



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

January 17, 1997

James M. Pappas, Chief
Northern California Permitting Branch
Department of Toxic Substances Control
California EPA

Dear Mr. Pappas:

I am responding to your letter of November 16, 1996, to Leonard J. Callan. In that letter, you noted that past approvals granted by the NRC and the State of California had allowed the disposal of very low level radioactive wastes at Class I hazardous waste disposal facilities in California. In your letter, you asked, "Can this approval be interpreted to mean that the waste was not subject to the federal Atomic Energy Act, even though it was a radioactive waste?"

In granting these approvals, the NRC allowed the disposal of sludge containing very low concentrations of radionuclides at a chemical waste disposal site. These approvals were based upon an NRC review of the sludge to evaluate the concentration levels of radionuclides and the potential pathways for exposure to workers and members of the general public. The NRC determined that the concentration levels of radionuclides in the sludge were so low that doses to members of the public and workers were well below regulatory limits and thus would cause no significant exposure. By performing these evaluations and reaching these conclusions, the NRC acted within its authority under the Atomic Energy Act in regulating the radionuclides found in the sludge. Thus, the NRC approvals cannot be interpreted to mean that the radioactive waste was not subject to the federal Atomic Energy Act.

You also requested a list of NRC licensees in California which had obtained the NRC's approval to dispose of low level radioactive wastes at Class I hazardous waste landfills in California. By letter dated December 23, 1996, we informed you that our initial search had not located records of any NRC approvals other than those you are aware of regarding the Humboldt Bay facility.

Subsequently, we performed an extensive computer search of our database to determine if there were any additional NRC-licensed facilities (power reactors and materials users) in the State of California that disposed of low level radioactive wastes at hazardous waste disposal sites in California. No records, other than those for Humboldt Bay, were found.

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James M. Pappas

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January 17, 1997

It is also important to note that California now maintains an Agreement State status with the NRC. As such, radioactive material users in California are required to receive approval from the appropriate California state agency to dispose of low level radioactive waste in a location other than at a licensed low level waste disposal site. Neither the State nor the radioactive material user is required to obtain NRC approval for such disposal. The NRC does not have records of waste disposals approved by Agreement States.

I hope this information is responsive to your request.

Sincerely,

Original signed by:

Thomas T. Martin, Director
Division of Reactor Program Management
Office of Nuclear Reactor Regulation

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I hope this information is responsive to your request.

Sincerely,

A handwritten signature in dark ink, appearing to read "Thomas T. Martin". The signature is fluid and cursive, with a large, stylized initial "T" and "M".

Thomas T. Martin, Director
Division of Reactor Program Management
Office of Nuclear Reactor Regulation