



DSI-4 (12)

Pennsylvania Department of Environmental Protection

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October 24, 1996

Bureau of Radiation Protection



Mr. John Hoyle
Mail Stop T7F-27
US Nuclear Regulatory Commission
Washington, DC 20555-0111

SUBJECT: Review and comment on the NRC Strategic Assessment Issue Paper Summary - Low-Level Waste Program

Dear Mr. Hoyle

The Department believes that a reduction in the size of the NRC's Low-Level Radioactive Waste (LLRW) program is a reasonable option and is consistent with the overall goal for reducing the size of the Agency. However, the staff reduction as previously proposed in SECY-95-201, "Alternatives of Terminating the Nuclear Regulatory Commission Low-Level Radioactive Waste Disposal Program," is too large to maintain an effective and adequate LLW program.

The Department favors an effort between Option 3 (Retain Current Program Priorities), and Option 4 (Recognize Progress and Reduce Program) of the Strategic Assessment Issue Paper Summary. This level of effort would require states to assume somewhat greater self-sufficiency in LLW licensing. The LLW disposal sites currently operating, or under active development are in agreement states, or states planning to become agreement states. It appears that most, if not all, LLW disposal sites will be licensed by the agreement states. Through their individual agreements with NRC and their compatible (or more stringent) regulations to Part 61, those states maintain the authority and resources to regulate the development of LLW disposal facilities in a manner which will protect the public health and safety and the environment. Therefore, we do not favor a level of effort as large as proposed in Option 2 (Assume a Strong Regulatory Role in the National Program), which is the Commission's proposed preferred option. It is our opinion that Option 2 is not consistent with efficient and effective regulation.

Acknowledged by *stt* *10/31/96*
Car *SMS*

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-2-

October 24, 1996

It is imperative that the NRC retain some technical support functions to assist the states particularly, the non-agreement states through the licensing process. The NRC should also continue to maintain a reasonable interaction with outside groups, including participation in meetings with the LLW Forum, the Conference of Radiation Control Program Directors (CRCPD), and the Host State Technical Coordinating Committee (TCC).

Finally, the Department recognizes the need for reducing the NRC's research program for budgetary reasons however, we believe that the total elimination of the program, as proposed in Option 4, could have a detrimental effect on the states' efforts. We recommend that the NRC and the states cooperate to identify those areas that are vital to the states' LLW disposal facility development efforts and prioritize the research projects accordingly.

Sincerely,



Rich Janati
Chief
Division of Nuclear Safety