LLW
FORUM

LLW Notes

Volume 10, Number 7

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LLW Forum, FFCA Task Force Endorse Mixed Waste Pilot Project

Working Group Named to Develop Procedures

The National Governors' Association (NGA) Federal Facility Compliance Act (FFCA) Task Force met October 19 and 20 in Las Vegas, Nevada. During the meeting, the task force agreed to establish a working group to develop the procedures necessary to implement a commercial mixed waste pilot project. The pilot project would involve sending a commercial mixed waste to an existing DOE facility for treatment. The residual waste would then be shipped on for disposal or be returned to the point of origin.

Pilot Project Working Group

The following states are represented on the pilot project working group:

- California,
- Connecticut,
- Iowa,
- South Carolina, and
- Tennessee.

Other states may be added to the working group later in the process. As of press time, the first meeting of the working group had not been scheduled.

Background: LLW Forum Proposal

The Mixed Waste Working Group of the LLW Forum met on September 27 in conjunction with the LLW Forum meeting. During the working group meeting, members discussed the next steps needed for DOE acceptance of commercial mixed waste for treatment. Working group members agreed to write a letter to DOE suggesting the development and implementation of a pilot project in order to demonstrate the feasibility of DOE accepting commercial mixed waste and to identify issues requiring further attention. Teresa Hay and Domenic Forcella—LLW Forum Mixed Waste Working Group members who are also members of the FFCA Task Force—brought the draft letter to the FFCA meeting for discussion. (See related stories, page 8 and page 11.)

For further information, contact Laura Scheele, Mixed Waste Working Group Coordinator, at (202)547-2620.

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MASTER

LLW Forum

LLW Notes

Volume 10, Number 7 • November 7, 1995

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The Low-Level Radioactive Waste Forum is an association of state and compact representatives, appointed by governors and compact commissions, established to facilitate state and compact implementation of the Low-Level Radioactive Waste Policy Act of 1980 and the Low-Level Radioactive Waste Policy Amendments Act of 1985 and to promote the objectives of low-level radioactive waste regional compacts. The LLW Forum provides an opportunity for state and compact officials to share information with one another and to exchange views with officials of federal agencies and other interested parties.

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Key to Abbreviations

Code of Federal Regulations	CFR
U.S. Environmental Protection Agency	EPA
U.S. Department of Energy	DOE
U.S. Department of Transportation	DOT
U.S. General Accounting Office	GAO
U.S. Nuclear Regulatory Commission	NRC

LLW Forum Holds Fall Meeting

The LLW Forum met for three days in Salt Lake City, Utah, on September 26–28. Twenty-eight Forum Participants and Alternate Forum Participants representing 24 compacts and states participated in the meeting—along with 19 resource people from the States of Ohio and Utah, EPA, DOE, NRC, the NRC's Advisory Committee on Nuclear Waste, the Department of the Army, the DOE National Low-Level Waste Management Program, the Electric Power Research Institute, American Nuclear Insurers, American Ecology, and Envirocare of Utah.

Also in attendance as observers were 21 additional state and compact officials; two DOE officials; two EPA officials; one staff person from the NRC's Advisory Committee on Nuclear Waste; three DOE contractor staff; 26 individuals representing variously one national generators association, one national environmental organization, three state/regional users groups, one generator, three facility developers/operators, four broker/processors, one local monitoring committee, five consulting firms, and two attorneys.

Highlights of the meeting follow.

For further information, see LLW Forum Meeting Report, September 26–28, 1995, prepared by Afton Associates, Inc.

Opportunities for Out-of-Region Commercial Generators: Radioactive Waste Disposal in the Northwest Compact

Panelists made the following presentations and responded to numerous questions on issues such as waste shipments to Envirocare, state oversight at Envirocare, and the differences in policy with respect to disposal of diffuse and discrete naturally occurring and accelerator-produced radioactive materials (NARM) at Hanford.

Overview of Facilities and Types of Commercial Radioactive Waste Accepted Terry Strong, Director of Radiation Protection for the Department of Health in the State of Washington and Chair of the Northwest Interstate Compact on Low-Level Radioactive Waste Management.

Compact Authority and Policy Joe Stohr, Executive Director of the Northwest Compact.

Commercial Waste Disposal at Envirocare William Sinclair, Director of the Division of Radiation Control of the State of Utah; and Charles Judd, Vice President of Operations of Envirocare of Utah.

NARM Disposal at Hanford Rich Paton, Vice President of American Ecology.

International Export of Radioactive Waste for Disposal

James Kennedy, a Senior Project Manager in the NRC Division of Waste Management, provided information on NRC's finalization of its rule on the import and export of radioactive waste. He reviewed the history behind the rule, its provisions and their application, and exclusions contained within the rule. Todd Lovinger, LLW Forum Legal Clearinghouse Director, reported on proposals to export low-level radioactive waste for disposal to the Russian Republic of Dagestan and to an unnamed foreign country. Lovinger also gave an update on the proposed disposal of class-A low-level radioactive waste in Mexico.

