

# CALIFORNIA RADIOACTIVE MATERIALS MANAGEMENT FORUM

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To the Members of the Southwestern Low-Level Radioactive Waste  
Compact Commission  
PO Box 277727  
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In anticipation of the Commission's meeting on April 8, Cal Rad Forum would like to offer suggestions for Commission action with respect to providing access to disposal facilities for low-level radioactive waste generated within the Compact region. These suggestions are offered in response to agenda items 7 and 5f, and we believe they are consistent with the Commission's charge to do all it can to assure that low-level radioactive wastes generated within the region are managed and disposed of safely.

## Background

Planning and providing assured access to safe, reliable disposal facilities for low-level radioactive waste requires, first of all, a recognition that the framework put in place by Congress twenty-five years ago is not working. The Low-Level Radioactive Waste Policy Act has yielded ten interstate compacts, three lawsuits (two ongoing), and no new disposal facilities.

Only one facility, the Southwestern Compact region's proposed Ward Valley facility, has ever been licensed pursuant to the Act. That project fell victim to a triumph of anti-technology politics over science and necessity. Only one state in the union, Texas, is still pursuing development of a new disposal facility. California began to dismantle its LLRW disposal program in 1999 culminating in enactment of AB 2214 in 2002 which bans development of a regional disposal facility at Ward Valley.

The nation does not need a multitude of LLRW disposal facilities as envisioned by the Act.

Finding a solution to the LLRW disposal dilemma is urgent. Disposal options are few and dwindling. As of July 1, 2008, organizations that use radioactive materials in the four states of the Southwestern Compact and

32 other states will have no place to dispose of the more radioactive categories of low-level waste (waste classes B and C). One facility (Envirocare of Utah) will have monopoly control of disposal of a subset of Class A waste from 36 states.

We understand that, as of this date, the Commission has received no response from Governor Schwarzenegger to its letter of February 1, 2005 seeking information on the State of California's plans for fulfilling its obligations under the Compact law.

### **Specific Suggestions**

Cal Rad respectfully suggests that it is time for another communication from the Commission to Governor Schwarzenegger — one that conveys a range of options for action. The options should be realistic, reflect the urgency of the LLRW disposal situation, and their objective should be to have solutions prior to the July 1, 2008 deadline.

1. The Governor can seek complete legislative repeal of AB 2214 of 2002, then, following license renewal, request the Interior Department to transfer the Ward Valley site to the state allowing the already-licensed regional disposal project to proceed. (Starting another development process at this date, either by the Resources Agency or a private entity — as suggested in the Commission's letter of February 1 — cannot meet the July 1, 2008 deadline. Furthermore, after the way the State of California treated its licensee, no private firm can be expected to undertake the task again.)

2. The Governor can approach the Congress and urge that the federal government fashion a national solution for LLRW disposal. A near-term solution would allow acceptance of non-DOE low-level waste at existing Department of Energy disposal facilities. A long-term solution would have the federal government open federal lands for development of one or two new disposal facilities to be regulated by the U.S. Nuclear Regulatory Commission. Groundwork for these solutions has already been laid at the September 30, 2005 hearing of the Senate Committee on Energy and Natural Resources. In addition, a site that has been fully investigated and qualified exists on federal land at Ward Valley.

3. The Governor can approach the Governor of the State of Washington for an agreement between the Northwest and Southwestern Compacts providing access to the Northwest compact's disposal facility at Richland, Washington. The Rocky Mountain Compact has had such an arrangement with the Northwest Compact since 1993.

If Commission members have any questions about these suggestions, please call me at 925/283-5210 or Cal Rad's Chair, Dr. Keith Asmussen, at 858/455-2823.

Sincerely,

Alan Pasternak  
Technical Director, Cal Rad Forum

cc: Cal Rad Forum Corporate and Institutional Members  
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