

**Central Interstate Low-Level Radioactive  
Waste Compact Commission**

L. Hall Bohlinger, Sc.D.  
Chairman

Raymond J. Peery  
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January 30, 1991

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

RE: Request for Comments on the Title Transfer and Possession Provisions  
for the Low-Level Radioactive Waste Policy Amendments Act and  
Staff Recommendations in SECY 90-318

Dear Mr. Kennedy:

The Central Interstate Low-Level Radioactive Waste Compact Commission  
proffers the following comments on the referenced document.

It is the opinion of this Compact that authorization to store low-level  
radioactive waste for long periods of time beyond January 1, 1996 would  
convolute the purpose of the deadline and thus must not be approved. We  
therefore concur in general with the concept of the staff recommendations in  
SECY 90-318. Health and safety issues may well exist if states do not meet the  
January 1, 1996 deadline and must take possession and title of waste for which  
they are not properly prepared. However, sufficient time exists to avoid this  
potential without allowing storage of waste for prolonged periods after  
January 1, 1996.

Responses to specific questions follow.

What factors should the Commission consider in deciding whether to  
authorize on-site storage of low-level waste (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?

Response:

- Authorizing many on site storage sites increases the number of sites and  
may cause increased risks to health and safety through less stringent  
requirements for storage vs. disposal.

- Money spent to develop or maintain storage sites may not be available for development of disposal facilities.
- As mentioned, will undermine the intent of the LLRWPA.

What are the potential health and safety and environmental impacts of increased reliance on on-site storage of low-level waste?

Response:

- Increased chances for package degradation and accidents.
- Increased chance of release of radioactive materials through inadequate or less stringent siting, construction, and oversight requirements.

Would low-level waste storage for other than operational needs beyond January 1, 1996, have an adverse impact on incentives for timely development of permanent disposal capacity?

Response:

- Yes

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

Response:

- Requires Agreement States to self-license.
- Requires non-Agreement States to be licensed by the NRC.
- State title transfer laws may vary and complicate the issue.
- Mechanics for transfer and regulatory matrices must be worked out.
- For Agreement States, staff capability and equipment needs must be addressed.
- State liability must be addressed.

What are the advantages and disadvantages of transfer of title and possession as separate steps?

**Response:**

- **Advantages:**

Title transfer allows states to leave waste at the point of generation, until it can go to a disposal facility (for short term situation between transfer and final deposition at a disposal facility) or until the state can assume responsibility for the site or build a new site (for long term situation).

May provide a "cleaner" change over.

May be easier for Agreement States to assume regulatory authority.

- **Disadvantages**

Confusion on liability and regulatory authority, but is somewhat dependent on the Agreement State status.

May delay the intent of the LLRWPA by delaying the state taking possession.

**Could any State or local laws interfere with or preclude transfer of title or possession of low-level waste?**

**Response:**

- Always possible. Where the major generator is quasi-state agency (public power district or a university) state title and possession already exists and may be one and the same.

**What assurances of the availability of safe and sufficient disposal capacity for low-level waste should the Commission require them? What additional conditions, if any, should the Commission consider in reviewing such assurance?**

**Response:**

- Storage beyond five years should require a state or compact plan on how the state or compact intends to dispose of the stored waste so that storage is not *de facto* disposal.
- Adequate assessment by the state on storage capacity needs.
- Licensure between now and January 1, 1996 of a facility by the Agreement State or NRC that may generate significant amounts of waste after January 1, 1996 when the state lacks disposal capacity should be avoided.

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- The type of waste to be stored in terms of decay, form, and chemical toxicity.

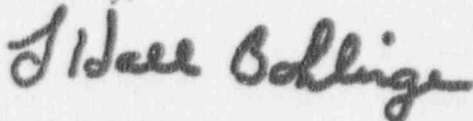
Are there any other specific issues that would complicate the transfer of title and possession, as well as on-site storage, of low-level waste and mixed (radioactive and chemical hazardous) waste?

Response:

- Existing storage sites may not meet 10 CFR Parts 30, 40, and 70.
- Previously mentioned, but reiterated for point, the impact on Agreement State regulatory staff.
- Litigation by states, generators, or third parties.
- Failure of states to resolve legal economic, and/or political issues.
- Bankruptcies.
- Accidents that generate large amounts of waste not previously planned for/emergency access to existing facilities under these circumstances.

Thank you for the opportunity to make these comments. If you have any questions, do not hesitate to contact us. The Commission's contact person on this issue is Ms. Greta Dicus, Arkansas Commission Member.

Sincerely,



L. Hall Bohlinger  
Chairman

GD/ams