



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

JAN 18 1985

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Howard Henderson, Chairman
Fall River Citizens Against the Nuclear Dump
Route 1, Box 2
Provo, South Dakota 57774

Dear Mr. Henderson:

Your letter to Mr. Wayne Kerr, Director, NRC's Office of State Programs, expresses concerns regarding Chem-Nuclear's efforts to establish a low-level radioactive waste disposal facility near Edgemont, South Dakota.

It appears that the citizens of South Dakota, by voting approval of the referendum, wish to have the final say as to whether or where a low-level radioactive waste disposal site may be established. Once that part of the process is decided, the Nuclear Regulatory Commission (NRC) would apply the criteria in its regulations in evaluating any application for a waste disposal site and facility.

Before any such facility can be established, the persons proposing to build and operate the facility must perform and document activities designed to demonstrate that the site is suitable for waste disposal. The site and facility so proposed must comply with technical and performance requirements contained in regulations of either the Nuclear Regulatory Commission or a regulating NRC Agreement State. A license is issued by the cognizant regulatory authority to build and operate the facility only on satisfactory findings resulting from a rigorous and complete evaluation of information supplied by the persons proposing the facility. The licensing process will likely provide opportunity for public hearing of all legal, technical and environmental issues in contention.

I am enclosing a copy of the NRC regulation which applies to the licensing of a waste disposal facility such as that which may eventually be proposed for South Dakota. Note that one of the requirements in the regulation is that commercial waste disposal facilities must be sited on land owned by either the Federal or a State government.

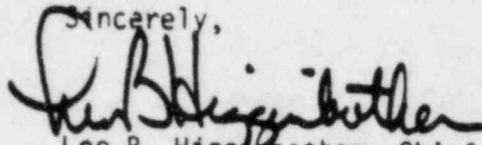
NRC's regulatory responsibility requires it to ensure in its regulatory process that operation of any nuclear facility is conducted in a manner which provides protection of the public health and safety and the environment. Therefore, before any disposal facility is built and operated, questions regarding health

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and safety and environmental implications must be addressed in a manner which satisfies NRC (or State) regulations.

If you have further questions, you may call me (301/427-4434) or Mr. Kenneth C. Jackson (301/427-4500).

Sincerely,



Leo B. Higginbotham, Chief
Low-Level Waste and Uranium Recovery
Projects Branch
Division of Waste Management

Enclosure:
10 CFR Part 61

cc: Wayne Kerr, Director OSP ✓
 wo/encl.

(S.D.)

[Handwritten signature]

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REMARKS

I think it would be more appropriate
for you to reply to this letter.

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