



DSI-5
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November 27, 1996



Mr. John C. Hoyle
Secretary of the Commissioner
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

ATTN: Chief of Docketing and Services Branch

Dear Mr. Hoyle:

The Texas Department of Health's Bureau of Radiation Control has reviewed several of the Direction Setting Issues Papers (DSI's) included in the U.S. Nuclear Regulatory Commission's (NRC) strategic and rebaselining initiative. Enclosed are our comments on the following DSI's:

DSI 2	DSI 9	DSI 14	DSI 23
DSI 4	DSI 12	DSI 20	DSI 24
DSI 5	DSI 11	DSI 21	
DSI 7	DSI 13	DSI 22	

We appreciate the opportunity to comment on these documents and to be part of the process.

Sincerely,

Richard A. Ratliff, P.E., Chief
Bureau of Radiation Control

Enclosures

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**Texas Department of Health
Bureau of Radiation Control
Comments on**

NRC DIRECTION SETTING ISSUE 5

LOW-LEVEL WASTE

All regulatory programs dealing with radioactive materials should remain in one federal agency. Consistency in approach and standards would be best served by keeping a strong central (and complete) program. Moving the low-level waste (LLW) program to EPA or another agency should not be an option considered by NRC. It would probably result in a diminution of expertise in the originating agency and a new LLW program that would lack depth and support in the receiving agency. NRC has not considered the consequences and the havoc this would create for the Agreement States who do have LLW responsibility, and have over the years worked diligently to assure the safe disposal of this waste.

Even though commercial LLW volume is decreasing, the need remains for safe disposal of all active LLW streams (present disposal capacity seems to be tied to political rather than technical controls). It appears that the number of LLW generators could increase because of the general growth of the economy and the development of new technologies using radioactive materials. The need would remain for the NRC to provide training, document review, oversight of developing waste disposal technologies (consolidation with DOE and oversight by NRC of DOE's LLW research efforts would probably save a few federal dollars), and regulatory program reviews. The NRC will not have to advocate new disposal capacity, waste disposal demand will find its own level. The NRC could reasonably justify the existence of a strong program if NRC accepted regulatory responsibility for DOE's LLW.

Safe disposal, rather than the acceptance of long-term storage, as described in Option 6, should receive greatest consideration. It would seem that the acceptance of long-term storage for LLW would do nothing for the current long-term storage vs disposal debate except to delay the inevitable use of disposal for LLW.

Except for the need to bring 10 Part 61 dose standards and methodology into compliance with 10 Part 20, keeping the LLW program with NRC should require few, if any, modifications in other federal law.

The TDH Bureau of Radiation Control supports Option 4 - Recognize Progress and Reduce Program -as the option of choice. This option would formally recognize the work toward fulfilling the objectives of the Low-Level Radioactive Waste Policy Amendments Act and the progress towards development of new facilities in several states. This would allow the NRC to use its limited resources in appropriate areas of the agency and terminate the expenditure of unnecessary activities in the LLW Program.