

## CALIFORNIA RADIOACTIVE MATERIALS MANAGEMENT FORUM

**Keith Asmussen, Ph.D., Chair**  
Dir., Licensing, Safety & Nuclear Compliance  
General Atomics  
Post Office Box 85608  
San Diego, CA 92186-5609  
(858) 455-2823, Fax (858) 455-2822  
E-mail: keith.asmussen@gat.com

**SECRETARY**  
**Lawrence M. Gibbs**  
Stanford University

**TREASURER**  
**Gary Stimmell**  
General Electric

**PAST CHAIRMAN**  
**Terese M. Ghio**  
Ligand Pharmaceuticals

### BOARD MEMBERS

**MEDICINE**  
**Robert J. Lull, M.D.**  
California Medical Association  
**Carol S. Marcus, Ph.D., M.D.**  
American College of Nuclear  
Physicians, California Chapter

**EDUCATION**  
**Kenneth L. Mossman, Ph.D.**  
Arizona State University

**UTILITIES**  
**Tom Riley**  
Pacific Gas & Electric Co., Emeritus  
**John Closs**  
Nuclear Management Co., LLC

**ENGINEERING & SERVICES**  
**William H. Cromwell**  
Waste Containment Systems  
**Thomas A. Gray**  
Thomas A. Gray & Associates

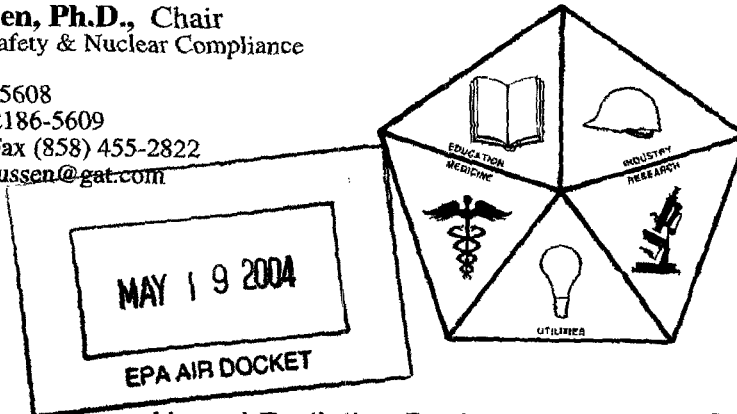
**INDUSTRIAL**  
**John Redding**  
EnergyPath, Inc.  
**Brian Izuhara**  
MP Biomedicals

**AT LARGE**  
**Ted Roth**  
Alliance Pharmaceutical Corp.  
**Robert Carretta, M.D.**  
Amersham Health  
**Roger Richter**  
California Healthcare Association  
**James M. Woolfenden, M.D.**  
University of Arizona  
**Helen R. von Hubbard**  
Citizens for Total Energy  
**Donna Earley**  
Cedars-Sinai Medical Center

**Eric Goldin, Ph.D., Chair-Elect**  
Southern California Edison Co.  
Post Office Box 128  
San Clemente, California 92674-0128  
(949) 368-7532, Fax (949) 368-7575  
E-mail: goldinem@songs.sce.com

**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

May 17, 2004



Air and Radiation Docket  
Environmental Protection Agency  
EPA West Room B108  
Mailcode: 6102  
1200 Pennsylvania Ave., NW  
Washington, DC 20460

Attn: Docket ID No. OAR-2003-0095

**Cal Rad supports the efforts of  
EPA and NRC to expand options  
for safe disposal and  
management of LAMW**

The following comments are submitted on behalf of the California Radioactive Materials Management Forum (Cal Rad Forum). Cal Rad Forum is an association of organizations that use radioactive materials and generate low-level radioactive waste in the four states of the Southwestern Compact region (Arizona, California, North Dakota, and South Dakota). Our members include universities, electric utilities with nuclear power plants, industries including biotech and pharmaceutical companies, medical centers, and professional societies in medicine and radiation protection.

Cal Rad Forum commends the Environmental Protection Agency and the U.S. Nuclear Regulatory Commission for undertaking rulemakings to seek additional options for the safe management and disposal of "low-activity" radioactive waste. Disposal options for all "commercial" low-level radioactive wastes are limited and will become even more problematic on July 1, 2008 when access to the Barnwell, SC disposal facility is restricted to the member states of the Atlantic Compact. At that time, organizations that use radioactive materials in thirty-six states plus the District of Columbia and Puerto Rico will have no place to dispose of their Class B and C waste and only one facility (Envirocare of Utah) where they can dispose of their Class A waste. Therefore, efforts by the EPA, working closely with the USNRC, to define a subset of Class A waste that can safely be disposed at facilities other than those few licensed pursuant to NRC regulations at 10 CFR 61 are to be applauded. At this point, we do not know how the federal agencies will characterize such wastes, or what the annual volumes of such wastes will be. But the ANPR is a step in the right

Direction. And it is consistent with the principle that "wastes with similar risks should be managed proportionately to the risk they represent." (Page 65124, FR Vol. 68, No. 222.)

As we understand the ANPR, the initial focus of the rulemaking will be mixed low activity waste, i.e., waste that is both radioactive and chemically hazardous. At some point, we hope the rulemaking expands to consider non-mixed waste. (Part III, Page 65144.) However, we recommend that such expansion of the rulemaking wait for the U.S. Nuclear Regulatory Commission to complete its rulemaking on solid waste clearance. Once completed, EPA should positively affirm the NRC rulemaking.

Some have objected that the economic viability of regional compact disposal facilities, envisioned by the Low-Level Radioactive Waste Policy Act, will be undermined by diversion of low-level wastes to other kinds of disposal facilities. (See, for example, comments of the Southwestern Compact Commission in its letter of December 31, 2003.) We strongly disagree. No such regional disposal facilities have been built pursuant to the Act. Disposal options are limited today, and, as noted above, four years from now, users of radioactive materials in thirty-six states plus Puerto Rico and Washington, DC will experience even more limited access for disposal of any low-level waste.

Cal Rad Forum looks forward to submitting additional comments as the rulemakings proceed.

If there are any questions concerning these comments, please contact me at 925/283-5210.

Sincerely,



Alan Pasternak

cc: Environmental Protection Agency,  
Office of Radiation and Indoor Air  
U.S. Nuclear Regulatory Commission,  
Division of Waste Management  
  
Cal Rad Forum Corporate and Institutional  
Members  
Cal Rad Forum Board of Directors