

**1988
Rationale for Revisions**

**Part M
Licensing Requirements for Land Disposal of Radioactive Waste**

Introduction

Part M was added to Volume I (Ionizing Radiation) of the Suggested State Regulations for Control of Radiation (SSRCR) in 1984 as a new Part concerning the issuance of licenses authorizing the disposal of low-level radioactive waste by means of land burial. In connection with the addition of Part M, the manifest system compatible to Section 20.311 in 10 CFR Part 20 was included in Section D.311 of Part D. Several definitions that were included in the original Part M should have been placed in Part A as these terms are used in both Part D and Part M and, in several cases, only in Part D.

Specific Provisions

M.2 Definitions. The following terms have been deleted from Part M and placed in Part A: "Chelating agent", "Explosive material", "Hazardous waste", "Pyrophoric liquid", and "Waste". Except for the definition of "waste", these terms are only used in Section D.311.

M.12 Conditions of Licenses. New Paragraphs (i) and (j) have been added to Section M.12 that require the licensee to notify the Agency following bankruptcy as a result of amendments to the U.S. Nuclear Regulatory Commission (NRC) regulations published in the Federal Register on January 12, 1987 (52 FR 1292) and became effective on February 11, 1987.

M.25(a)(8) Near-Surface Disposal Facility Operation and Disposal Site Closure. The reference to Paragraph M.26(d) in this subparagraph of Part M of the SSRCR Interim Revision was corrected to Paragraph M.26(c) for this edition of the SSRCR.

M.26(a) Environmental Monitoring. Paragraph (a) of Section M.26 was revised for this edition of the SSRCR by adding "including geophysics and geotechnical engineering" following the word "geology" so that the second sentence of Paragraph M.26(a) now reads as follows: "The applicant shall obtain information about the ecology, meteorology, climate, hydrology, geology including geophysics and geotechnical engineering, geochemistry, and seismology of the disposal site."

M.31(e) Funding for Disposal Site Closure and Stabilization. Paragraph M.31(e) of Part M in the SSRCR Interim Revision required that financial or surety arrangements "shall be written for a specified period of time and shall be automatically renewed....". This did not include the provision of 10 CFR 61.62(e) that allows such arrangements to be open-ended. As this is a general requirement that applies to all allowable financial arrangements, including trust agreements and escrow accounts as well as surety bonds, the open-ended provision is needed. Thus, the first sentence of this paragraph was revised by adding the wording "either open-ended or be" so that the sentence now reads: "The financial and surety arrangements shall be either open-ended or be written for a specified period of time and automatically renewed....".

M.32(a) Financial Assurances for Institutional Controls. Paragraph M.32(a) in the Interim Revision of Volume I (Ionizing Radiation) of the SSRCR required that binding arrangements for financial assurance during the institutional control period shall be reviewed annually by the Agency. The requirement in 10 CFR 61.63 is for periodic review. NRC believes that an annual review may be unnecessary and burdensome in many cases. The second sentence of paragraph (a) of Section M.32 was revised by replacing the word "annually" with the word "periodically" so that this provision would conform to 10 CFR 61.63 and only unspecified periodic review would be required.

M.34 Tests on Land Disposal Facilities. A new Paragraph (e) was added to Section M.34 as follows: "(e) Environmental sampling or testing." Editorial changes were made to Paragraphs (c) and (d) of Section M.34 as a result of the addition of the new Paragraph (e).

Matters for Future Consideration

1. NRC noted that in the Table of Contents, Sections M.30 and M.32 are subtitled "Financial Assurances" while equivalent Sections U.24 and U.25 of Part U (Licensing Requirements for Source Material Milling Facilities) are subtitled "Financial Assurance Specific Criteria." To be consistent, they suggest that both subtitles be renamed "Financial Assurance".
2. In Subparagraph M.25(a)(1) under Near-Surface Disposal Facility Operation and Disposal Site Closure, it is suggested that the word "placing" in the second line of that subparagraph be replaced by the word "placement".
3. Under Section M.31 on Funding for Disposal Site Closure and Stabilization, the first sentence of Paragraph M.31(a) states, "The applicant shall provide assurances prior to the commencement of operations that sufficient funds will be available....". Because it is possible that a State agency could receive an application for transfer of a license for an operating facility, NRC suggests that this sentence be amended to read, "The applicant shall provide assurances prior to the commencement of operations or transfer of the operating license that sufficient funds will be available....".