRTH asked and was given permission to revise and extend his remarks.)

Mr. WIRTH. Mr. Chairman, in dealing with our national nuclear waste problem, a few States will eventually accept a disproportionate responsibility for the waste disposal. We all understand that. There is no problem with that. However, I think that we must not abrogate existing State rights in our move toward developing nuclear waste legislation.

The water rights amendment which I am offering strikes a balance between these two concerns. Water is the lifeline of western communities

and is the essential resource for all development, especially energy projects which are increasing in size and number all over the West.

As we became more concerned about developing our own sources of energy in the last decade, the West has seen tremendous growth in all energy fields. However, the development of coal and synthetic fuels all need a great deal of water and we have to be careful not to create conflicts between various uses of this very scarce resource.

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If it is decided that repository is going to be located in an area of energy development, the Secretary of Energy should assess the impact the repository's 1 billion gallon-per-year water need will have on other competing demands in that area. This is all my amendment requires. The Secretary shall determine what all the demands are for the scarce resource of water. Is it going to go for the storage facility, or is this going to go for energy development? In the West there simply is not enough water to do both things.

Under the bill, the Secretary of Energy is required to consider the effects that a repository will have on local rights, but he is not required to make any determination. That consideration can be just the Secretary saying, "Yes, I have considered it. I did it in my dreams last night or at breakfast this morning, or whatever." No formal consideration of the use for this extremely important resource is required. I am requiring in this amendment that the Secretary make a determination.

Why is this amendment necessary? First, the amount of water that a repository will consume during its construction and operation requires 1 billion gallons of water per year—1 billion gallons of water per year. That is 3 million gallons a day. The Energy Department has told us that this does not constitute a significant amount of water. If that is the case, then there should not be any opposition to the amendment.

My amendment is not antidevelopment in any way. On the contrary, it simply requires careful planning for the successful accommodation of all kinds of competing uses of scarce water. The amendment prohibits nothing. It requires the Secretary of Energy to consider water supplies before taking any action to make a finding on the repository's impact on the surrounding community.

Unlike the population language in the bill, this gives special treatment to no one area, no one place. Under my amendment, all the sites under consideration are treated equally. I would urge my colleagues to support the amendment. We should look carefully before allocating water for one use and not another.





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

AUG 8 1983

MEMORANDUM FOR: Hugh L. Thompson, Jr., Director  
Office of Nuclear Material Safety  
and Safeguards

FROM: Malcolm R. Knapp, Director  
Division of Low-Level Waste Management  
and Decommissioning

SUBJECT: PROPOSED APPROACH FOR NRC LICENSING OF SNM WASTE DISPOSAL  
AT AGREEMENT STATE LICENSED LLW DISPOSAL FACILITIES

This memorandum, for your endorsement, outlines a proposed approach for NRC to license and regulate disposal of special nuclear material (SNM) at the Agreement State licensed low-level waste disposal facilities where SNM is disposed of under NRC license. We anticipate that implementation of this approach will more effectively utilize limited staff resources and minimize dual regulation.

The NRC can relinquish responsibility for regulating disposal of low-level waste containing small amounts of SNM to Agreement States. However, disposal of amounts of SNM that are sufficient to form a critical mass must be regulated by the NRC (AEA 274(b) and 10 CFR Part 150.10 and 150.11). NRC's regulatory program for SNM disposal must ensure that three objectives are met:

1. Maintain criticality safety through control of SNM during receipt, storage, disposal, and post-disposal;
2. Safeguard the SNM from diversion or sabotage; and,
3. Protect the public health and safety from the hazards of disposal of SNM through demonstration of compliance with the requirements of 10 CFR Parts 20, 51, and 61. (Per Section 61.1, the applicability of Part 61 requirements to existing disposal facilities is to be determined on a case-by-case basis and implemented through terms and conditions of licenses or orders issued by the Commission.)

Consistent with the intent of the law and to take advantage of the work of Agreement States, the NRC will directly regulate SNM disposal in objectives 1. and 2. above, and will rely, to the extent practicable, on Agreement State programs to help regulate SNM disposal so as to meet objective 3. In more detail, the above three areas are distributed among twelve individual subjects that LLW regulation addresses. These subjects, and the NRC activity in each, appear in Enclosure 1.

In both Washington and South Carolina, NRC will be relying on the State to effectively regulate overall disposal facility design, construction, and operations. Therefore, NRC must ensure through its Agreement State oversight program that the State's program for regulation of source and byproduct

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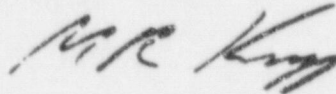
Hugh L. Thompson, Jr.

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material is also adequate for the disposal of SNM, assuming all these classes of material are disposed of in the same disposal unit. To effectively discharge this responsibility, LLWM staff will participate in the NRC reviews of the State's program to review activities and ~~quality~~ <sup>acceptability</sup> of licensing (including SER or comparable documentation) involving ~~operation~~ <sup>management</sup> of the Hanford and Barnwell disposal facilities. Problem areas will be identified to the State and corrective actions requested of the State will receive NRC follow-ups. If a situation should develop where we believe the State is not effectively discharging its responsibilities to protect the public health and safety in a manner that also ensures proper disposal of SNM, the NRC will independently conduct a review to judge the acceptability of those aspects of disposal facility operations and take appropriate action with respect to the SNM aspect, as well as any required follow-up with respect to the State Program.