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Forum Participants' Roundtable: Impact of Recent Developments on Commercial Low-Level Radioactive Waste Management

The following presentations were made following which many Forum Participants provided their perspectives on recent changes in the national scene.

Goals of the National System and Relevance Today
Holmes Brown, Forum Facilitator.

Effect of the Availability of Out-of-Region Disposal
Leonard Slosky, Executive Director of the Rocky Mountain Low-Level Radioactive Waste Board; Eric Schwing, Legal Counsel of the Central Midwest Interstate Low-Level Radioactive Waste Commission; Lee Mathews, General Counsel of the Texas Low-Level Radioactive Waste Disposal Authority; and Carol Amick, Executive Director of the Massachusetts Low-Level Radioactive Waste Management Board.

Potential National Impact of Opening One New Site
John Macmillan, Executive Director of the North Carolina Low-Level Radioactive Waste Management Authority.

Potential for Additional Interregional Cooperation
Janice Deshais, Executive Director of the Northeast Interstate Low-Level Radioactive Waste Commission.

Executive Session

Second Quarter Financial Report M. A. Shaker, Forum Management Advisor, informed Forum Participants that the contractor expenditures were under the LLW Forum's budget for the second quarter.

1996 Budget A motion of the Executive Committee that the 1996 budget be approved as proposed was approved unanimously.

Post-1996 Funding Terry Strong reported that the 1997-1999 grant request to DOE by the State of Washington Department of Health on behalf of the LLW Forum was progressing.

The following motion was then approved unanimously:

The LLW Forum greatly appreciates the assistance that the State of Washington has provided in the past in obtaining and managing the grant from the U.S. Department of Energy to support the LLW Forum. Washington's support of the LLW Forum has had a very positive influence on the siting and development of low-level radioactive waste disposal facilities in the United States.

Executive Committee Report

Kathryn Haynes, Alternate Forum Convenor, reported that the Executive Committee

- incorporated the work of the LLW Forum Planning Committee into that of the Executive Committee and encouraged Planning Committee members to continue participating in Executive Committee planning activities;
- asked the staff to invite the new NRC Commissioners to come to the February and May LLW Forum meetings in order to interact with all Forum Participants;
- asked the staff to continue to monitor changes at DOE and to recommend appropriate times to meet with newly appointed officials;
- asked the staff to schedule a spring briefing of Washington, D.C. representatives of Governors, allowing time for state and compact representatives to meet with their congressional delegations;
- will be sending letters to Forum Participants requesting input on funding mechanisms for the LLW Forum; and
- requested that a group of volunteer Forum Participants work with staff on incorporation of the LLW Forum as a separate entity and look at long-range plans for the LLW Forum with the objective of maintaining existing rights and providing legal protection for all.

The following motion was then approved unanimously:

that Jim Boyd be commended for the cooperation and support he has brought to the LLW Forum in his position at the U.S. Department of Energy.

Contractor Report M. A. Shaker reminded Forum Participants that Executive Committee and Convenor elections will be held in February 1996. Shaker then reviewed the highlights of staff work since the May meeting of the LLW Forum.

Meeting and Site Tour Arrangements Janice Euell, Forum Logistics Coordinator, reviewed plans for the LLW Forum 1996 meetings—February in San Diego, California; May in Annapolis, Maryland; and September in Austin, Texas. Shaker noted that a final decision on 1997 meeting locations will be made at the February 1996 meeting of the LLW Forum.

Participation in the LLW Forum The following motions were passed unanimously:

the LLW Forum recognizes Joe Stohr for his service and contribution to the LLW Forum and wishes him well in future work for government

and

the LLW Forum recognizes Harvey Collins for his service and contribution to the LLW Forum and wishes him well in his future endeavors.

Panel Discussion: Surcharge Rebates

Todd Lovinger gave an overview of four cases currently pending before the courts that challenge the distribution of low-level radioactive waste disposal surcharge rebates by the U.S. Department of Energy. Carol Amick, Eric Schwing, and Teresa Hay, who chairs the Midwest Compact Commission, then each reported on the status of a specific lawsuit.

Following the state and compact presentations, Robert Waxman, an attorney with DOE's Office of General Counsel, explained the department's position on the status of rebate litigation.

Interregional Shipment of Waste for Processing and Disposal

A. Eugene Crump, Executive Director and General Counsel of the Central Interstate Low-Level Radioactive Waste Commission, summarized the practices of nine compacts on the exportation of waste from the region for disposal, noting that all of the compacts had adopted some sort of policy on this issue.

Eric Schwing gave a brief overview of facility access agreements into which the Central Midwest Interstate Low-Level Radioactive Waste Commission has entered, and he expressed the commission's willingness to conclude similar agreements with other states and compacts.

