

# Citizens Against Radioactive Dumping

January 25, 1991

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

RE: COMMENT; SECY 90-318

TO: The Commissioners

DISCUSSION: Chenango North Citizens Against Radioactive Dumping (CARD), Officers and membership have analysed the Low Level Radioactive Policy Amendments Act (LLRWPA), and have concluded that in New York State, on-site storage in conjunction with a rapid phase out of nuclear power; on-site storage for decay of medical, institutional and industrial radioactive waste to backround levels and then transporting these 'A' level wastes to an already existing, already contaminated site, aboveground and retrievable, would fullfil the requirements of the LLRWPA.

New York State will not take possession of, or title to the waste and will allow the rebates to go directly to the generators to make preparations for keeping their waste on-site.

New York State already has language in its State Law which says that ' Title shall remain with the generators at all times', and will not EVER accept the responsibility for damages, either directly or indirectly, from radioactive waste, generated by private industry.

New York State will be appealing their challenge to the Constitutionality of this provision and Chenango North CARD will be in support of this challenge. We will continue the education of New York State citizens and legislators to the implications of this requirement.

New York State Power Authority plants will store their waste on-site, prior to their phase out.

Chenango North is surveying hospitals and institutions to ascertain the limitations of storing medical and institutional waste on-site, until decay to backround levels. First returns of information lead us to believe that the majority of hospitals and institutions could make provisions to store on-site with a minimal expenditure. Chenango North would be glad to share the technology and plans involved.

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Chenango North CARD feels the appropriate vehicle for the dissemination of the NRC's new policy direction should be Congressional Hearings. The Hearings should examine the status of the various proposed sites around the United States, with testimony from the citizen groups in each location. It is important that Congress comes to understand that siting a LLRW Dump is incongruent with public health and safety. At some point they will have to be informed, as to the impossibility of isolating radioactive waste from the environment for the duration of the hazard from the waste, because activity around the country will intensify as the deadline for compliance nears.

**1. What factors should the Commission consider in deciding whether to authorize on-site storage of LLW beyond 1996?**

They should weigh the possible dangers of transporting radioactive waste, with accidents happening at the same rate as conventional transportation, with leaving waste in the hands of professionals who are trained to handle radioactive materials.

They should consider that the public in New York State will **NEVER** allow a facility to be built.

They should concede that high level waste is already on-site, so regulatory guidance has already been established.

Radioactive waste is already stored for decay at many hospitals. Most hospital waste decays to background in less than two months.

A lead lined room with a capacity to store 25 years worth of waste in most hospitals with nuclear medicine capacity, would cost less than \$2500 and therefore would be cheaper in the long run than shipping the waste.

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

There would be no new area contaminated, because the waste would stay where it was.

There would be less danger from transportation accidents, because far less would be transported.

Hospitals and institutions already know how to handle radioactive materials. Inservice workshops could be given regularly.

If hospitals and institutions had to store their own waste, it could lead to conservation, especially for unnecessary animal testing with radioactive materials.

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

No, many of the other states don't think that on-site storage is the solution to their dump problems.

You must know that each proposed site has active opposition that will not allow the timely development of a permanent disposal capacity, therefore allowing New York to develop on-site capabilities will allow a place for the waste to be, while true solutions are being sought.

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

Chenango North is convinced that forcing a State to take title to, and liability for private industry's waste, is blatantly unconstitutional.

Citizens will not allow New York State to make the fatal mistake of accepting this financial jeopardy.

If possession was going to be the thread on which title was going to be transferred to the state, it will no longer exist. Since citizens will not allow a facility in New York State, nor will they accept liability, it becomes an administrative problem of the nuclear industry to ascertain just how they are going to explain to their investors the kind of risk they are going to be asked to take when they invest in the nuclear industry.

**5. What are the advantages and disadvantages of transfer of title and possession as separate steps.**

They cannot be legally accomplished as separate steps.

The NRC and the nuclear industry should stop thinking in these terms. The citizens will not allow it to happen.

**6. Could any State or local laws interfere with or preclude transfer of title or possession of LLW.**

Section 1. Subdivision 6 of section 1854-d of the public authorities law, as added by chapter 673 of the laws of 1986, reads as follows...

6. Title to any low level radioactive waste shall at all times remain vested in the generator of such waste, including the period following acceptance of such waste at permanent disposal facilities.

Chenango North intends to make sure this law is tested to the limit and upheld under any conditions.

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7. What assurances of the availability of safe and sufficient disposal capacity for LLW should the Commission require, and when should it require them?

As an Agreement State New York is already in the Nuclear Regulatory business. As such, they have agreed to follow regulations which are compatible with those of the NRC.

For the purposes of **BRC**, New York State will exceed NRC regulations, in that citizens will not allow the deregulation of radioactive material in any way.

The NRC may give guidance and require reports on progress, but should allow states to come to their own solutions, including coming to agreements with generators in their own states and/or agreements with out of state facilities.

8. Are there any other specific issues that would complicate the transfer of title and possession, as well as on-site storage, of LLW and mixed (radioactive and chemical hazardous) waste?

New York State citizens **WILL NOT PERMIT THE STORAGE OR BURNING OF MIXED WASTE IN NEW YORK STATE.**

Individual generators of mixed waste will be responsible for their own permanent storage. If they can't safely, permanently store it, **THEY WILL NOT BE PERMITTED TO CAUSE IT TO BE GENERATED!!!!**

Respectfully submitted,

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Chenango North Citizens Against Radioactive Dumping