

June 24, 1997

MEMORANDUM TO: Commissioner McGaffigan

FROM: John C. Hoyle, Secretary /s/

SUBJECT: COMEXM-97-002 - NRC ACTION WITH REGARD TO WARD  
VALLEY LOW LEVEL WASTE (LLW) DISPOSAL SITE

By this memorandum, I am informing you that the Commission has concurred in your suggestion that the NRC should take a more active role in ongoing Department of Interior work on Ward Valley LLW disposal site. Specifically, the Commission has selected option 2 (commenting agency) with respect to DOI's new SEIS on Ward Valley. The attached SRM provides specific guidance to the NRC staff.

This completes action on COMEXM-97-002.

Attachment:  
As stated

cc: Chairman Jackson  
Commissioner Rogers  
Commissioner Dicus  
Commissioner Diaz  
EDO  
OGC

June 24, 1997

MEMORANDUM TO: L. Joseph Callan  
Executive Director for Operations

FROM: John C. Hoyle, Secretary /s/

SUBJECT: STAFF REQUIREMENTS - COMEXM-97-002 - NRC  
ACTION WITH REGARD TO WARD VALLEY LOW LEVEL  
WASTE (LLW) DISPOSAL SITE

The Commission believes that, in light of the Department of the Interior's decision to prepare a second Supplemental Environmental Impact Statement (SEIS) on the Ward Valley LLW site and the issuance of an inaccurate DOI fact sheet on medical, research, and academic low level radioactive waste, the NRC should take a more active role in the ongoing DOI work on Ward Valley. After considering several options for exercising a stronger role in this matter, the Commission has concluded that the NRC should assess and correct the DOI fact sheet and become a commenting agency on the new DOI SEIS.

To implement this decision, the Commission requests that the staff:

prepare a letter to the Secretary of the Interior for the Chairman's signature informing him of NRC's intent

to become a commenting agency on the SEIS. The letter should specifically note that NRC interests in the Ward Valley matter are focussed on protection of the public health and safety, should define the NRC's role as a commenting agency, and should notify DOI that the NRC intends to actively serve as a commenting agency under 40 CFR 1503.2. The letter should also note that the DOI fact sheet contains significant errors of fact. The staff should include agency comments on the fact sheet as an attachment to the letter. The letter should also make clear that since there are no formal arrangements with DOI which permit the NRC to review and comment on the technical accuracy of other DOI documents on low-level waste and Ward Valley, the absence of NRC comments should not be interpreted to mean that the NRC considers such documents technically accurate.

provide an estimate of the resources that will be needed to provide substantive technical comments throughout the SEIS process.

(EDO) (Secy Suspense: 2 weeks from issuance of SRM)

Attachment:  
As stated

cc: Chairman Jackson  
Commissioner Rogers  
Commissioner Dicus  
Commissioner Diaz  
OGC  
OCA  
OPA  
CFO  
CIO