

January 30, 1991

Mr. James Kennedy
Office of Nuclear Materials Safety and Safeguards
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Dear Mr. Kennedy:

By this letter the Ohio Citizens for Responsible Energy, Inc. ("OCRE") supports the NRC's analysis and proposed action in SECY-90-318, "Low-Level Radioactive Waste Policy Amendments Act Title Transfer and Possession Provisions." The NRC should discourage extended onsite storage of low-level waste ("LLW"), both for health, safety and environmental protection reasons, and because such storage will provide a disincentive to the development of disposal facilities. In fact, some environmental groups are advocating extended onsite storage of LLW as an alternative to the development of LLW disposal facilities.

However, OCRE would take this opportunity to state its concerns for the need to critically re-examine radioactive waste policy in this country. For both high-level waste and LLW, the policies advanced by Congress have not met with success, but rather with delays and divisive conflicts over the siting of disposal facilities. These policies have pitted States against the Federal government, States against States, and States against local communities and citizens. Perhaps it is time to rethink these policies to develop a system for safely managing these materials in an equitable manner. Among the issues to be addressed are the following:

1. Is the provision for the States to take title and possession of LLW under the LLRWPA of 1985 a just and equitable remedy? Most of the LLW generated, in terms of both volume and activity, is generated by nuclear power plants. With a few exceptions, States are not licensees of these facilities; thus, the States did not generate the bulk of the waste. Why should the States have the responsibility for disposing of materials they did not generate? This might better be a Federal responsibility, especially since the Federal government was the driving force behind the promotion of nuclear power from the 1950s to the 1970s; this promotion is responsible for the plants now operating and generating waste.

2. Is there truly a need for approximately a dozen LLW disposal facilities around the country, or would only two or three suffice?

3. The radioactive waste issue should not be fragmented into defense vs. civilian, and HLW, LLW, and NARM. All radioactive

materials should be considered in a comprehensive plan, and should be classified and handled in a manner that is commensurate with their radioactivity and risk, rather than the arbitrary definitions of HLW and LLW.

4. We need to eliminate the concept of "disposal" of radioactive wastes. "Disposal" implies throwing something away without need for further concern. "Disposal" should be replaced by "management," which means the storage of the wastes in a manner such that they are isolated from the biosphere for the length of the hazardous lifetime of the wastes. "Management" should also recognize that the wastes may be resources that our society, either now or in the future, may need to recover. We may also need to transport the wastes if, in the future, climate changes or tectonic activity render a storage site inappropriate. "Management" also means using best available technology; thus, storage facilities and procedures must be periodically assessed and updated as necessary. These factors dictate that the management approach to radioactive waste must be active, with monitoring and retrievability.

5. The siting of such storage facilities must be made on a national basis, in a cooperative manner, with meaningful involvement of federal agencies and legislators, state governments, industry, and the public, and with an emphasis on technical siting criteria rather than political expediency and the "NIMBY" syndrome. This will not be an easy task, since radioactive waste is something which no one wants. All the participants in this process must recognize the need to solve the radioactive waste problem soon, but without the haste that will result in poor planning just to meet deadlines. They must also recognize that the wastes have to go somewhere, and that the NIMBY approach may actually lead to siting a facility in a less desirable location because the siting decision will be made on the basis of the least political opposition, rather than upon technical criteria.

This process must receive feedback from, and provide feedback to, decisions which are made concerning a National Energy Strategy, which should emphasize energy sources that are safe, sustainable, environmentally benign, and independent from foreign manipulation or disruption.

OCRE appreciates the opportunity to comment upon these matters.

Sincerely,



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