



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

January 10, 1997

Mr. Carl Lischeske, Manager  
Low-Level Radioactive Waste Program  
Department of Health Services  
State of California  
714/744 P Street  
P.O. Box 942732  
Sacramento, California 94234-7320

Dear Mr. Lischeske:

I am responding to your letter of November 7, 1996, regarding the Department of the Interior's (DOI's) preparation of a Supplemental Environmental Impact Statement (SEIS) for California's proposed low-level radioactive waste (LLW) disposal facility in Ward Valley.

As I indicated in my August 29, 1996 letter, the Nuclear Regulatory Commission (NRC) has confidence in the State of California's Agreement State Program and in its ability to license the Ward Valley LLW disposal site. The staff has concluded that California has followed NRC licensing guidelines and the standard review plan for acceptance and review of the Ward Valley application, and that the California staff, advisory committees, and supporting contractual staff are well qualified. Accordingly, while we have not made detailed findings on all the technical issues in this case, we have no reason to believe that public health and safety would not be adequately protected by disposal of LLW at the Ward Valley site. However, the Commission also recognizes that DOI has authority for public lands and may determine that it has certain responsibilities under the National Environmental Policy Act (NEPA) when the use of such lands will be changed.

Your request that the NRC review the SEIS is consistent with the NEPA concept that agencies with special expertise should comment on environmental impact statements. In the case of NRC, that special expertise would be the regulation of the use and disposition of radioactive materials. Consistent with our normal practice, the NRC staff will arrange to receive copies of the SEIS when it is published and will determine whether any radiological health and safety comments by the NRC are appropriate at that time. With respect to your request that the NRC also review the Request for Proposal for the SEIS, as a practice, we do not typically comment on procurement documents that the lead agency prepares for an SEIS.

The Commission believes that the timely resolution of the controversy related to the transfer of the Ward Valley site is important. As a matter of Commission policy, the Commission has favored permanent disposal over temporary storage, at facilities not intended for that purpose, as the

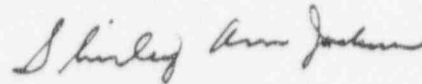
9701240227 970110  
PDR COMMS NRCC  
CORRESPONDENCE PDR

PDR: Mr D. Mossburg

preferred method for managing LLW. The Commission believes that prolonged storage of LLW, while adequately protective of public health and safety in the short term, does not provide the same degree of protection of public health and safety as permanent disposal at a facility that has been licensed for that purpose.

Finally, I would like to call your attention to a letter (copy enclosed) that I sent on October 11, 1996 to Senator Frank Murkowski regarding possible legislation to provide for an expedited NRC review of remaining health, safety and environmental questions raised by DOI.

Sincerely,

A handwritten signature in cursive script, reading "Shirley Ann Jackson".

Shirley Ann Jackson

Enclosure: Letter to Senator Murkowski

cc: The Honorable Bruce Babbitt  
Secretary of the Interior



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

October 11, 1996

The Honorable Frank H. Murkowski, Chairman  
Committee on Energy and Natural Resources  
United States Senate  
Washington, D.C. 20510

Dear Mr. Chairman:

I am responding to your September 19, 1996 letter on the Ward Valley low-level waste facility. You indicate that consideration is being given to asking the Commission to review the health, safety, and environmental questions raised by the Department of Interior for the Ward Valley site. In particular, the Department of Interior would forward its remaining questions to us within 30 days of enacting legislation for our expedited review on the basis of the existing record, and we would be asked to issue a finding within four months of our receipt of those questions on whether current provisions adequately protect public health and safety.

The Commission can comply with such a request if any such legislation is enacted. However, absent additional resources being provided by legislation, we would need to defer other work to make resources available to do the required reviews, although without knowing more about the specific nature and scope of these reviews, we cannot identify what specific work would have to be deferred. Moreover, given the relatively short time provided, we would not be able to involve the public in our expedited review. We estimate it would require additional time -- estimated to be on the order of 4 to 6 additional months -- to obtain, consider, and respond to written comments from the public.

If we can be of further assistance on this matter, please do not hesitate to contact me.

Sincerely,

Shirley Ann Jackson

cc: Sen. J. Bennett Johnston

4610-250142 1P