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FOR IMMEDIATE RELEASE
(Tuesday, August 15, 1995)

NOTE TO EDITORS:

The Nuclear Regulatory Commission has received two reports from its Advisory Committee on Nuclear Waste. The reports, in the form of letters, provide comments on the "Lesson Learned From the Ward Valley, California, Low-Level Waste Disposal Facility Siting Process," and "Regulations Pertaining to Contaminated Steel-Smelting Facilities and Disposal of Contaminated Baghouse Dust."

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Attachments:
As stated

August 10, 1995

The Honorable Shirley A. Jackson
Chairman
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Dear Chairman Jackson:

SUBJECT: LESSON LEARNED FROM THE WARD VALLEY, CALIFORNIA, LOW-
LEVEL WASTE DISPOSAL FACILITY SITING PROCESS

During its 75th meeting on July 26-28, 1995, the Advisory Committee on Nuclear Waste (ACNW) reviewed the National Academy of Sciences (NAS)/National Research Council report on the low-level waste disposal site at Ward Valley, California, and heard a presentation on this topic from a member of the NAS Panel. The Committee also has heard several presentations on issues related to the hearings held on the previously proposed low-level waste disposal site at Martinsville, Illinois, and several of the other proposed low-level waste disposal sites, e.g., Texas, Nebraska. This general topic is part of the waste facility reviews described in the Program Plan of the Committee transmitted to the Commission on November 10, 1993.

The Committee believes that the NAS report and the process used to formulate it were appropriate and thorough. The issues raised for and by the NAS Panel appeared largely to be pertinent and relevant to the health and safety of the public. The Ward Valley site has received intense technical and political scrutiny, and it is not our present purpose to comment further on these facets of the proceedings.

The ACNW has brought to the attention of the Commission lessons learned from the low-level waste facility-siting reviews and hearings that could be useful if applied elsewhere. This was part of the thrust of our interactions with the NAS Panel member during the presentation noted above. The NAS Panel identified a key lesson that the Committee strongly believes is broadly applicable; i.e., the process of developing information on a potential site of a low-level waste disposal facility should be accompanied, preferably from its initiation, by an independent, ongoing peer review that is focused on the scientific and technical quality and completeness of the field investigations, the analytical program, and the planning of the work that accompanies them. Such a review should be conducted by a recognized and demonstrably competent panel of experts.

One important benefit derived from the review process would be the identification of uncertainties and unrealistic assumptions in the site qualification analyses that could reasonably be subject to adverse reactions by licensing authorities or intervenors. Any site-evaluation process is expected to be a comprehensive and defensible technical analysis that supports conclusions about the suitability of a site. We believe that a peer review panel functioning as long as possible in parallel to the investigations would measurably enhance the quality of the final outcome and its visibility.

The Committee recognizes that the low-level waste sites to be developed in the near future are likely to be under the purview of Agreement States. Nevertheless, for those states in which a low-level waste facility is contemplated, the Committee believes the NRC staff should provide a plan that describes the process of forming such peer panels and the way in which their output can best be used. We believe this lesson, while stemming from the concerns about low-level waste facility siting, is broadly applicable to activities, especially in the siting area, in which the data-gathering and analytical processes are designed to yield readily defensible conclusions.

Sincerely,

/s/

Paul W. Pomeroy
Chairman

Reference:

"Ward Valley: An Examination of Seven Issues in Earth Sciences and Ecology," National Research Council, Washington, D.C., 1995

August 10, 1995

The Honorable Shirley A. Jackson
Chairman
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Dear Chairman Jackson:

SUBJECT: REGULATIONS PERTAINING TO CONTAMINATED STEEL-SMELTING
FACILITIES AND DISPOSAL OF CONTAMINATED BAGHOUSE DUST

The Advisory Committee on Nuclear Waste (ACNW) has received a letter, dated June 5, 1995, from James M. Taylor, Executive Director for Operations, as a response to our report dated April 28, 1995, to Chairman Selin about contaminated steel-smelting facilities and the disposal of contaminated baghouse dust. In reference to comments in the third paragraph of the letter from Mr. Taylor, we agree that a study of the regulatory program involved in this matter is desirable and that recommendations should be made to alleviate the deficiencies that appear to be extant. But, we believe that the one-year duration assigned for such a study reflects a pace that signals a lack of urgency on the part of the NRC. If the incidents that were discussed in some detail at the ACNW meeting were isolated ones, such a pace could perhaps be justified. However, the information provided to the Committee indicated that the incidents of inadvertent contamination are relatively frequent. We believe that this situation requires more concerted action on the part of the NRC and recommend that the working group's study be performed on a much shorter time schedule.

We continue to believe that the proper management of the large number of sources and the accompanying low-level waste is the province of the Agreement States, but in the matter of oversight, the responsibility of the NRC is to ensure that Agreement State programs are effective.

The Committee wishes to be kept informed on the progress of the study and the development of the NRC staff position regarding this type of waste. In the case of the latter staff effort, we recognize the potential difficulties attending the implementation

of any practical position developed by the staff and are prepared to provide assistance and review as may be useful.

Sincerely,

/s/

Paul W. Pomeroy
Chairman