



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION III
789 ROOSEVELT ROAD
GLEN ELLYN, ILLINOIS 60137

APR 23 1992

MEMORANDUM FOR: Hugh L. Thompson, Jr., Deputy Executive Director for Nuclear
Materials Safety, Safeguards, and Operations Support

FROM: A. Bert Davis, Regional Administrator, RIII

SUBJECT: ANSWERS TO CONGRESSMAN MILLER'S QUESTIONS REGARDING DOE
DISPOSAL OF RADIOACTIVE CONTAMINATED WASTE (LETTER TO NRC
CHAIRMAN DATED APRIL 1, 1992)

This is in response to your April 6, 1992, memorandum to all Regional Administrators regarding the subject congressional letter to Chairman Selin. We have worked very closely with Mr. John Hickey in preparation of answers to this congressional inquiry.

My staff first became aware of this matter in January 1992, when we received a letter (undated) on January 22, 1992, from DOE headquarters discussing the two suspect facilities in Ohio, CECOS landfill and S. D. Meyers oil waste and treatment facility. On February 14, 1992, Mr. W. L. Axelson contacted Mr. Lee Stevens of DOE to get further clarification for the two Ohio facilities. Mr. Lee Stevens indicated that all materials shipped to the Ohio facilities were DOE originated waste from its Oak Ridge Operations (Portsmouth, Ohio and Paducah, KY). He further stated that the NRC would be getting a breakdown of manifest specifics of these shipments and DOE will be performing further dose assessments of the Ohio waste, and depending on its dose assessments, DOE would conduct surveys and remediate the site, if warranted. DOE also informed us that appropriate congressional and state agencies were notified including Ohio EPA, however, DOE did not notify Ohio Department of Health. We requested and they agreed to notify the Ohio Department of Health. This information was provided to Mr. John Hickey and it was agreed that NMSS headquarters would take the agency lead on this matter because it involves several states.

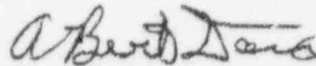
Our preliminary review of the DOE data for the Ohio facilities shows very low levels of enriched uranium (approximately 1.7 mCi) which was disposed in drum volumes totally about 81,000 kilograms (about 90 tons). Most of this material (about 50%) was shipped in the 1984 timeframe to the CECOS landfill in Williamsburg, Ohio, and according to CECOS, this material was subsequently buried in that landfill.

Hugh L. Thompson

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This landfill is currently closed. Accordingly, my staff believes this represents a minimal risk to public health and safety.



A. Bert Davis
Regional Administrator

cc: J. Taylor, EDO
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Regional Administrators
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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20565

April 24, 1992

The Honorable George Miller, Chairman
Committee on Interior and
Insular Affairs -
United States House of
Representatives
Washington, D. C. 20515-6291

Dear Mr. Chairman:

The Commission is responding to your letter of April 1, 1992, regarding the shipment of various wastes containing low levels of radioactive contamination from Department of Energy (DOE) facilities to waste processors not licensed to handle radioactive materials. You asked several questions regarding the Nuclear Regulatory Commission's responsibility to enforce the Atomic Energy Act in non-Agreement States. The answers to your questions are enclosed.

Sincerely,

Ivan Selin

Enclosure:
As stated

cc: Rep. Don Young

Originating Office: EDO/NMSS
Ref: CR-92-071
(Commission Correspondence)

*See previous concurrence			
OFFICE	SEGY	OCA *	OCM
SURNAME	DMassburg	LPortner	REN
DATE	4/24/92	4/24/92	4/24/92

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NRC STAFF RESPONSES TO QUESTIONS FROM
THE HONORABLE GEORGE MILLER

QUESTION 1: When did the NRC first learn that unlicensed treatment, storage, and disposal facilities (TSDs) had been handling special nuclear and byproduct materials from DOE weapons complexes? How did the NRC learn of these shipments?

