

Cal Rad Forum's 2007-2008 Activities

Assuring access to disposal facilities for low-level radioactive waste (LLRW).

On July 1, 2008, access to the Barnwell, South Carolina disposal facility will be restricted to the Atlantic Compact states (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, 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 Energy*Solutions* — will have monopoly control of disposal of our Class A waste. (Please note that the Energy*Solutions* 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 LLRW disposal facility. Only one state, Texas, is attempting to develop a new disposal facility. For these reasons and the July 1 cut-off date for Class B and C disposal, Cal Rad has urged the Congress to amend the Act. In September 2004, at the invitation of then-Chairman Senator Pete Domenici, Cal Rad 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, first suggested by the Health Physics Society, might be for the Department of Energy to include B and C wastes in the Greater-Than-Class C disposal facility it is required to develop pursuant to the Energy Policy Act of 2005. (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. We recently urged the Southwestern Compact Commission to attempt to persuade other Commissions to take a more receptive view toward disposal options not envisioned in the 1985 Policy Act.

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. Last year, Cal Rad opposed two legislative initiatives: 1) SB 990 (Kuehl), "Hazardous waste: Santa Susana Field Laboratory" concerning cleanup of the Santa Susana Field Laboratory (SSFL) in Ventura County, 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 rejected the proposal to move the radiation control program to Cal EPA. However, SB 990 was enacted. We continue to follow developments concerning SSFL including this year's AB 1842 (Smyth) which would establish the Santa Susana State Park.

Reorganization of the Department of Health Services. Senate Bill 162 (Ortiz), "California Public Health Act of 2006", took effect July 1, 2007. This Act established the State Department of Public Health — headed by the State Public Health Officer — and renamed the Department of Health Services as the State Department of Health Care Services. The state's radiation control program and other environmental health functions are located in the Division of Food, Drug and Radiation Safety and the Division of Drinking Water and Environmental Management in the State Department of Public Health. The Director of the Department of Public Health is Mark Horton, MD. So far, it appears that implementation of SB 162 has had no impact on operations of the Radiologic Health Branch.