

December 2, 1996

Mr. John C. Hoyle  
Secretary of the Commission  
U.S. Nuclear Regulatory Commission  
ATTN: Chief of Docketing and Services Branch  
Washington, DC 20555-0001



Re: Strategic Assessment Issue Paper - Low-Level Waste (DSI 5)

Dear Mr. Hoyle:

The Connecticut Hazardous Waste Management Service (CHWMS) is responsible for the development of a low-level radioactive waste (LLRW) management facility in Connecticut. Since Connecticut is not an Agreement State, the CHWMS has a special interest in the plans of the Nuclear Regulatory Commission (NRC) for its LLRW Program.

The following comments are offered on the NRC's Strategic Assessment Issue Paper on Low-Level Waste (DSI 5).

1. Option 1, "Assume a Greater Leadership Role", describes a number of policy initiatives the NRC could take if it decided to assume a greater leadership role in the development of new LLRW disposal capacity in this country. While I have significant concerns about some of the policy initiatives identified, there is no question that the NRC should move forward with policy initiatives to facilitate the transfer of Federal land to the State of California for the Ward Valley facility. The NRC is the federal agency responsible for the proper management of commercial LLRW and the NRC should assert this responsibility when other agencies intrude on it. The NRC's leadership role with respect to facilitating the land transfer should include the full array of actions that the NRC could legally take.
2. It is unfortunate that the Issue Paper does not include an option that is in between Option 2, "Assume a Strong Regulatory Role in National LLW Program", and Option 3, "Retain Current Program Priorities". On the one hand, I am very concerned about whether the current program can provide the support to a facility development effort that a licensing and regulatory agency should be prepared



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to provide. On the other hand, I am not sure that it is prudent to reinstate the entire FY94 program. It seems to me that there is a middle ground in which the NRC can provide the needed support to non-Agreement host states and an appropriate level of support for other, national activities (i.e., performing reviews of topical reports, performing research, participating in national meetings and maintaining and renewing existing SNM licenses). Of course, if all of the states developing new LLRW disposal capacity become Agreement States, the size and scope of the program can be reduced. However, even then there would likely be specific technical and regulatory issues with national implications that require the involvement of the NRC.

3. With regard to Option 6, "Accept Long-Term Storage", while it is not necessary that the NRC accept "assured storage" as an option to disposal at this point in time (after all, the studies needed to make a determination about whether it is a viable option are just beginning), the NRC should adopt a more objective view of the concept. For example, I am unaware of any legal analysis that justifies the statement in the "Impacts" section of Option 6 that an assured storage facility would not fulfil a state's responsibility to provide disposal capacity for its LLRW. This certainly is a question of great importance to anyone considering assured storage, but, unless the NRC has a written legal opinion with such a definitive conclusion, it is extremely prejudicial to make such a statement in the Issue Paper.

As another example, the last sentence in the "Discussion" section states that "if NRC advocated LLW storage, its disposal efforts could be reduced." The use of the term "LLW storage" suggests temporary storage at the site of generation rather than the type of comprehensive LLRW management system that assured storage appears to be. In addition, I am not aware of anyone who suggests that assured storage should be substituted for LLRW disposal on a national basis. Assured storage has been suggested as an alternative to disposal for states where, for whatever reasons, LLRW disposal is no longer a viable option.

The NRC's role at this point in time should be one of monitoring and, if requested, participating in the various studies that are underway. Until those studies are completed, the NRC should be much more neutral in its portrayal of the assured storage concept.

Sincerely,



Ronald E. Gingerich  
Director, Low-Level Radioactive Waste Program