ANSWER:

Based upon staff notes and recollections reviewed as of this date, we conclude that NRC staff first learned of such shipments in late April or early May 1991, by telephone from a newspaper reporter, who specifically identified an unlicensed facility in Louisiana, an Agreement State. Also, a DOE staff member informed the NRC staff in May 1991 of the shipments and indicated that there were probably other shipments to facilities in both Agreement and non-Agreement States. DOE also indicated that it had imposed a moratorium on waste shipments, would evaluate past shipments, would inform NRC of the results, and would take remedial action as appropriate. DOE later provided specific data on waste sent to Louisiana showing the waste to be slightly contaminated with enriched uranium and technetium, but not at levels posing a public health hazard warranting NRC intervention.

The NRC staff has followed the actions taken by Louisiana health officials to confirm that DOE waste shipments were terminated. Louisiana inspected the disposal facility and did not find any contamination in ash residue from the incinerated waste. NRC has also monitored actions taken by three other Agreement States: Texas in July 1991, and Arkansas and Kansas in early 1992.

In January 1992, DOE notified NRC of past waste shipments from its Oak Ridge facilities to two unlicensed facilities in Ohio, a non-Agreement State, plus several Agreement States. Review of the data provided by DOE indicated that the waste was slightly contaminated with enriched uranium and technetium, and did not pose a health hazard warranting NRC intervention. NRC made follow-up contacts with DOE, and DOE confirmed that they would perform additional evaluations and provide NRC with the results. Subsequent contacts with DOE have affirmed this commitment.

QUESTION 2: Has the NRC investigated possible violations of the Atomic Energy Act by TSDs receiving waste from DOE complexes? Please provide full and complete details of all investigations.

ANSWER:

Except to support the ongoing DOE Inspector General's investigative effort, NRC has not conducted any investigation of disposal of DOE waste. The DOE Inspector General has requested the assistance of the NRC Inspector General with respect to a DOE investigation of waste disposal in Louisiana, an Agreement State, and the NRC Inspector General is providing assistance. The DOE investigation is still pending. NRC intends to review the results of the DOE investigation for new information about waste disposal in non-Agreement States and take any regulatory action warranted to protect the public health and safety.

QUESTION 3: What procedures has NRC put in place to make certain that DOE does not ship nuclear and byproduct waste to unlicensed facilities? What procedures should DOE put in place to make certain that such shipments do not occur in the future?

ANSWER:

With certain exceptions, DOE facilities are exempt from NRC regulation. Inherent in DOE's operating authority are the necessity and responsibility to make decisions regarding release of airborne effluents, liquid effluents, equipment, and waste which may contain slight levels of radioactive contamination. DOE is responsible for assuring that appropriate criteria are established for releasing slightly contaminated waste to unlicensed facilities, and that waste is properly monitored for compliance with the criteria prior to release. Furthermore, DOE is also obligated to ensure that the parties to whom the waste is to be transferred hold a valid license or do not require one.

In general, NRC has statutory authority to regulate only the private facilities who may be receiving slightly contaminated DOE waste. DOE has identified about 150 such potential recipient facilities, and there could be more. The resources required to inspect and evaluate DOE disposals at all of these facilities would be large, and the potential public health hazard associated with waste contaminated at very low levels is small. Nevertheless, the NRC staff will inspect or evaluate DOE disposals at commercial facilities in non-Agreement States if there is an indication of a threat to the public health and safety.

QUESTION 4: What other action has the NRC taken to ensure that the Atomic Energy Act is currently being enforced?

RESPONSE:

NRC is prepared to take and will take any appropriate action necessary to protect the public health and safety with respect to radioactive material under our jurisdiction, including actions at unlicensed facilities in non-Agreement States who receive DOE waste. It is our understanding that DOE has imposed a moratorium on suspect waste shipments which remains in effect, is evaluating past shipments with respect to public health significance, will continue to advise the NRC staff of the results, and will take remedial action where warranted. Thus far, the levels of radioactive contamination that DOE has identified are very slight and do not appear to pose a threat to public health and safety such that NRC intervention is warranted.