



New Jersey
Low-Level
Radioactive Waste
Disposal Facility
Siting Board

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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

November 14, 1996

Dear Mr. Hoyle,

On behalf of New Jersey's Low-Level Radioactive Waste Disposal Facility Siting Board, we appreciate the opportunity to comment on your agency's *Strategic Planning Framework*, dated September 16, 1996. Our comments focus on the Direction Setting Issue Paper #5 on Low-Level Waste.

To begin with, we commend the Nuclear Regulatory Commission for undertaking this self-examination, for actively soliciting public input and for the clear and friendly writing style of the document.

In general, we also agree with the preliminary conclusion that the NRC should "assume a strong regulatory role" in the national low-level radioactive waste program. We suggest, however, that the following five elements be added to the description of this role.

First, one activity missing from the list of items in the Planning Framework is rulemaking. Specifically, we believe it is important for the NRC to continue to maintain and update 10 CFR Part 61 and, for example, to revise part 61 to require use of effective dose equivalents.

Second, we recommend that the Commission develop capabilities to give states and compacts significantly more advance guidance about information requirements and decision criteria. It should be possible, as it is not now, for a state or compact to know with reasonable certainty what information will be required for a license application to be deemed complete, and to know, again with reasonable certainty, whether their submission is likely to be approved. Other federal and state regulatory agencies have proven that it does not lessen an agency's effectiveness or credibility as a regulator to clearly state, in advance, the basis on which decisions will be made.

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Third, the NRC should look for ways to simplify the regulatory process. For example, the Commission currently appears to require states and compacts to perform an alternative sites analysis even though they do not require that the "best" site be picked. This is an interpretation of the law that, if followed, would require applicants to waste resources on a task that is almost by definition meaningless, would require the NRC to waste resources reviewing the resulting submissions, and would distract potential public commenters from the health and safety issues that should be at the core of applications and decisions. There are undoubtedly other requirements and interpretations that could be addressed and generically resolved now in this period before the agency receives any new license applications.

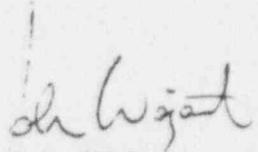
Fourth, we believe it is a natural outgrowth of the NRC's use of regulation to protect the public from radiation for the Commission to also view part of its mission as helping to educate or inform the public about radiation and safety. It is not news that there is a huge gap between public impressions of nuclear issues and the general scientific consensus. Who is going to start to bridge that gap? Experts in the field generally are not trusted if they work for any part of the nuclear industry or others that generate radioactive waste. If the NRC views its role as being somehow without opinions, conclusions or expertise, except as they are expressed in individual license decisions, who is left to provide better public understanding? On the other hand, if the NRC assumed some of this role, it could have the added benefit of lessening the Commission's workload in addressing comments and perhaps lawsuits on individual license decisions.

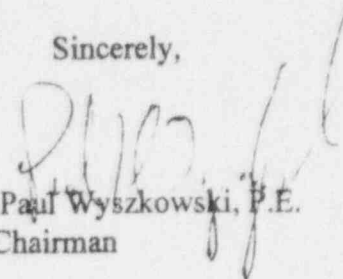
Finally, the *Strategic Planning Framework* includes a preliminary recommendation to adopt Option 2 - to "Assume a Strong Regulatory Role in National LLW Program". We agree with this conclusion, provided it is amended to incorporate much of Option 6 which concerns the in-depth exploration of long-term or assured storage as a viable solution for managing waste.

The discussion of assured storage in the *Planning Framework* is the only part of the document that seems defensive and one-sided. We don't know if assured storage would work in New Jersey or elsewhere, but we do know that one of the hardest parts of our mission is explaining to people why fully licensed nuclear power plants are in the flood plain, but we cannot even consider locating a disposal facility for the low-level radioactive waste anywhere near one.

Thank you again for preparing such a thoughtful document and for the opportunity to comment. We would be happy to discuss these or related issues by telephone or in person at any time.

Sincerely,


John Weingart
Executive Director


Paul Wyszowski, P.E.
Chairman