

June 30, 2004

Dr. Alan Pasternak  
Technical Director  
California Radioactive Materials Management Forum  
P.O. Box 1638  
Lafayette, California 94549

Dear Dr. Pasternak:

I am responding to your May 11, 2004 letter to the Chairman of the U.S. Nuclear Regulatory Commission (NRC), in which you suggested that NRC prepare a "White Paper" on how the country can best address the potential need for assured, safe disposal of low-level radioactive waste (LLW) after the scheduled closure in 2008 of the LLW disposal facility in Barnwell, South Carolina. You noted that the California Radioactive Materials Management Forum (Cal Rad Forum) has proposed a federal solution to the national LLW disposal problem, considering that states have failed to develop new disposal facilities, and that the nation does not need a disposal facility in each compact. As described in an article attached to your letter which appeared in the September/October 2003 edition of *Radwaste Solutions*, you propose that Congress, in the near term, open the U.S. Department of Energy's LLW disposal facilities to disposal of commercial LLW and, in the longer term, authorize construction of a new facility for this purpose which would be licensed and regulated by the NRC. Finally, you noted that the U.S. General Accounting Office (GAO) is currently studying the national LLW disposal situation.

As you stated, the Commission's policy is that permanent disposal of LLW is preferred over indefinite storage. We agree that the future availability of disposal capacity and the costs of disposal under the current system remain uncertain and that LLW generators need predictability and stability in the national disposal system. We provided input to GAO on its June 9, 2004 report on the national LLW disposal situation. We are pleased that GAO and the Cal Rad Forum have focused attention on this important question of national policy.

The designation of the national policy for handling of LLW is a role that Congress has taken for itself. NRC, as an agency responsible for regulating and not promoting the use of nuclear materials, is responsible for assuring the national policy is implemented in a safe manner. We do not, therefore, believe that preparation of a White Paper to explore alternatives to the national policy established by Congress is an appropriate use of NRC resources. We believe that our regulations and actions we are currently implementing will adequately ensure

the safety and security of radioactive materials, including stored LLW. The NRC will continue to work cooperatively with Congress and others in their efforts to bring resolution to this important issue, consistent with its regulatory authority and mission.

Sincerely,

Jack R. Strosnider, Director  
Office of Nuclear Material Safety  
and Safeguards

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Sincerely,

/RA/

Jack R. Strosnider, Director  
Office of Nuclear Material Safety  
and Safeguards

This correspondence addresses policy issues previously resolved by the Commission, transmits factual information, or restates Commission policy.

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