

2006-2007 Cal Rad Forum Activities

Cal Rad's current efforts are focused in the following areas:

Assuring access to disposal facilities for low-level radioactive waste (LLRW). As you know, on July 1, 2008, access to the Barnwell, South Carolina disposal facility will be restricted to the Atlantic Compact (South Carolina, New Jersey, and Connecticut). It would appear, based on actions of the South Carolina Legislature earlier this year, that they are not considering an extension of the July 1, 2008 cut-off date. At that time, unless something happens to change the nation's present course, organizations that use radioactive materials in the Southwestern Compact region (Arizona, California, North Dakota, and South Dakota) and thirty-two other states will have no place to dispose of their more radioactive LLRW (Class B and C), and one facility - Envirocare of Utah, now known as EnergySolutions - will have monopoly control of disposal of our Class A waste. (Please note that the EnergySolutions Utah facility does not accept biological waste or sealed sources for disposal and, by Utah law, will not accept Class B and C wastes.)

The federal Low-Level Radioactive Waste Policy Act, adopted in 1980 and amended in 1985, has not resulted in the construction of a single new disposal facility. Therefore, Cal Rad has urged the Congress to amend the Act. In September 2004, at the invitation of then-Chairman Senator Pete Domenici, a Cal Rad representative testified at a special hearing of the Senate Energy and Natural Resources Committee. Our testimony outlined several possible courses of action for the federal government including granting access to U.S. Department of Energy disposal facilities for Classes B and C LLRW in the near-term and sponsoring a national disposal facility on federal land under regulation by the U.S. Nuclear Regulatory Commission for the long-term. Other organizations including the American Nuclear Society and the Health Physics Society have supported our call for federal action. The NRC has also called on Congress to consider a new framework for LLRW disposal. Another option might be to urge the Department of Energy to include B and C wastes in the Greater-Than-Class C disposal facility it is required to develop. (See Federal Register / Vol. 70, No. 90 / Wednesday, May 31, 2005 / Notices: "DEPARTMENT OF ENERGY. Advance Notice of Intent To Prepare an Environmental Impact Statement for the Disposal of Greater-Than-Class-C Low-Level Radioactive Waste.") This might serve as a long-term option since the EIS for this project won't be prepared until December 2008, and access to existing DOE facilities will be needed in the near-term. Cal Rad has continued to urge the Congress and NRC to revisit the issue.

The Southwestern Compact Commission supports the proposal to involve the federal government in a solution to the B, C waste disposal problem. Unfortunately, at this time, other compact commissions do not. The Southwestern Compact Commission has urged California Governor Schwarzenegger to support a federal solution, and Cal Rad has supported the

Commission's request, but the Governor has not yet responded. In light of the State's obligations under the Low-Level Waste Policy Act and the Southwestern Compact Consent Act to provide disposal access for waste Classes A, B, and C, we will continue to request the Governor to take an active role.

Last month, Cal Rad received a letter from the NRC saying that our recommendations for a federal role in assuring access to disposal facilities for LLRW are being considered in the Commission's Strategic Plan for low-level waste, which is now in preparation.

Facility decommissioning and license termination. As the result of a Sacramento Superior Court ruling in 2002, unchallenged by the former Davis administration, California is the only state in the nation without a clear, numerical, dose-based standard for facility cleanup and decommissioning. We have urged, and will continue to urge, the Department of Public Health and the Health and Human Services Agency to prepare the Environmental Impact Report, called for by the Court, in support of its proposed 25 mR/year standard. (This is the same standard used by the U.S. Nuclear Regulatory Commission and in forty-six other states.)

Legislative Activity. Cal Rad has been active in opposition to two legislative initiatives this year: 1) SB 990 (Kuehl), "Hazardous waste: Santa Susana Field Laboratory" and 2) a proposal in the Senate budget trailer bill for the relevant State agencies to begin planning the transfer of the State's radiation control program from the Department of Public Health to Cal EPA. Fortunately, the Conference Committee on the 2007-2008 Budget has rejected the proposal to move the radiation control program to Cal EPA. However, SB 990 is still alive. It is in the Assembly Appropriations Committee where the Committee has placed the bill on the Suspense File because of concerns about up-front costs to the State. The bill would impose Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) type standards on the clean-up efforts long underway at the Santa Susana Field Laboratory (SSFL) site. Cal Rad opposes the bill because of the bad precedents it would establish including the use of CERCLA standards instead of dose-based standards for limits on residual radioactivity and shift of overall responsibility for both chemical and radioactive clean up to Cal EPA. The State's expertise on radiation protection is in the Department of Public Health, not Cal EPA, and to move this responsibility would entail significant, permanent costs. We believe the clean-up standards now in place for SSFL are more than adequate. SB 990 may be taken off the Suspense File once the State budget for FY 2007-2008 has been enacted.

Other Issues. Reorganization of the Department of Health Services. Senate Bill 162 (Ortiz), "California Public Health Act of 2006", took effect July 1, 2007. This Act establishes the State Department of Public Health - to be headed by the

State Public Health Officer - and renames the Department of Health Services as the State Department of Health Care Services. The state's radiation control program will be located in the State Department of Public Health along with other environmental health functions in the Division of Food, Drug and Radiation Safety and the Division of Drinking Water and Environmental Management. The Director of the Department of Public Health is Mark Horton, MD. Department staff advises that implementation of SB 162 will have no impact on operations of the Radiologic Health Branch. Cal Rad will continue to monitor this development.