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October 18, 1989

The Honorable Kenneth M. Carr
Chairman
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Mr. Chairman:

Congressman Boehlert has announced he plans to offer the enclosed amendment on Class C low-level waste when the House takes up the Commission's authorization bill. I would appreciate the Commission's views on his amendment.

In addition, I would appreciate your supplying my Committee staff with copies of any reports or studies the Commission already has on the disposal of Class C waste.

Thank you for your help.

Sincerely,

Morris K. Udall
Chairman

SHERWOOD BOEHLERT
25TH DISTRICT NEW YORK

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October 16, 1989

The Honorable Thomas S. Foley
Speaker of the House
H-204, The Capitol
Washington, DC 20515

Dear Mr. Speaker:

I respectfully request that H.R. 1549, the Nuclear Regulatory Commission Authorization Act, be rescheduled for consideration by the full House. I intend to offer an amendment to the bill (copy enclosed) which would direct the NRC to conduct a study and report to Congress whether the more radioactive "Class C" low-level waste should be reclassified as high-level and placed under the jurisdiction of the federal government.

The 1980 Low-Level Radioactive Waste Law was drafted in response to concerns that all three of this nation's LLRW disposal facilities were near full capacity. Seeing the need for a federal response, Congress enacted an equitable burden-sharing proposal, amended in 1985, which gave all fifty states the leeway to determine their own waste disposal method and site by 1993. Included in this proposal is a state option to enter into compact arrangements with one or more states.

Class C jurisdiction was debated in Committee during consideration of the 1985 amendment. Arguments were made both for and against state oversight, yet no studies were authorized to confirm the decision to place Class C under the authority of the states. Yet my inquiries to the NRC, EPA, and the House and Senate Committees of jurisdiction have all met with the same response: no one can guarantee that these federally-approved storage sites are adequate to contain Class C waste. That response doesn't satisfy me; thus, the reason for my proposed amendment.

My amendment would establish, once and for all, whether we can guarantee the American people that our state storage facilities will be adequate to contain Class C waste. Passage of this amendment will demonstrate that the protection of the public health is our utmost concern and that we have done everything in our power to make sure that it will not be compromised.

Thank you for your consideration of this proposal.

Sincerely,

Sherwood Boehlert
Member of Congress

SB:th
Enclosure

P.S. What is the status of the NRC

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AMENDMENT TO H.R. 1549, AS REPORTED
OFFERED BY MR. BOEHLERT

Page 5, after line 18, add the following new subsection:

1 (d) LOW-LEVEL RADIOACTIVE WASTE.--

2 (1) STUDIES.--Of the amount allocated under
3 subsection (a)(3) for nuclear material and low-level
4 waste safety and safeguards regulation, the Nuclear
5 Regulatory Commission shall use such sums as may be
6 necessary to conduct the following studies:

7 (A) RECLASSIFICATION OF CLASS C RADIOACTIVE
8 WASTE.--The Nuclear Regulatory Commission, not later
9 than 180 days after the date of the enactment of this
10 Act shall conduct a study to determine whether the
11 radioactive waste classified as class C low-level
12 radioactive waste under section 61.35 of title 10,
13 Code of Federal Regulations, as in effect on January
14 26, 1983--

15 (i) should be reclassified as high-level
16 radioactive waste; and

17 (ii) should be disposed of by the Federal
18 Government instead of the States.

19 (B) SITING PROCESS.--The Nuclear Regulatory

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1 Commission, not later than 180 days after the date of
2 the enactment of this Act, shall conduct a study to
3 determine whether the siting process for low-level
4 radioactive waste disposal facilities required by the
5 Low-Level Radioactive Policy Act (42 U.S.C. 2021b et
6 seq.), as implemented by the States as of the date at
7 the enactment of this Act, jeopardizes the public
8 health and safety.

9 (2) REPORTS TO CONGRESS.--The Nuclear Regulatory
10 Commission shall report to Congress on the results the
11 studies conducted under paragraph (1), not later than 210
12 days after the date of the enactment of this Act.