

**FRED HEINEMAN**

4TH DISTRICT, NORTH CAROLINA

BANKING AND FINANCIAL SERVICES

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TASK FORCE ON CRIME**Congress of the United States  
House of Representatives**

Washington, DC 20515-3304

April 19, 1995

PLEASE RESPOND TO:

☐ 1440 LONGWORTH HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515  
(202) 225-1784☐ 18 EAST ROWAN STREET, #308  
RALEIGH, NORTH CAROLINA 27609  
(919) 571-4661

Mr. Dennis Rathbun  
Director of Congressional Relations  
Nuclear Regulatory Commission  
11555 Rockville Pike  
Rockville, Maryland 20852

Dear Mr. Rathbun:

As the Congressional Representative from the 4th District of North Carolina, encompassing Chatham, Orange, and Wake counties, I am concerned about the health, safety, and economic well-being of the citizens of my district and the rest of North Carolina.

In order to educate myself and my staff on the pertinent issues I would like your office to provide my office information relevant to the following two items:

1. Overrule of state safety standards. The Raleigh News & Observer, on December 23, 1994 published a story describing a "...proposal before the Nuclear Regulatory Commission would allow the NRC to overrule state safety standards that are stricter than federal rules..." Please forward to me the details of this proposal and its current status.
2. Spent Fuel Rods. These rods are currently being stored in pools on site at existing reactor sites. Please forward to my office information about which reactor sites have pools and how much radioactive material is stored at each site. In particular, include where each reactor's spent fuel rods are currently being stored, and the storage plan for spent fuel rods generated in the future.

Thank you for your cooperation in this matter. I look forward to working with you in the future to help protect all Americans.

Sincerely,

Fred Heineman, M.C.

FH:rs

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Dec 23 1994: U.S. eyes states' waste site rules

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Page: A3 Section: News Edition: Final

Day: Friday

Subject: NC; waste; proposed

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Headline: U.S. eyes states' waste site rules

Summary: To speed up disposal projects, the Nuclear Regulatory Commission is considering overruling safety standards and turning control over to private owners.

Byline: STUART LEAVENWORTH

Source: STAFF WRITER

Text:

As North Carolina nudges forward with a proposed nuclear waste site in Wake County, federal officials are changing their policies on how states can control and regulate such repositories.

One proposal before the Nuclear Regulatory Commission would allow the NRC to overrule state safety standards that are stricter than federal rules on low-level radioactive waste.

Another would allow private companies to assume full ownership of such waste facilities. Currently, states are required to own low-level radioactive waste landfills for the centuries it takes waste to decay.

Federal officials say they are interested in removing barriers that might block waste disposal projects nationwide. But in North Carolina, the proposed policy changes have alarmed citizen groups monitoring studies of the Wake site, about 20 miles southwest of Raleigh.

State regulators also are worried. Dayne Brown, the radiation officer who has final say on the Wake site, says the NRC's plans could result in federal "micro-management" of the waste project, adding to current licensing delays.

At worst, he said, the NRC rules could result in the federal government overturning legitimate safety rules set by North Carolina.

The federal action comes as nuclear power plants, industries and research institutions face a disposal crunch for their low-level radioactive waste. Under a law Congress passed in 1985, states were supposed to build regional waste repositories by 1993. Then the date was set back to 1996.

Now, because of public opposition and environmental concerns, it appears that no new waste repositories will be open before 1998, with California and North Carolina leading the pack.

The North Carolina facility, which is slated to take 11 million cubic feet of low-level waste from eight southeastern states, faces concerns about faults and fractures under the Wake site. As a result, a state authority developing the project doesn't expect a license decision from Brown's office until 1996.

Even then, the answer could be "no."

Steve Saloman, a Nuclear Regulatory Commission physicist in Washington, said the NRC became concerned a few years ago when Illinois, a host state for a low-level waste disposal site, passed strict limits on the amount of radiation that could be released from a repository. Illinois' exposure limits were 25 times more stringent than what the NRC recommends.

"There has been a concern that some states have been going

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Background  
info. This  
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Congressman  
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overboard," said Saloman, who works in the NRC's office of state programs in Washington. North Carolina's exposure limits are the same as the NRC's, but its regulations differ in other areas. North Carolina, for example, requires that a license applicant construct barriers to contain the waste within the disposal site. The federal rules have no such requirement.

In the last year, the NRC has prepared a "draft guidance policy" to ensure that state regulations are compatible with federal rules. States found to have "incompatible" rules could lose their authority to set and enforce regulations on disposal sites.

Even if the NRC finds North Carolina's statutes to be compatible, waste site opponents fear the rule change could hurt the state's legal standing if a waste site were rejected.

"Once these rules are in writing, lawyers for the Southeast Compact or waste generators could use them to challenge North Carolina's laws," said Mary MacDowell, a Chatham County employee who is reviewing the waste site.

Environmental groups also object to an NRC rule change that would allow private companies to own low-level radioactive waste sites. In nearly all states, including North Carolina, private companies such as Chem-Nuclear Systems Inc. can operate low-level waste repositories, but cannot own the property in perpetuity.

Critics say the NRC rule change would undermine the public's ability to ensure that disposal sites are monitored for leaks over several centuries.

"I am highly doubtful that any of the companies planning to build these waste landfills will be around in 100 years," said Carl Rupert, a researcher for the N.C. Clean Water Fund, an environmental group.

#### ###Waste site update

Chem-Nuclear Systems wants to conduct more studies of a proposed site for the Southeast's low level radioactive waste.

Southeast Compact Commission will decide at a Jan. 13 meeting whether to grant \$12 million for additional studies.

Nuclear Regulatory Commission is considering rule changes to speed up such disposal projects.

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