

CALIFORNIA RADIOACTIVE MATERIALS MANAGEMENT FORUM

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November 15, 2005

The Honorable Pete V. Domenici, Chairman
Senate Energy & Natural Resources Committee
Room 364, Dirksen Senate Office Building
Washington, DC 20510

Dear Mr. Chairman,

On behalf of the California Radioactive Materials Management Forum, I want to express our appreciation for the hearing you held last year on low-level radioactive waste (LLRW) disposal.

As we testified at last year's hearing, and as we continue to believe, the Low-Level Waste Policy Act urgently needs amendment. We were encouraged by your interest in this matter. Cal Rad, and we believe other associations also, stand ready to work with you, the Committee, and Committee staff to create a legislative solution to disposal problems confronting organizations that use radioactive materials in 34-36 states. On the nation's present course, come July 1, 2008, these organizations will have no place to dispose of their more radioactive classes of low-level waste, and disposal of the least radioactive — but largest volume — class will be subject to monopoly control.

In the year since the Committee hearing, the outlook for assured access to low-level waste disposal facilities has continued to worsen. In the fall of 2004, some, including the Government Accountability Office (GAO) and the U.S. Nuclear Regulatory Commission were hopeful that the State of Utah would permit disposal of low-level waste classes B and C at the Envirocare facility. However, Utah enacted legislation

earlier this year that eliminates this possibility. Nebraska has settled a lawsuit with the Central Interstate Compact Commission for over \$140 million rather than build a disposal facility for that compact region. And, as was the case a year ago, only Texas is pursuing development of a new disposal facility.

Last year, Cal Rad proposed that, for a near-term solution, U.S. Department of Energy disposal facilities be made available for disposal of LLRW produced by other government agencies, industries, universities, utilities, and medical centers. And, for the long-term, we proposed that the federal government sponsor development of one or two new disposal facilities on federal land under direct regulation by the U.S. Nuclear Regulatory Commission. Given the time it will take to enact a government alternative, organizations that use radioactive materials are all at risk of being impacted by the loss of access to disposal facilities. We believe our proposals continue to be viable, especially when one considers the lack of progress in the twenty-five years since enactment of the Policy Act and the compact framework. The NRC noted In May 2004, "...the future availability of disposal capacity and the costs of disposal under the current system remain highly uncertain and LLRW generators need predictability and stability in the national disposal system."

We are encouraged by a recent report of the GAO¹, which recommends that DOE and NRC evaluate the feasibility of using DOE sites for disposal of non-Greater-Than-Class C waste from sealed radiological sources gathered in the DOE's Offsite Source Recovery Program. This proposal exemplifies the concept of a federal solution to a problem that most states lack the political will to address. However, there is clearly a need for a comprehensive solution that would go farther. Indeed, the same GAO report cites the mid-2008 Barnwell access cutoff and anticipates "The increasing quantities of non-GTCC waste that will not have a commercial disposal pathway could heighten interest in using DOE sites for the disposal of this waste."

Once again, Cal Rad appreciates the Committee's interest in the LLRW disposal problem. The situation calls for action sooner rather than later, and we are eager to work with the Committee to help create a national solution to this national problem.

Eric M. Goldin, Ph.D.
Chair

cc: The Honorable Jeff Bingaman, Ranking Member

¹ "NUCLEAR SECURITY: DOE Needs Better Information to Guide Its Expanded Recovery of Sealed Radiological Sources," GAO-05-967, September 2005, p.7, 28, 30.