



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

November 13, 1989

The Honorable Morris K. Udall, Chairman
Committee on Interior and Insular Affairs
United States House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

In response to your letter of October 18, 1989, I am pleased to provide the Nuclear Regulatory Commission's (NRC's) views on the amendment that Representative Boehlert plans to offer when the House of Representatives considers the Commission's Authorization Bill for Fiscal Years 1990 and 1991, H.R. 1549. The Commission opposes the proposed legislation.

Representative Boehlert's amendment would direct the Commission to conduct a study and report to the Congress on whether "Class C" low-level radioactive waste should be reclassified as high-level waste. It should be noted that under existing authority, if this waste were reclassified, the Federal Government rather than the States would be responsible for its disposal. The Commission would also be required to prepare a report on whether the current siting process for low-level radioactive waste disposal facilities jeopardizes the public health and safety. We believe that the States are capable of disposing of Class C low-level waste adequately, and that the existing siting process for low-level waste disposal facilities established in the Low Level Radioactive Waste Policy Amendments Act of 1985 assures adequate protection of the public health and safety.

In promulgating 10 CFR Part 61, "Licensing Requirements for Land Disposal of Radioactive Waste," the NRC prepared an Environmental Impact Statement (a copy of which is enclosed) that demonstrated that Class C low-level radioactive waste could be disposed of safely in the types of near-surface disposal facilities being developed by the State Compacts and unaffiliated States. In this regard, we note that the three existing disposal facilities have been able to dispose of Class C waste safely for many years. There have been no recent developments that would cause the Commission to reach a conclusion that the States are not capable of disposing of Class C waste. In our view, the study that would be mandated by the amendment is unnecessary and would duplicate these prior agency efforts. We also are greatly concerned that enactment of this provision could disrupt the site-selection

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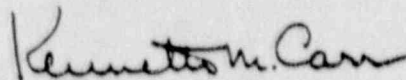
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process and unnecessarily delay implementation of the Low-Level Radioactive Waste Policy Amendments Act of 1985. The Staff Advisory Council to the National Governors' Association Committee on Energy and the Environment, which considered the Class C waste issue on October 12, 1989, reached the same conclusion. The Committee voted not to raise this issue to the full National Governors' Association because it feared that consideration of the proposal would unnecessarily delay the ongoing siting process.

With respect to the siting process, it is our judgment that the existing approach is adequate to protect public health and safety based on our oversight of these programs and cooperation with State agencies. Sites selected in accordance with the disposal site suitability and other requirements set forth in 10 CFR Part 61 and comparable State requirements will provide adequate protection. Therefore, we believe that an NRC study of the siting process is unnecessary.

If the NRC can be of further assistance to you or your Committee on this matter, please contact me.

Sincerely,


Kenneth M. Carr

Enclosure: As Stated

cc: Representative Don Young