

SEP 19 1 37 PM '94



September 12, 1994

C. W. Mueller
President and
Chief Executive Officer

The Honorable Thomas P. Grumbly
Assistant Secretary for the Office of
Environmental Management
U.S. D.O.E.
1000 Independence Avenue, S.W.
Washington, D.C. 20585

Dear Mr. Grumbly:

At the August 8, 1994, meeting on the future of the FUSRAP sites in St. Louis, Callaway Plant was suggested as a possible site for disposal of DOE radioactive waste. The idea was also reported in an August 16 St. Louis Post-Dispatch article covering the meeting.

While we sympathize with the difficulties you and your colleagues face in disposing of DOE waste and in building consensus on a solution to this problem, there are a number of reasons why the Callaway Plant site is wholly inappropriate for disposal of FUSRAP waste. These reasons are detailed in the enclosed position paper.

If you have any questions after reviewing our position, please do not hesitate to call. If you would like our technical or legal assistance, we would be happy to participate in any way we can.

Sincerely,

A handwritten signature in cursive script, appearing to read "C. W. Mueller".

JEB/NGS
Enclosure

cc: The Honorable Freeman Bosley
The Honorable Buzz Westfall
Ms. Anna Ginsburg
Dr. Alpha Fowler Bryan, M.D.
Mr. David Adler ✓

UNION ELECTRIC COMPANY POSITION
REGARDING DISPOSAL OF DOE
FORMERLY UTILIZED SITE REMEDIAL ACTION PROGRAM (FUSRAP) WASTE
AT CALLAWAY PLANT

The Callaway Plant site is wholly inappropriate for the disposal of FUSRAP low-level radioactive waste for the following reasons:

- The Callaway Plant site is not "Perpetually Contaminated." Over the years it has often been suggested by environmental activists that Callaway Plant would be an ideal site for the disposal of all Missouri low-level radioactive wastes (LLRW) because the site is already "perpetually contaminated" with radioactive materials. This assertion is, of course, false. The facts are that all radioactive materials are contained within the plant structures and LLRW materials are stored in approved containers awaiting shipment to a future Midwest Compact LLRW disposal facility. Emissions from the plant are several orders of magnitude below regulatory limits and are virtually undetectable over background levels found in the environment. Under our NRC license, Callaway Plant will be decommissioned at the end of its useful life. This will involve removal of radioactive materials (including all spent nuclear fuel), disassembly and decontamination of the plant and restoration of the site for unrestricted use. Accordingly, it can hardly be said that Callaway is or will be "permanently contaminated."

Since 1977, acreage around Callaway Plant has been used as a wildlife refuge and nature preserve under a long-term agreement with the Missouri Department of Conservation. The site supports wholesome public uses such as hunting, fishing, hiking, farming and forest management. Rather than a "perpetually contaminated" site, it is more like a state park--a location hardly suitable for permanent disposal of LLRW.

- By law, Callaway and DOE wastes cannot be consolidated at one site. Those who are promoting a disposal facility at Callaway say that such a facility could also be used to dispose of plant LLRW--saving transportation costs and shipping hazards. The Low-Level Radioactive Waste Policy Amendments Act of 1985 and the Midwest Compact make it unlawful to co-mingle Callaway Plant and DOE LLRW at the same site. The law requires that Callaway Plant use a Midwest Compact facility. DOE wastes are simply not allowed in a compact facility. Since a disposal site accepting DOE waste cannot be a Midwest Compact disposal site, Callaway Plant LLRW would be shipped to another location for disposal, eliminating any claimed advantage of locating DOE's disposal site at Callaway.

Section 3(a)(1) of the LLRW Policy Amendments Act (42 USC 2021b) states, in part:

"Each State shall be responsible for providing, either by itself or in cooperation with other States, for the disposal of -

- (A);
- (B) low-level radioactive waste described in subparagraph (A) that is generated by the Federal Government except such waste that is - (i) owned or generated by the Department of Energy;"

The following provision was adopted by the Midwest Compact (42 USC 2021d)--the organization of midwestern states (including Missouri) that was forged to site a LLRW disposal facility--in Article I which states a compact facility can accept all the member states' LLRW:

"...except for waste generated as a result of certain defense activities of the Federal government or Federal research and development activities."

- The Callaway Plant Operating License does not allow disposal of LLRW on-site. The Nuclear Regulatory Commission Operating License for Callaway Plant does not allow permanent disposal of LLRW on-site, nor does it allow storage of non-Callaway waste on-site. NRC guidance discourages locating LLRW disposal facilities near nuclear power plants because environmental monitoring of the disposal facility could be masked by emissions from the power plant making it impossible to characterize emissions from the disposal facility. In addition, NRC is opposed to any activity at the site which is not supportive of activities authorized by the operating license and which may divert management attention from the safe operation of the plant. Callaway Plant has been an excellent performer with an enviable safety record. Both Union Electric and the NRC will not permit any activity which could jeopardize that excellent safety and operating record.
- The Callaway Plant site is not for sale. Currently, about 500 acres of the Callaway site are used for the generation of electric power. As previously noted, the remainder of the site is under lease to the Missouri Department of Conservation for use as a wildlife refuge and nature preserve. Because of the public need to continue such usage, no part of the Callaway site is for sale.

- In furtherance of their assertion, those promoting a waste disposal site at Callaway say:

Callaway County owes it to us to take the FUSRAP waste since we pay for their services (schools, hospitals, etc.) with taxes paid on our electric bills.

This specious argument shows a total lack of understanding regarding how utility taxes are assessed and levied. Taxes on the Callaway Plant are handled in exactly the same way as taxes assessed on the Company's other power plants in Morgan, Miller, Camden, Reynolds, Jefferson, Franklin, St. Charles and St. Louis Counties. Moreover, taxing jurisdictions in the St. Louis metropolitan area actually receive about 55% of the total tax dollars on all Union Electric power plants.

Callaway County residents would be happy to take the FUSRAP waste, since they are happy with having Callaway Plant in their county. While we are not aware of any survey of Callaway County residents on this issue, it is logical to assume that their opinions would mimic the opinions of St. Louis County residents regarding a LLRW disposal site in their community. Communities surrounding Callaway Plant have always had our assurance that Callaway Plant would be decommissioned at the end of its useful life. They are aware that this would involve removal of radioactive materials from the site resulting in its release for unrestricted use. Development of a permanent disposal facility would permanently contaminate the site, violate our understanding with the community, add concerns never considered before and jeopardize the strong relationship Union Electric has developed with the citizens of Callaway County.

Transportation costs and hazards associated with transportation would be saved with a site at Callaway rather than Utah or some other place. As previously noted, Callaway Plant wastes would need to be sent to another location (Midwest Compact) site whether or not a FUSRAP disposal site were developed at Callaway. We fully support the Congressional national policy and the compact process as established by the LLRW Policy Act to minimize the number of LLRW disposal sites. Proliferation of waste disposal sites at nuclear power plant sites is not a responsible policy for both economic and safety reasons. Facility disposal costs far outweigh the cost of transportation and thousands of shipments are made safely each year. In addition, establishing a disposal facility in Missouri to take only the FUSRAP waste from the St. Louis area would fail to take advantage of economies of scale as Congress intended in the Act. With an operating

disposal facility already available in Utah to take the waste, how could another permanent disposal facility established at Callaway be the "preferred choice?" The "use Callaway" proposal is contrary to Federal policy and clearly does not make sense from an economic standpoint.

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Formerly Utilized Sites Remedial Action Program (FUSRAP)

ADMINISTRATIVE RECORD

for the St. Louis Site, Missouri



U.S. Department of Energy

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