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United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

WASHINGTON, D.C. 20510

December 7, 1979

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Honorable Joseph M. Hendrie
Chairman
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Mr. Chairman:

The recent near-crisis resulting from the closing of the commercial low-level radioactive repositories in Washington and Nevada and the cut back in capacity at the repository in South Carolina has demonstrated the need for a comprehensive national low-level waste management plan.

Current institutional arrangements leave responsibility with the states to provide new low-level waste disposal sites and interim storage facilities. However, local political pressures may make it difficult for states to assume this responsibility. The present patchwork of local and state ordinances controlling or even prohibiting the transportation, storage and disposal of wastes could hamper medical research and treatment and make regional cooperation more difficult.

We intend to address these issues at nuclear waste hearings on January 24 and 25, 1980, and would very much appreciate it if you could respond to the following questions as early as possible prior to that date:

1. What interim measures, including contingency plans, has the Nuclear Regulatory Commission developed to respond to future closure of low-level disposal sites?
2. What, if any, long-term changes in institutional arrangements for commercial low-level waste disposal would you recommend?
 - a. Should the Agreement States program be modified to more adequately protect the public health and safety and the environment from the hazards of transporting and disposing of low-level waste. In what specific ways?
 - b. Should DOE assume responsibility for low-level waste disposal? Why or why not?
 - c. If DOE assumes that responsibility, should NRC license DOE disposal sites? Why or why not?

12/18..To EDO for Prepare Reply for Signature of Chairman..Date due Comm:
Dec 27..Cpys to: Chm, RF, OCA to Ack...79-3325

Enclosure 2

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- d. Please analyze and state the Commission's position on the provisions of H.R. 5819 introduced by Congressman Mike McCormack and H.R. 5809 introduced by Congressman Butler Derrick.
3. Have all issues relating to division of NRC and DOT jurisdiction over the packaging and transportation of low-level wastes been resolved? Please explain and provide documents that bear on this matter.
4. You indicated in your testimony before the House Committee on Science and Technology that NRC has initiated studies on low-level waste classification and volume reduction technology.
 - a. Given the wide variety of waste types currently classified as low-level wastes, and the possibility that the use of a variety of disposal techniques would improve safety and conserve resources, what implications would diversified disposal techniques have for a regional plan?
 - b. Should each state or region contain several different types of facilities?
 - c. Should each site provide a variety of disposal settings?
5. Could volume reduction techniques such as incineration, evaporation, waste sorting (by radioactivity level) and compaction ameliorate shortages of low-level waste storage and disposal capacity?
 - a. What steps has NRC taken to evaluate and encourage the use of such practices?
 - b. Which of these require or should require NRC licensing?
 - c. To what extent has NRC coordinated its volume reduction research efforts with industrial and university waste producers who are carrying out similar research?
6. University and hospital personnel contend that some of the radioactive wastes they produce have radioactivity levels so minimal that they pose no threat to the public health and safety. Nevertheless, these wastes occupy valuable storage burial space that could be better used for more highly radioactive wastes. Moreover, the expense of current disposal requirements raises the costs of health care. Please analyze this argument. How has NRC responded to these contentions?

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7. In the interest of equitably distributing risks of storage, transportation and disposal of all kinds of hazardous materials, some have suggested that a regional plan for managing low-level radioactive waste be coordinated with a similar plan for managing hazardous chemical and biological wastes. Such a plan would give each region responsibility for managing the wastes it produces in all three categories, and would require coordination between DOE and EPA. Do you support this approach?

Sincerely,

GARY HART

Gary Hart
Chairman, Subcommittee
On Nuclear Regulation

96TH CONGRESS
1ST SESSION

H. R. 5819

To provide for research, development, and demonstration of the safe and permanent disposal of low-level radioactive wastes from hospitals, medical schools, research facilities, nuclear powerplants, and other sources.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 7, 1979

Mr. McCORMACK introduced the following bill; which was referred jointly to the Committees on Science and Technology, Interior and Insular Affairs, and Interstate and Foreign Commerce

A BILL

To provide for research, development, and demonstration of the safe and permanent disposal of low-level radioactive wastes from hospitals, medical schools, research facilities nuclear powerplants, and other sources.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Low-Level Radioactive
4 Waste Storage and Technology Demonstration Act of
5 1979".

FINDINGS

7 SEC. 2. The Congress finds that—

1 (1) there is a critical shortage of low-level radio-
2 active waste disposal sites throughout the country;

3 (2) without a safe mechanism for disposing of low-
4 level radioactive wastes, hospitals, medical schools, re-
5 search facilities, nuclear powerplants, and other facili-
6 ties will be forced to cease the operations that generate
7 this waste;

8 (3) the continued use of radioactive medicines, and
9 other forms of nuclear technology which generate low-
10 level radioactive wastes, is essential to the national se-
11 curity of the United States and to the health, safety,
12 and welfare of its citizens;

13 (4) the need for low-level radioactive waste dis-
14 posal sites is regional in nature;

15 (5) the geology and hydrology of the various re-
16 gions of the country may differ significantly;

17 (6) different technologies and methods may have
18 to be developed for the sites involved so that low-level
19 radioactive wastes can be disposed of safely; and

20 (7) a national program is needed to research, de-
21 velop, and demonstrate the safe disposal of low-level
22 radioactive wastes in the several regions of the Nation.

23 PURPOSE

24 SEC. 3. It is the purpose of this Act to establish Federal
25 low-level radioactive waste disposal sites in various regions

1 of the country to demonstrate that the technology exists to
2 dispose safely of low-level radioactive wastes in each region,
3 and to provide for the performance of research aimed at con-
4 tinually improving the techniques and methods of disposal.

