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COUNTY SANITATION DISTRICTS OF LOS ANGELES COUNTY

1955 Workman Mill Road, Whittier, CA 90601-1400
Mailing Address: P.O. Box 4998, Whittier, CA 90607-4998
Telephone: (562) 699-7411, FAX: (562) 699-5422
www.lacsd.org

CHARLES W. CARRY
Chief Engineer and General Manager

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PROPOSED RULE **PR 20**
(64FR35090)

Secretary
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Attn: Rulemaking and Adjudications Staff

Release of Solid Material at Licenced Facilities

The Sanitation Districts of Los Angeles County appreciate the opportunity to offer the following comments regarding Nuclear Regulatory Commission (NRC) rulemaking that would set specific requirements for releasing solid material in order to establish a consistent regulatory framework:

1. Quantities of solid material released from licensed facilities are not currently tracked. As mentioned at the NRC public meeting on rulemaking held in San Francisco in September 1999, over the next decade, large scale decontamination and decommissioning of NRC licensed nuclear reactors and other facilities are expected to generate large quantities of solid material that may be cleared for release to Municipal Solid Waste (MSW) landfills. The County of Los Angeles is facing a serious disposal crisis, both in terms of the daily and long term disposal capacity available, that requires every effort to minimize the amount of wastes generated. Any new waste source exacerbates an already serious disposal capacity shortfall. To better determine the effects on landfill capacity, it is imperative that quantities of materials potentially released be estimated and evaluated in the document prepared pursuant to the National Environmental Policy Act (NEPA).
2. MSW landfills are regulated by federal, state and local authorities. Regardless of changes made to federal guidelines, all landfills will still have to comply with state and local regulations. Many state agencies and local land use authorities have banned radioactive wastes from MSW landfills or have requirements more stringent than those defined in Subtitle D. Therefore, not all MSW landfills will be able to accept cleared material. A full assessment of available permitted capacity must be made to complement the estimation of the quantity of material to be released (referenced in comment 1).
3. A legally licensed landfill has to obtain several permits in order to operate. In California, a land use permit is granted by the local government after going through an extensive public review process. As you may imagine, most landfill projects are highly controversial. Disposing of increased quantities of radioactive waste in an MSW landfill is likely to generate unfavorable public response, which could in turn affect a landfill operator's willingness to accept the waste, even where permits

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allow its acceptance. How is the public going to be made aware of the proposal prior to its adoption?

4. The President's Executive Order 13132, states that when determining whether to establish uniform national standards, agencies shall consult with appropriate State and local officials as to the need for national standards and any alternatives that would limit the scope of national standards or otherwise preserve State prerogative and authority. It also states that when national standards are required by Federal statutes, agencies shall consult with appropriate State and local officials in developing those standards. Considering the significant impacts on MSW landfills, all state regulatory bodies responsible for MSW management, including the California Integrated Waste Management Board, should be consulted during the NEPA process and final rulemaking.
5. Regulators and agencies have no general consensus as to what individual dose levels are acceptable regarding the release of solid material from licensed facilities for unregulated use. It is important that these dose levels and likelihoods of exposure are better defined in order to assess the full range of environmental and health impacts. The NEPA document should be clear and straightforward to allow meaningful participation by those who do not have the related scientific background.
6. Other concerns that need to be addressed in the NEPA document include: the potential for worker and residential exposure through migration pathways, collective radiation doses due to multiple sources and/or radioactivity buildup, and evaluation of the environmental impacts of disposing cleared material to MSW landfills.
7. We have been disappointed in the lack of NRC responsiveness to our inquiries regarding this regulatory proposal. We hope that through the NEPA process and formal rulemaking process, improvements will be made in the clarity of the information presented and the availability of NRC staff to those of us outside the nuclear industry who will be impacted by the proposal.

The Sanitation Districts request to be kept on your mailing list and be sent a copy of the Environmental Impact Statement when it is released for public review. If you have any questions regarding these comments, please contact Felicia Ursitti at (562) 699-7411, extension 2456.

Very truly yours,

Charles W. Carry



Grace R. Chan
Head, Permitting Section
Solid Waste Management Department

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