

CALIFORNIA RADIOACTIVE MATERIALS MANAGEMENT FORUM

Eric Goldin, Ph.D., Chair
Southern California Edison Co.
Post Office Box 128
San Clemente, CA 92674-128
(949) 368-7532, Fax (949) 368-6049
E-mail: goldinem@songs.sce.com

Lawrence M. Gibbs, Chair-Elect
Associate Vice Provost
Environmental Health and Safety
Stanford University
EH&S - 480 Oak Road
Stanford, California 94305-8007
(650) 723-7403, Fax (650) 725-3468
E-mail: LGibbs@stanford.edu

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General Electric

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The Boeing Company

PAST CHAIRMAN
Keith E. Asmussen, Ph.D.
General Atomics

TECHNICAL DIRECTOR
Alan Pasternak, Ph.D.
P.O. Box 1638, Lafayette, CA 94549-1638
(925) 283-5210, Fax (925) 283-5219
E-mail: APasConslt@aol.com

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Mr. Don Womeldorf, Executive Director
Southwestern Low-Level Radioactive Waste Disposal
Compact Commission

Dear Mr. Womeldorf,

In advance of the Commission's next meeting on April 21, here is a brief summary of Cal Rad Forum's concerns about the status of options for disposal of low-level radioactive waste and lack of planning by state and federal government officials to alleviate current and expected problems.

As you know, on July 1, 2008, access to the Barnwell, SC disposal facility will be restricted to the three states of the Atlantic Compact. On that date, organizations that use radioactive materials in the Southwestern Compact region — indeed, in 34-36 states — will have no place to dispose of their Class B and C low-level waste, and disposal of Class A waste will be subject to monopoly control at EnergySolutions' facility at Clive, Utah. Furthermore, unless Utah enacts regulatory changes, disposal of sealed sources and biological tissues — even if Class A waste — is precluded at the Clive facility.

We are also concerned that the compact commissions, either within their own jurisdictions or acting through the LLW Forum, have no plans to provide timely remedies to existing and coming limitations in disposal options. The open sessions of the LLW Forum's meetings reflect little, if any, activity in this area. We do note, however, that the Southwestern Commission has urged the governor of California to support the concept of disposal of non-DOE LLRW at federal DOE disposal facilities and that the Southeast Commission has called for a meeting in Washington, DC to consider the projected problems that will exist as of July 1, 2008. The Southeast

Compact Commission is sponsoring "An event to encourage people across the US to explore in depth the concept of using federal sites and/or federal land for the disposal of low-level radioactive waste from 34 states after June 2008." More support for this concept is needed; as far as we know, there has been no response from Governor Schwarzenegger, nor has the LLW Forum addressed the problems that are so clearly visible.

We hope that the Southwestern Commission will support the proposals outlined by Cal Rad in our testimony to the Senate Energy & Natural Resources Committee on September 30, 2004 and contained in our Hodes Award presentation to Waste Management '06 on February 27 of this year. We urge the Commission to encourage the LLW Forum to recognize, and act on, the need for change in the twenty-six-year-old statutory framework embodied in the Low-Level Waste Policy Act. The Commission can do this within both the closed and open deliberations of the LLW Forum as well as in direct communications with Congress and federal officials.

Recent reports by the NRC's Advisory Committee on Nuclear Waste (White Paper on "Opportunities Within the Area of Low-Level Radioactive Waste Management") and The National Academy of Sciences ("Improving the Regulation and Management of Low-Activity Radioactive Wastes") do not focus on lack of disposal options for the wastes covered by the Policy Act. These reports are interesting and may eventually prove useful, but we are concerned they may divert attention from the urgent need to provide access to disposal facilities for Class A, B, and C LLRW. Indeed, criticisms in these reports that regulations are "not risk-informed" and that some wastes are subject to a "patchwork" of regulations on the basis of waste origin rather than hazard do not apply to Class A, B, and C LLRW regulated pursuant to the NRC's regulations at 10CFR61.

We will be happy to respond to any questions you and members of the Commission may have.

Sincerely,

Alan Pasternak

cc: Cal Rad Forum Board of Directors