

DEPARTMENT OF HEALTH SERVICES

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DSI-5
(17)



November 12, 1996

Mr. John C. Hoyle
Secretary of the Commission
U.S. Nuclear Regulatory Commission
Attn: Chief of the Docketing Service Branch
Mail Stop 16G-15 OWFN
Washington, D.C. 20555



Dear Mr. Hoyle:

COMMENTS ON NRC STRATEGIC ASSESSMENT ISSUE PAPER DSI 5:
LOW-LEVEL WASTE

The State of California Department of Health Services (DHS) has reviewed the subject document and offers the following comments:

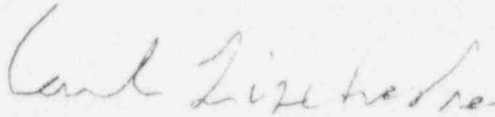
California favors the implementation of Option 2. The NRC Low-Level Radioactive Waste (LLRW) program has been an invaluable source of credible, unbiased expertise in matters pertaining to the disposal of LLRW. California utilized the capabilities of NRC staff in reviewing our licensing activities for the proposed Ward Valley LLRW disposal facility, and in evaluating certain technical issues such as the appropriateness of using impermeable liners in disposal trenches. The implementation of Option 2 would allow the program to once again provide this level of technical assistance. Option 2 would allow NRC staff to once again perform topical report reviews, which would relieve California of the burden of performing independent evaluations of products and services related to LLRW disposal (e.g., new waste containers, treatment agents, and treatment processes.)

Option 1 describes the NRC assuming a greater leadership role in developing new disposal capacity. California does not believe that the NRC should assume this advocacy role, as that responsibility belongs to the U.S. Department of Energy (DOE). However, we do support the concept that the NRC should become a more active advocate of its own expertise in matters of radiation safety related to LLRW disposal.

The NRC's reticence in the matter of the U.S. Department of the Interior's (DOI's) handling of the Ward Valley land transfer is an excellent example of the need for a stronger NRC presence. California, an NRC Agreement State, has issued a valid license under 10 CFR Part 61. The NRC has, on several occasions, indicated that the license review was conducted in accordance with its guidelines and criteria. Nevertheless, the DOI has rejected the information developed by the State of California regarding the safety of the Ward Valley site and the need for the LLRW disposal facility to be constructed there, has failed to consult with the NRC in this matter, and has instead relied upon information provided by anti-nuclear activists. Even though this information was not based on any material developed by the NRC, the DOE, or the State of California, the NRC made no apparent effort to correct the DOI's highly questionable actions.

The NRC's reluctance to speak up has contributed to a situation where the federal policy regarding the disposal of LLRW is being undermined by a federal agency with no expertise in the health and safety aspects of LLRW disposal. A more proactive stance on the part of the NRC could have helped the situation immensely.

Very truly yours,

A handwritten signature in cursive script, reading "Carl Lischeske".

Carl Lischeske, P.E., Manager
Low-Level Radioactive Waste Program