

# STATE OF NEBRASKA

DSI-5  
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## GOVERNOR'S POLICY RESEARCH OFFICE

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E. Benjamin Nelson  
Governor

November 15, 1996

Mr. John C. Hoyle  
Secretary of the Commission  
U.S. Nuclear Regulatory Commission  
Attn.: Chief of Docketing and Services Branch  
Washington, D.C. 20555-0001



Dear Secretary:

On behalf of Governor Nelson and the State of Nebraska, I submit the following response to the Nuclear Regulatory Commission (NRC) Strategic Assessment and Rebaselining Paper and specifically DSI 5: Low-Level Waste Strategic Assessment Issue Paper.

We view the NRC to have four basic duties and responsibilities in the low-level waste area. These duties are: 1. Define low-level waste. 2. Review and process license applications for non-agreement states. 3. License the federal disposal of low-level waste greater than Class C. 4. Granting/Denying individual generators emergency access to non-federal waste facilities.

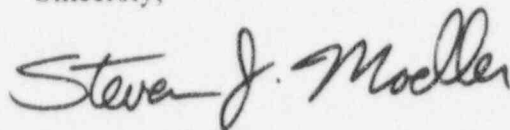
We believe that the existing low-level radioactive program by NRC should be retained. There is no authority for NRC becoming either a cheerleader or a sheriff in the current low-level waste process (Option One, Assume a Greater Leadership Role or Option Two, Assume a Strong Regulatory Role in the National Low-Level Waste Program). Moreover, it would be entirely inappropriate and counterproductive to have the federal government attempt to dictate to the states in what is clearly a state responsibility under the law. Options Five, Six and Seven appear to be attempts to deny, transfer, or delay current problems and do not solve anything.

What is extremely clear is that there are currently problems with low-level waste disposal under the Low-Level Radioactive Waste Policy Act Amendments. No disposal facilities in 16 years have been built as a result of the original act or the amendments. These problems need to be solved, but restructuring of the NRC will not solve them, instead, the act itself needs to be examined. What is needed is one facility for both high and low-level waste disposal.

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Thank you for the opportunity to comment on this issue and if the Commissioners or staff have questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Steven J. Moeller". The signature is written in a cursive style with a large, stylized "S" and "M".

Steven J. Moeller  
Policy Advisor