

January 24, 1991

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

Dear Mr. Kennedy,

I am submitting the following comments on NRC Recommendations on the Title Transfer Provisions of the Low-Level Radioactive Waste Policy Amendments Act of 1985.

1. What factors should the Commission consider in deciding whether to authorize on-site storage of LLW (other than storage for a few months to accommodate operational needs such as consolidating shipments or holding for periodic treatment or decay beyond January 1, 1996?

REPLY:

- The Commission should consider the constitutional and equity issues involved in requiring states to take title to, and responsibility for, wastes generated by private interests.

- The increase in transportation risks and costs of moving waste from one site to another. In my view, an adequate disposal method has not yet been developed. If this view is correct, moving waste to a new location provides no solution, only increases risks and costs. If, on the other hand, a safe method of storage/disposal has been developed, then it can be provided on site. (Any acceptable method must be above ground and retrievable, therefore a new location is not likely to be any improvement.)

- The Commission should consider the possibility of eventual decontamination of existing facilities. For many existing sites there is no realistic hope of total decontamination, so they are permanently committed to a nuclear use. These sites would be prime candidates for on-site storage. In cases where total decontamination is possible, and storage conditions are questionable for any reason, moving the wastes might be wise.

- Licensing and regulatory considerations should be factors. Do existing licenses and/or regulations preclude on-site storage for periods longer than five years? If so, would it be undesirable or difficult to change them?

- Enforcement considerations are important factors. How would on-site storage affect enforcement policies? Without title transfer and/or possession who would be responsible for enforcement? Who would pay for enforcement?

2. What are the potential health, safety and environmental impacts of increased reliance on on-site storage of LLW?

REPLY:

- Health, safety and environmental impacts are possible wherever radioactive waste is stored; these impacts will not be greater from on-site storage if it is properly regulated and vigorously enforced.

3. Would LLW storage for other than operational needs beyond January 1, 1996, have an adverse impact on the incentive for timely development of permanent disposal capacity?

REPLY:

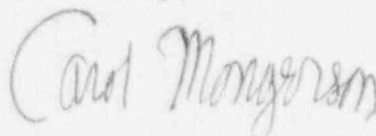
- Incentive, in the form of a series of federal deadlines, to develop permanent disposal technology has been totally ineffective to this date. I see no reason to think that another round of deadlines or penalty threats will produce such a technology. The problems with this technology are far deeper than a federal deadline.

4. What specific administrative, technical, or legal issues are raised by the requirements for transfer of title?

REPLY:

Transfer of title and possession cannot be considered without including the question of responsibility. If responsibility moves with either title or possession, the state will be in the business of bailing out private industry. Generators should not be relieved of that responsibility. No one doubts that other private industries are responsible for their own garbage; why should tax payers relieve a generator of nuclear waste of theirs?

Sincerely,



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