

Cortland County
Low-Level Radioactive Waste Office

County Office Building 60 Central Avenue
P.O. Box 5590
Cortland, New York 13045
Telephone (507) 756-3444

Cindy M. Monaco
LLRW Coordinator

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Assistant LLRW Coordinator

October 31, 1990

Kenneth M. Carr
Chairman
United States Nuclear
Regulatory Commission
Washington, D.C. 20555

Dear Chairman Carr:

Your letter dated 20 July 1990 concerning the issue of long-term storage of low-level radioactive waste (LLRW) after 1 January 1996 warrants comment.

In the abovementioned correspondence you state: "NRC approval of long-term on-site storage as a substitute for development of new disposal capacity would clearly be inconsistent with the 1985 Act [LLRWPA]." I find it interesting that the NRC is so dedicated to enforcing the provisions of federal legislation regarding low-level wastes, while at the same time not at all rejecting the idea of long-term on-site storage of high-level radioactive waste (HLRW). The Nuclear Waste Policy Act provides the directive for the development of a national HLRW repository. As you are well aware, substantial delays in this program have been encountered. Seemingly in response to these delays, the NRC has reevaluated its policy concerning prolonged HLRW storage at reactor sites. As you must also be aware, the NRC recently published a revision to its 1984 Waste Confidence Decision. The NRC found that "spent fuel generated in / reactor can be stored safely and without significant environmental impact for at least thirty years beyond the licensed life (of the power plant) at the reactor's fuel storage basin, or at either onsite or offsite independent spent fuel storage installation." (1990 Annual Report Section of Public Utility Law, American Bar Association, p.93) Thus, it is obvious that the NRC is promoting policies which are, at best, completely inconsistent with one another. Moreover, given the much higher curie content of HLRW when compared to LLRW, the illogic of the policies is particularly striking.

Discussions held at the Department of Energy's most recent Waste Management Conference (August 28 & 29, Chicago,

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Illinois) demonstrated quite plainly that on-site storage of LLRW is not limited by technical considerations. That is, safe storage of LLRW at reactor sites is undoubtedly technically feasible. The question is not whether it is possible, but, rather, whether we want to go in that direction. (In fact, in Ontario at the Bruce Site and at AECL's Chalk River location, successful on-site storage programs have been in place for quite some time.) In my initial correspondence to you, I requested that you provide the NRC's technical basis and rationale for its policy against on-site storage. A frank response to this query would have been appreciated. Unfortunately, you neglected to provide such a response.

I trust that you recognize the serious nature of the nation's LLRW storage/disposal situation. For the sake of this country's citizenry, it is imperative that the NRC take a realistic approach to the situation. As I mentioned in my previous letter to you, NRC policy statements will not alter reality. The necessity for long-term on-site storage already exists, and the situation will most assuredly not improve over the next several years. If the NRC is, indeed, concerned primarily with public health and safety, then I suggest that it face the facts, revise its policy, and assist the states in preparing for the inevitability of point of generation storage.

Sincerely,

Cindy Monaco

Cindy Monaco
Cortland County LLRW Coordinator

cc: Michael Weber
Dr. John Randall
Governor Mario Cuomo
Frank Murray
Dr. Paul Merges
Gene Gleason
Richard Tupper
Mr. Tom Combs

Ms. Cindy Monaco
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During the meeting, we discussed the issue of storage of LLW, including the issuance of licenses for storage after 1996; the potential impact such actions might have on State actions to establish permanent disposal facilities; and, finally, the length of time that should be allowed for such storage approvals.

Given the importance of this issue, I directed, at the conclusion of the meeting, that the Secretary dispatch a letter to the States and compacts asking for their comments and input. The Commission will benefit from having their views before reaching a decision on whether additional guidance or rulemaking is necessary to clearly establish the Nuclear Regulatory Commission's (NRC's) position on the storage of LLW. I will share your views with the Commission and they will be fully considered in our further deliberations on this issue.

I trust this response provides further information on the actions under consideration at NRC to address this important issue.

Kenneth M. Carr

Enclosure: Staff's paper

cc: Eugene J. Gleason, New York State Liaison Officer
 New York State Energy Office

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 SUBJECT ABSTRACT: LONG-TERM STORAGE OF LOW-LEVEL RADIOACTIVE WASTE

OFC :LLOB*	:OGC*	:TEDITOR*	:LLWM*	:LLWM*
NAME: PLOhaus	:Fonner	:EKraus	:JGreeves	:RBangart
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OFC :NMSS	:NMSS	:DEDS	:EDO	:OCM
NAME :GARlotto	:RBernero	:HTompson	:JTaylor	:KCarr
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