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Disposal of Class B and C Low-Level Radioactive Waste

Chairman Dale E. Klein and Members
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Dear Chairman Klein and
Commissioners Gregory B. Jaczko and
Peter B. Lyons,

This letter is a follow-up to our letter to you of April 3, 2007 and Mr. Reyes' response of June 11, 2007 concerning the lack of options nationally for disposal of Class B and C low-level radioactive waste (LLRW) as of next July 1st and the possibility of the Commission seeking a legislative remedy.

Notwithstanding the low priority that Commission staff assigned to legislative action to resolve the Class B and C LLRW disposal problem in its recent Strategic Assessment, the Cal Rad Forum Board of Directors respectfully renews its request that the Commission advise its Congressional oversight committees of the need for legislative action.* Cal Rad continues to agree with the assessment of former NRC Chairman Richard Meserve, made in 2002, that "the low-level waste siting program in this country is not working. Moreover, barring Congressional action, which is unlikely in the near term, the situation is unlikely to change." (Emphasis added.)

* It is our understanding that the Strategic Plan primarily addresses staff work plans.

We note that the U.S. Department of Energy has, pursuant to Congressional directive, issued a Notice of Intent to prepare an Environmental Impact Statement for development of a disposal facility for non-DOE Greater-than-Class C (GTCC) LLRW. The Health Physics Society has recommended that plans for this facility be expanded to include disposal of non-DOE waste classes B and C. We strongly support this proposal as a long-term solution to an ongoing national problem. If a facility is acceptable for GTCC waste, then it will be acceptable for Class B and C waste. Furthermore, the additional amounts of waste will improve the economics of the disposal facility. The DOE has, itself, modified the Congressional mandate for this facility to include DOE "GTCC-like" waste materials.

We recognize that it will be several years until the Department's GTCC disposal facility will be in operation. As a near-term interim solution, we renew our recommendation that, beginning July 1, 2008, DOE provide access for non-DOE LLRW waste classes B and C at existing and future DOE disposal facilities and at disposal facilities to which it has or will have access for its own LLRW and/or other LLRW to which it may hold title.

We respectfully urge the Commission to recommend both the near-term and long-term options to its Congressional oversight committees. If you have any questions, please call me at 818/466-8840 or Cal Rad's Technical Director, Dr. Alan Pasternak, at 925/283-5210.

Sincerely,



Phil Rutherford, Chair

Enclosures:

Cal Rad's letter to NRC Commissioners, April 3, 2007
Luis Reyes' letter to Cal Rad, June 11, 2007

cc: Luis A. Reyes, NRC Executive Director for Operations
Cal Rad Forum Corporate and Institutional Members
Cal Rad Forum Board of Directors