

239

RECORD #239

TITLE: Clarification of Generic Letter 81-38, "Storage of Low Level Radioactive Wastes at Power Reactor Sites"



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

JAN 31 1996

*Jim*  
HPPOS

MEMORANDUM TO: Malcolm R. Knapp, Director, DRSS, Region I  
J. Philip Stohr, Director, DRSS, Region II  
Charles E. Norelius, Director, DRSS, Region III  
A. Bill Beach, Director, DRSS, Region IV  
Ross A. Scarano, Director, DRSS, Region V

FROM: LeMoine J. Cunningham, Chief  
Radiation Protection Branch  
Division of Radiation Protection  
and Emergency Preparedness  
Office of Nuclear Reactor Regulation

Paul Lohaus, Chief  
Low-Level Waste Management Branch  
Division of Low Level Waste Management  
and Decommissioning  
Office of Nuclear Material Safety & Safeguards

SUBJECT: CLARIFICATION OF GENERIC LETTER 81-38, "STORAGE OF LOW LEVEL  
RADIOACTIVE WASTES AT POWER REACTOR SITES"

A recurring question from both Regional inspectors and Headquarters reviewers over the years has been the intent of Generic Letter 81-38, "Storage of Low-Level Radioactive Wastes At Nuclear Power Reactor Sites" concerning whether nuclear power reactor licensees are required to limit the storage time for their radioactive waste, generated by normal reactor operation and maintenance, to five years or less. Generic Letter 81-38 reflects the position of the Commission (enclosure 1) that all NRC licensees should minimize the on-site storage period of its low-level radioactive waste (LLW). However, the Commission recognizes that reactor licensees need to have interim (short-term) storage capability while disposal capacity is being developed by the States. The intent is that reactors who construct storage facilities, or expand existing facilities, with the intention of storing waste for more than five years should obtain a separate Part 30 license. The guidance provided in the generic letter was not intended to be applied to single packages or just a few packages of waste. Likewise, radioactive components such as replaced steam generators or heat exchangers, generated through non-routine maintenance, were not intended to be included within the scope of Generic Letter 81-38. With respect to this guidance, however, it is important to recognize that the Commission is presently considering a number of LLW storage issues, including factors that should be addressed in deciding whether to authorize storage beyond January 1, 1996. These activities are being undertaken as a part of their evaluation of possible Commission actions that should be taken in response to the 1996 title transfer and possession provisions of the Low-Level Radioactive Waste Policy Amendments Act of 1985. The Commission's activities in this area may result in further guidance on and conditions affecting storage of LLW.

With regard to enforcement implications, Generic Letter 81-38 itself can not be used as a basis for citing licensees for storing their normally generated low-level radioactive waste past a defined time period (e.g. 5 years). However, storage of such waste beyond the period allowed by the license (if specified)

or referenced in the FSAR, without amending the license, or performing a 50.59 evaluation and submitting the UFSAR in accordance with 50.71(e), may be a basis for enforcement action. In addition, Headquarters would like to be notified of any cases where reactor licensees are storing low-level radioactive waste, generated from normal operation and maintenance, for more than 5 years without a Part 30 license, even if there is no violation of NRC requirements. Please report such cases to either Paul Lohaus (x20553) or James Kennedy (x23401) of LLWM, NMSS.

LeMoine J. Cunningham, Chief  
Radiation Protection Branch  
Division of Radiation Protection  
and Emergency Preparedness  
Office of Nuclear Reactor Regulation

Paul Lohaus, Chief  
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Enclosure:  
As stated

Contact: Joseph Wang, NRR  
49-21848

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UNITED STATES  
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Enclosure 1

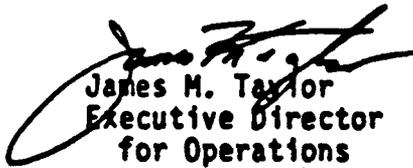
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MEMORANDUM FOR: Thomas E. Murley, Director, NRR  
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FROM: James M. Taylor  
Executive Director for Operations

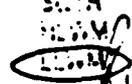
SUBJECT: COMMISSION POSITION ON LONG-TERM, ON-SITE STORAGE OF  
LOW-LEVEL RADIOACTIVE WASTE

Enclosed for your information is a recent letter from the Chairman to Ms. Cindy Monaco which reflects the Commission position on long-term on-site storage of low-level radioactive waste. Please use this as appropriate if you need to characterize the Commission position on this matter.

  
James M. Taylor  
Executive Director  
for Operations

Enclosure:  
As stated

cc: OGC

INFORMATION FOR ONLY	
Bernero	
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For 3/20	
cc: NMNS	SG
SOFR	SG
MEM	PAB
	
Over This Hr. Class.	
NMNS' Response to EDO	
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UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20555

July 20, 1990

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Ms. Cindy Monaco  
Cortland County Planning Department  
60 Central Ave.  
P.O. Box 5590  
Cortland, New York 13045

Dear Ms. Monaco:

I am responding to your June 4, 1990 letter, in which you questioned the basis for the Commission's statement that it will not look favorably on long-term, on-site storage of low-level radioactive waste (LLW) beyond January 1, 1996. In view of your concerns, I will briefly explain our intent in formulating our position on this matter.

The Commission's statement reflects the intent of Congress in the Low-Level Radioactive Waste Policy Amendments Act of 1985, which encourages States to take appropriate actions to ensure that disposal capacity is available by January 1, 1996. The Commission, like the States, is responsible for carrying out the provisions of this law. NRC approval of long-term, on-site storage as a substitute for development of new disposal capacity would clearly be inconsistent with the 1985 Act.

I want to emphasize that our statement applies to long-term storage used as a means to avoid the clear intent of the law. The Commission recognizes that licensees need to have interim (short-term) storage capability while disposal capacity is being developed by the States. In the interest of protecting the public health and safety and maintaining occupational exposure as low as reasonably achievable, however, we believe that the length of time that LLW is placed in storage should be minimized. Enclosed for your information is an assessment prepared for the NRC by the Brookhaven National Laboratory of technical problems attendant to the extended storage of LLW.

The Commission will continue to follow the progress of the States in developing new LLW disposal facilities. We will work to resolve emerging issues to help ensure a stable regulatory framework consistent with safety and timely compliance with the

Originated: NMSS:Lohaus

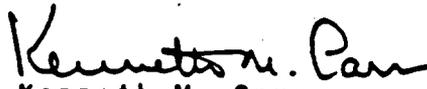
Ms. Cindy Monaco

2

Low-Level Radioactive Waste Policy Amendments Act of 1985.  
The Commission is confident that LLW disposal facilities licensed  
in accordance with NRC's regulations in 10 CFR Part 61 or  
compatible State regulations will fully protect the public health  
and safety and the environment.

I hope these comments and the enclosed information clarify our  
position on this matter.

Sincerely,

  
Kenneth M. Carr

Enclosure:  
NUREG/CR-4062

cc: E. Gleason  
NY State Liaison Officer

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# Extended Storage of Low-Level Radioactive Waste: Potential Problem Areas

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