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Congress of the United States  
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June 23, 1994

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Mr. Ivan Selin  
 Chairman, Nuclear Regulatory Commission  
 Washington, D.C. 20555

Dear Mr. Selin:

As you may know, the State of New York will not have in place by June 30th a certified site capable of disposing of low-level radioactive waste generated from within its boundaries. It is my understanding the location originally planned to provide such service, at West Valley, a State-owned facility in western New York, is no longer under consideration as a result of local community opposition to the proposal. As an alternative, the State's chief executive has suggested, supposedly as a temporary measure, that low-level radioactive waste could instead be stored on the grounds of another State-owned and operated nuclear power facility, the James A. FitzPatrick Nuclear Power Plant in Oswego, New York, which is located in my 24th Congressional District.

I wish to express my vehement opposition to this proposal. Inasmuch as NRC approval would be necessary to store the low-level waste at this site, I thought it important to bring my concerns to your personal attention.

In 1989, the State of New York embarked upon an effort to locate a site to serve as its low-level radioactive waste storage facility. Oswego County was one of the communities initially considered by the State, but subsequently scratched from competition. The reasons for the County's elimination included the area's geological composition, groundwater aquifers, proximity to Lake Ontario, wetland impacts and severe weather conditions. The concerns which precluded Oswego County as a viable location are as valid today as they were in 1989. I speak with some authority regarding this matter inasmuch as at the time I was the elected state senator representing the Oswego community.

I have in my possession a copy of your August 1, 1985 memorandum to all licensees regarding the commercial storage at power reactor sites of low-level radioactive waste not generated by the utility. I particularly note the comments regarding the NRC's opposition to any activity at a nuclear reactor which is not generally supportive of operations authorized by the license or construction permit and which may divert the attention of licensee management from its primary task of safe operation or construction of the power reactor. Quite candidly, it is no secret that the New York Power Authority's record at the FitzPatrick nuclear power plant represents less than a shining example of management proficiency and acumen. To even suggest adding -- however "temporarily" -- the burdens and responsibilities of managing a low-level radioactive waste site to a facility which has yet to demonstrate a consistent ability to effectively manage the generation of nuclear power is, at best, ludicrous and, at worst, dangerous.

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In addition, inasmuch as any NRC approval would require an assessment of the environmental impacts of such a decision, I find it hard to believe the Commission would approve as a site for a low-level radioactive waste facility a location which was eliminated from the same consideration by a state commission pursuing the same objective.

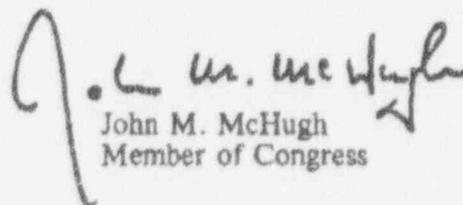
I would appreciate being advised of the NRC's current position regarding the commercial storage at power reactor sites of low-level radioactive waste not generated by the utility.

Finally, I am troubled by the State of New York's reference to the Oswego County site as only "temporary." It is apparent the State is scrambling to cover itself in anticipation of the June 30th deadline. Unfortunately, we both know that what is initially termed "temporary" can take on a life of its own and become very permanent. This must not be allowed to happen in Oswego County. The State's inability to successfully resolve the disposal of its low-level radioactive waste now prompts the Chief Executive to embark upon a proposal which will needlessly subject the residents of Oswego County and the surrounding areas to a reckless and potentially dangerous initiative.

I urge the NRC reject any such ill-advised proposal received from New York State.

Your personal attention to this matter is appreciated.

Sincerely yours,

  
John M. McHugh  
Member of Congress

JMM/jfk