5 ESTABLISHMENT OF LOW-LEVEL RADIOACTIVE WASTE
6 REPOSITORIES

7 SEC. 4. (a) As soon as practicable but not later than six
8 months after the date of the enactment of this Act, the Secre-
9 tary of Energy (subject to subsection (c)) shall establish, op-
10 erate, and maintain at least nine but no more than fourteen
11 low-level radioactive waste repositories located at appropri-
12 ate sites in the continental United States on property owned,
13 purchased, or otherwise acquired by the United States
14 Government.

15 (b) To the maximum extent practicable, the Secretary
16 shall work with the individual States where such repositories
17 are to be located, so that the concerns of such States are
18 appropriately addressed.

19 (c) The Secretary shall obtain an operating license from
20 the Nuclear Regulatory Commission, pursuant to chapters 6,
21 7, 8, and 10 of the Atomic Energy Act of 1954, prior to
22 operating any repository authorized by this Act.

23 (d) The Secretary shall make each repository established
24 under this Act available for the storage of all low-level radio-
25 active wastes which are generated or used in the region

1 served by such repository and which are disposable as such in
2 accordance with Federal law.

3 (e) The Secretary shall recover all of the costs of operat-
4 ing and maintaining the repositories established under this
5 Act from fees charged for the disposal of low-level radioac-
6 tive wastes in or by such repositories.

7 (f) The Secretary shall determine the location and exact
8 number of the repositories established under this Act with the
9 goal of minimizing the distance that low-level radioactive
10 wastes will have to be transported for disposal.

11 (g) The Secretary shall establish at the repositories es-
12 tablished under this Act, or at other locations, a program of
13 research and development associated with new and improved
14 techniques and methods for the concentration, solidification
15 and safe storage of low-level radioactive wastes and their
16 residues; and for other appropriate purposes.

17 AUTHORIZATION OF APPROPRIATIONS

18 SEC. 6. There are hereby authorized to be appropriated
19 to the Secretary of Energy such sums as may be necessary to
20 carry out the purpose of this Act.

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96TH CONGRESS
1ST SESSION

H. R. 5809

To amend the Atomic Energy Act of 1954 to authorize States to enter into agreements or compacts with other States for the establishment of regional disposal sites for low-level radioactive waste, to establish certain rules respecting the ownership of low-level radioactive waste, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 7, 1979

Mr. DERRICK introduced the following bill; which was referred jointly to the Committees on Interior and Insular Affairs and Interstate and Foreign Commerce

A BILL

To amend the Atomic Energy Act of 1954 to authorize States to enter into agreements or compacts with other States for the establishment of regional disposal sites for low-level radioactive waste, to establish certain rules respecting the ownership of low-level radioactive waste, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That each State is hereby authorized to enter into such
4 agreements and compacts with other States as may be neces-

1 sary to establish a system of regional disposal sites to be used
2 for the disposal of low-level radioactive waste generated
3 within such region. For purposes of this section, the term
4 "low-level radioactive waste" has the meaning provided by
5 section 11 dd. of the Atomic Energy Act of 1954.

6 SEC. 2. (a) Chapter 8 of the Atomic Energy Act of
7 1954 is amended by adding the following new section at the
8 end thereof:

9 "SEC. 85. OWNERSHIP OF LOW-LEVEL RADIOACTIVE
10 WASTE.—

11 "a. (1) Not later than ninety days after the date of the
12 enactment of this section, the Commission shall promulgate
13 rules respecting the ownership of low-level radioactive waste
14 under which the licensee under this Act who generates the
15 waste shall have title to the waste until such time as the
16 waste is transferred to another licensee for transportation to
17 a licensed facility at which the waste will ultimately be dis-
18 posed of, as determined by the Commission. Such rules shall
19 provide that, at the time of such transfer, the title to such
20 waste shall be transferred to the State in which such waste is
21 generated and such State shall continue to hold title to the
22 waste until the time of its receipt in accordance with this
23 subsection by the facility in which the waste will be ultimate-
24 ly disposed of.

1 “(2) At the time of receipt of any low-level waste by a
2 facility for ultimate disposal thereof, the title to the waste
3 shall pass to the State in which such facility is located unless
4 the State in which the facility is located determines that the
5 waste was not packaged or labeled in such manner as re-
6 quired pursuant to applicable rules and regulations of the
7 Commission and rules and regulations of the Secretary of
8 Transportation.

9 “b. If the Commission makes a determination under
10 paragraph (2) of subsection (a), the rules under this section
11 shall require the State in which the generator of the waste is
12 located to take such action with respect to the waste con-
13 cerned as the Commission may deem appropriate.

14 “c. Any license or permit under this Act which is re-
15 quired for any activity described in subsection a. shall require
16 compliance by the licensee with the rules promulgated under
17 this section.”.

18 (b) The table of contents for such chapter 8 is amended
19 by inserting the following new item at the end thereof:

“Sec. 85. Ownership of low-level radioactive waste.”.

20 (c) The amendments made by this section shall take ef-
21 fect with respect to low-level radioactive waste transported
22 after the date one year following the date of the enactment of
23 this Act.

1 SEC. 3. Section 11 of the Atomic Energy Act of 1954 is
2 amended by adding the following new subsection at the end
3 thereof:

4 "dd. The term 'low-level radioactive waste' means any
5 byproduct material (as defined in subsection e. (1)) which
6 contains less than ten nanocuries of transuranic contaminants
7 per gram of material or any such byproduct material which is
8 free of transuranic contaminants but which the Commission
9 determines, under rules promulgated by it, to have a low,
10 but potentially hazardous, concentration or quantity of
11 radionuclides."

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