



TENNESSEE DEPARTMENT OF HEALTH AND ENVIRONMENT

Bureau of Environment  
T.E.R.R.A. BUILDING  
150 NINTH AVENUE NORTH  
NASHVILLE, TENNESSEE 37219-5404

September 29, 1989

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SPM/SLIP

Mr. Carlton Kammerer, Director  
State, Local and Indian Tribe Programs  
Office of Governmental and Public Affairs  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Dear Mr. ~~Kammerer~~

Thank you for your letter of September 14, 1989, in response to my letter issued in April, 1989. While I appreciate your expressed understanding, I would have appreciated more action to ensure adequate protection of the environment and citizens from the lack of proper handling of radioactive materials.

As you may know, the action reported in my letter occurred as a consequence of finding our low level waste processors had thousands of cubic feet of waste on hand from a state that was being banned from the three operating disposal sites. Given our experience that long term storage creates major problems for the licensee and the regulator, in addition to presenting great potential for loss of stored materials over time, it is our intent to preclude any long term storage of any RAM. This is a major reason for our support of some resolution of the "mixed waste" and "greater than Class C" problems, as well as, the Low-Level Waste Policy Act (LLRWPA).

In Tennessee, the Radiation Control Program is charged generally by statute with assuring the protection of the public and environment from the hazards of radiation. We take this charge very seriously and strive to assure adequate protection despite the vagaries of the various federal institutions. I appreciate the legal assessment provided, however, it should be specifically noted that this action was taken pursuant to our charge to protect the health of citizens and environment of Tennessee. That it was also taken "in support of" the LLRWPA is a side issue. We agree that the treatment option offers great benefits to the national environment, however, we are well aware that the transportation of this material and long term storage present risks that may outweigh the benefits. This is especially true when waste campaigns are initiated to ship materials out of one state to be treated with the knowledge the processed waste may not be accepted for disposal or return. We also are aware of one other state that has a defacto ban on processing of out-of-region wastes.

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Mr. Carlton Kammerer, Director

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If the NRC desires to discourage any impediments to the safe and efficient management of low-level waste across state and regional borders, it should become very proactive in the ongoing evolution of the LLW process of this country. While Tennessee has been very tolerant of RAM and LLW facilities, we certainly cannot ignore other states actions which may create serious problems for Tennessee directly and perhaps indirectly by affecting Tennessee's continued participation in the Southeast Compact. We currently have the two major LLW processors in the U.S. One of those is completing the installation of a commercial LLW incinerator. These facilities create a unique and extraordinary burden on our shrinking radiation control program and we would appreciate every consideration of assistance you can provide to assure that NRC licensees do not create additional problems for Tennessee.

Sincerely,

Michael H. Mobley  
Director  
Division of Radiological Health

MHM/E4019259

*Paul:*  
Thank you very much  
for these statements  
requests! They open  
the door for us to  
respond with a  
supportive letter. We  
probably should indicate  
we would be willing to  
meet, at their request,  
to discuss them  
with them.  
1/6/90