

Letter/Attachment for GTCC EIS Scoping Comment #98

CALIFORNIA RADIOACTIVE MATERIALS MANAGEMENT FORUM

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Mr. James L. Joyce, Document Manager
Office of Regulatory Compliance (EM-10)
U.S. Department of Energy
1000 Independence Avenue, SW,
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Comments on the Scope of the GTCC LLW EIS

Dear Mr. Joyce,

I am writing on behalf of the California Radioactive Materials Management Forum (Cal Rad Forum) to offer comments on the scope of the Department's GTCC LLW EIS as published in the Federal Register on July 23, 2007 as corrected on July 31. Let me also take this opportunity to express our appreciation for the opportunity to speak at the public scoping meeting on September 4 in Las Vegas, Nevada.

Cal Rad Forum is an association of organizations that use radioactive materials and generate low-level radioactive waste (LLRW) in the four states of the Southwestern Compact region. Our members include universities; utilities with nuclear power plants; medical centers; industries, including biotech and radiopharmaceutical companies; and professional societies.

Cal Rad respectfully recommends that the Department of Energy take such steps as might be necessary to expand the scope of its EIS to include disposal of Class B and Class C LLRW from non-DOE users of radioactive materials at the GTCC facility that is the subject of the EIS. (The Health Physics Society has made this recommendation.) As you know, non-DOE users of radioactive materials in thirty-six states will lose access to disposal for these wastes when access to the Barnwell, SC disposal facility is restricted to the Atlantic Compact on July 1, 2008. We note that the scope of the EIS has been expanded to include DOE GTCC-like waste, and we applaud this decision. Disposal of additional

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waste streams will lead to more economic operation of the facility. And, clearly, if the facility is safe for the disposal of GTCC waste, it will also be safe for disposal of Class B and C wastes, and the economics of operation will be further improved.

Our recommendation here addresses a long-term solution to the Class B, C disposal problem. For the near-term, i.e., for the period July 1, 2008 until the GTCC disposal facility opens, Cal Rad has made, and will continue to make, additional recommendations as appropriate.

While the existing statutory framework calls for the states to take responsibility for disposal of Class A, B and C LLRW, they have not responded in time to avoid the July 1, 2008 crisis. The U.S. Nuclear Regulatory Commission, in its comments on the June 2004 report of the Government Accountability Office (GAO), has recognized problems with the existing framework for disposal of non-DOE LLRW.¹ In a more recent report the GAO cites the mid-2008 Barnwell access cutoff and anticipates that "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."²

While the volumes of non-DOE Class B and C wastes are not large compared to the volumes of Class A wastes, the quantity by activity is very significant. Data from the DOE's Management Information Management System (MIMS) shows that for the year 2006, the activity (in curies) of the Class B and C wastes sent to Barnwell by generators in the thirty-six states which will lack access as of July 1, 2008 accounted for 95% of the activity disposed of at all three LLRW disposal facilities (Barnwell, South Carolina; Richland, Washington; and Clive, Utah) by all non-DOE generators.

Let me take this opportunity to express appreciation for the Department's Off Site Source Recovery Program (OSRP) at the Los Alamos National Laboratory, which collects sealed sources from non-DOE generators. This is a good example of the Department's use of its resources to solve a national problem.

If you have any questions concerning these comments, please call me at 925/283-5210.

Sincerely,

Alan Pasternak
Technical Director

¹ "LOW-LEVEL RADIOACTIVE WASTE: Disposal Availability Adequate in the Short Term, but Oversight Needed to Identify Any Future Shortfalls," GAO-04-604, June 2004, page 49.

² "NUCLEAR SECURITY: DOE Needs Better Information to Guide Its Expanded Recovery of Sealed Radiological Sources," GAO-05-967, September 2005.