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November 3, 1999

Frederick C. Combs, Deputy Director
Office of State Programs
U.S. Nuclear regulatory Commission
Washington, D.C. 20555-0001

Dear Mr. Combs:

In response to your request for Technical Information (SP-99-074) dated November 2, 1999, I offer the following responses.

42. Arizona utilizes the following definitions:

"By-product material" means:

Any radioactive material, except special nuclear material, yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material; and

The tailings or wastes produced by the extraction or concentration of uranium or thorium from ore processed primarily for its source material content, including discrete surface wastes resulting from uranium or thorium solution extraction processes. Underground operations do not constitute "by-product material" within this definition.

"Disposal" is not defined. However §§R12-1-434 through R12-1-441 of Arizona Administrative Code which is equivalent to §§10CFR20.2001 through 20.2007 does address and effectively define disposal, release limits and waste transfers.

"Effluent release" means any disposal or release of radioactive material into the ambient atmosphere, soil or any surface or subsurface body of water.

"Release limit" see "Disposal" above.

"Transfer" see "Disposal" above.

"Waste" see "Disposal" above. In addition the definition of "Waste" refers to "Low-level waste." "Low-level waste" means waste material which contains radioactive nuclides in concentrations or quantities which exceed applicable standards for unrestricted release but does not include:

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High-level waste, such as irradiated reactor fuel, liquid waste from reprocessing irradiated reactor fuel, or solids into which such liquid waste has been converted;

Waste material containing transuranic elements with contamination levels greater than 10 nanocuries per gram (370 kilobecquerels per kilogram) of waste material;

The tailings or wastes produced by the extraction or concentration of uranium or thorium from any ore processed primarily for its source material content.

43. As stated in the letter, the legal requirements on an Agreement State is not correct since Congress has not defined "compatible." Further, in the case of Arizona we have used the same standards as the NRC for determining release limits, see "Disposal" in responding to 42 above.

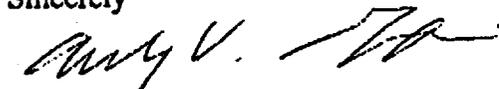
(a) It is possible that for a specific set of circumstances an Agreement State may conclude that the release standards as provided in §§10CFR20.2001 through 20.2007 are inadequate and further restrict the release of radioactive materials. This further reduction is recognized in §10CFR20.1301 (e), which is referenced in §10CFR20.2001. In theory, it is possible for an applicant to the NRC or an Agreement State to request a higher limit upon showing that the exposure to any individual will not exceed the limits upon which the release limits are based, as a practical matter, the proof standard is likely to be too high.

(b) If a state could show that a released material is resulting in an exposure to the public in excess of the exposure limits upon which the NRC release limits are based, then an Agreement State could add further restrictions upon any released material whether Agreement State or NRC licensed.

(c) I am unaware that Tennessee violated the NRC release standards. The concentration of the material released by Tennessee is less than that specified in NRC regulations, §10CFR20.1301.

Thank you for the opportunity to respond to this request.

Sincerely



Aubrey V. Godwin
Director