In order to implement this approach, the staff will omit from the SNM license specific and detailed conditions relating to those areas where State regulation has been deferred to. The NRC special nuclear material license will be conditioned to require that, unless otherwise specifically authorized by the NRC license, special nuclear material LLW will only be received and disposed of in accordance with design, construction and operating procedures approved by the State. The procedure will be incorporated by reference into the NRC license so as to allow for NRC enforcement, if necessary.

Given the shared responsibility of the NRC and State for disposal facility regulation, periodic inspections of disposal facility activities can be jointly conducted. Enforcement of requirements relating to overall disposal facility design, construction, and operations shall be taken by the State with coordination, as necessary, with NRC staff. Enforcement of requirements relating specifically to SNM will be taken by the NRC. In conjunction with the Office of Governmental and Public Affairs, the LLWM staff will explore the utility of an agreement, under Section 2741 of the Atomic Energy Act, to cover inspections of SNM disposal at State licensed disposal facilities.



Malcolm R. Knapp, Director  
Division of Low-Level Waste Management  
and Decommissioning

Enclosure:  
As stated

Approved:  
Hugh L. Thompson, Jr., Director

Date



ENCLOSURE 1

Subject

NRC Regulatory Activity

Staff  
Qualification  
and Training

NRC must assure that licensee staff are trained and qualified to comply with SNM criticality requirements and security provisions.

Waste Form  
and  
Classification

NRC direct review will be limited to ensuring that criticality criteria of the waste form and package are met.

Site Operations

The NRC must ensure that receipt, transportation, storage, and disposal of SNM does not result in criticality or reduce the level of physical security.

Physical  
Security

The NRC must ensure that physical security is appropriate to prevent misuse of SNM through diversion or sabotage.

Performance  
Assessment

The NRC will review this subject to assure that post-closure migration of SNM radionuclides are covered and to determine whether any requirements specific to SNM are needed.

Environmental  
Impacts

The NRC will evaluate incremental environmental impacts of SNM receipt and disposal per 10 CFR Part 51.

Radiation Protection

The NRC must ensure that the licensee's radiation protection program is adequate to afford worker protection with regard to SNM insofar as incremental protection over and above that which is required by the State for source and byproduct material is necessary.

In the following areas, the NRC will rely on the Agreement State's regulatory program:

Disposal Unit Design & Construction  
Environmental Monitoring Program  
Facility Closure  
Institutional & Financial  
Site Utilization Plan

As periodic program reviews are conducted, the NRC staff will specifically review any license or Agreement State documentation supporting any licensing actions for disposal. The staff will also assure that the program remains adequate for the disposal of SNM, assuming that all three types of material are disposed of in the same disposal unit.





UNITED STATES  
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

APR 04 1996

Mr. Joe Virgona  
U.S. Department of Energy  
Albuquerque Operations Office  
Grand Junction Projects Office  
P.O. Box 2567  
Grand Junction, CO 81502

Dear Mr. Virgona:

In response to your request during our telephone conference on March 19, 1996, I have developed the enclosed list of candidate sites for long-term institutional control and DOE custody. You should note that the enclosed information is highly speculative, and is contingent on the outcome of environmental impact statements and license reviews. This is especially true of the dates. Fuel facilities are not included because we do not have any proposal from any licensees in hand at this time. Thus, there may be additional sites. We will keep you apprised as we develop new information.

Please call me at (301) 415-7297 or Judi Greenwald at (301) 415-6635, if you have further questions.

Sincerely,

A handwritten signature in cursive script, reading "Michael F. Weber".

Michael F. Weber, Acting Deputy Director  
Division of Waste Management  
Office of Nuclear Material Safety  
and Safeguards

Enclosure: As stated

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Enclosure

Possible Candidates for Long-Term  
Federal Custody after Decommissioning

March 19, 1996

Site Name and Location	Radioactive Material	Projected Transfer Date	State Involvement
Babcock and Wilcox, Shallow Land Disposal Area, Parks Township, Pennsylvania	Enriched uranium wastes	2000	Yes
Cabot Corporation, Slag Dump Site, Reading, Pennsylvania	Thorium and uranium in slag	2002	Yes
Fansteel, Inc., Muskogee, Oklahoma	Thorium and uranium in processing residues	2001	Yes
Molycorp, Inc., Washington, Pennsylvania	Thorium and uranium in slag	2000	Yes
Safety Light Corporation, Bloomsburg, Pennsylvania	Mixed fission products, tritium, and radium in waste	2000	Yes
Sequoyah Fuels Corporation, Gore, Oklahoma	Uranium and radium in residues and wastes	2004	Yes
Shieldalloy Metallurgical Corporation, Cambridge, Ohio	Thorium, uranium, and radium in slag	1999	Yes
Whittaker Corporation, Greenville, Pennsylvania	Thorium and uranium in slag	2002	Limited to date
Wyman-Gordon Company, North Grafton, Massachusetts	Thorium and uranium in slag	2003	Yes
Hartley & Hartley Landfill, Bay County, Michigan	Thorium slag	2005	Yes



Kerr-McGee Cushing Plant, Cushing, OK	Thorium and uranium	2005	Yes
Minnesota Mining and Manufacturing Company, Pine County, MN	Thorium and uranium	2005	Yes
Kaiser Aluminum Specialty Products, Tulsa, OK	Thorium slag	2005	Yes