Waste Manifesting and Tracking

Manifesting of Sealed Sources Under NRC's Final Rule Todd Lovinger, LLW Forum Waste Information Working Group staff coordinator, explained that, subsequent to the May 1995 LLW Forum meeting, NRC informed LLW Forum staff that under the rule leased sealed sources may be regulated differently from those which are sold.

James Kennedy reviewed NRC's response, explaining that leased sealed sources are considered differently under the rule than those which are sold. He stressed, however, that states and compacts are accorded latitude in their interpretation of the rule, and that the rule does not preclude states and compacts from requiring that leased sealed sources be tracked back to the users, if such action is consistent with their authorities.

Report of the LLW Forum Waste Information Working Group Eric Schwing reported that the working group had discussed the application and impact of NRC's final rule regarding the manifesting of sealed sources. (See related story, this issue.)

NRC Advisory Committee on Nuclear Waste (ACNW)

Structure and Role Paul Pomeroy, Chair of the NRC's Advisory Committee on Nuclear Waste, explained the structure of ACNW and its role as a forum for airing views on technical issues related to nuclear waste.

Issues Currently Being Addressed Pomeroy stated that the ACNW had recently issued letter reports on a number of low-level radioactive waste issues.

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Regulatory Developments Affecting Radioactive Materials and Waste

EPA's Plans for Future Guidance re Recycle/Reuse Reid Harvey, an Economist in the EPA Office of Radiation and Indoor Air, explained that the EPA and NRC site cleanup rules would require the disposal of millions of tons of slightly contaminated metal in the absence of a recycle/reuse rule. He indicated that EPA is currently seeking stakeholder involvement on the development of recycling standards.

Radioactive Contamination of Sewage Systems Kennedy explained that NRC regulations allow licensees to discharge radioactive materials into sanitary sewer systems if the materials meet 10 CFR Part 20 regulations. He noted that the materials can concentrate at sewage treatment plants and result in increased doses to plant workers. NRC is working on improving its modeling of radioactive materials in sewage systems.

NRC's Branch Technical Position on Baghouse Dust Kennedy described cesium-contaminated baghouse dust and the processes that generate it. He noted that NRC is developing a branch technical position to address the disposal of contaminated baghouse dust.

Peer Review Activities in States

California Experience Harvey Collins, Chief of the Division of Drinking Water and Environmental Management in the California Department of Health Services, described the origin and the role of five major advisory committees established by the California Department of Health Services throughout the implementation of the Ward Valley project.

Texas Experience Collins then reported that Texas had employed a consultant to review the license application to determine if all legal requirements had been addressed.

Ohio Plans Gary Suhadolnik, Chair of the Energy and Natural Resources Committee of the Ohio Senate, explained how peer review activities were developed in Ohio's legislation and provided an overview of the legal requirements for peer review. Jane Harf, Ohio EPA's Deputy Director for Low-Level Radioactive Waste, discussed how Ohio is planning to implement the peer review features of the legislation.

Other States Forum Participants discussed peer review plans and activities in their respective states.

Commercial Mixed Waste Management

Report of the Mixed Waste Working Group Domenic Forcella, Chair and Executive Officer of the Connecticut Hazardous Waste Management Service, reported on the activities of the LLW Forum's Mixed Waste Working Group. (See related story, this issue.)

Interface with the Federal Facility Compliance Act (FFCA) Task Force Forcella reported that the Mixed Waste Working Group will send a letter to DOE encouraging DOE to pursue a pilot project to use an existing DOE treatment facility to treat a commercial mixed waste.

Risk Harmonization: Federal Efforts to Improve Consistency in Regulations

Status Report on Federal Efforts Eugene Durman, Acting Director of the EPA Office of Radiation and Indoor Air's Radiation Studies Division, discussed the background of the Interagency Steering Committee on Radiation Standards (ISCORS). ISCORS has formed a Subcommittee on Risk Harmonization with participation from EPA, DOD, DOE, Department of Labor and NRC to develop the recommendations to be sent to NRC and EPA.

Relationship to Dual Regulation Durman said that EPA reopened the comment period on the rescission of NESHAPs Subpart I—which applies to low-level radioactive waste disposal facilities—on September 28. James Kennedy of NRC described the air emissions constraint rule that NRC is developing.

Kennedy described recent correspondence from NRC to EPA regarding the management and disposal of mixed waste. He noted that mixed waste is a different type of dual regulation because EPA and NRC are regulating different components of the same waste.

Draft LLW Forum Correspondence Laura Scheele, Forum Federal Liaison, explained that Forum Participants had passed a motion in May 1995 directing Afton Associates to draft a letter in support of risk harmonization efforts for approval at the September 1995 Forum meeting.

Following discussion and an opportunity for public comment, the following motion was approved unanimously:

Since, at the request of Senator John Glenn (D-OH), the U.S. General Accounting Office has determined that there is an overall lack of interagency consensus on how much radiation risk to the public is acceptable, and

Since the differences among federal radiation protection standards are a source of confusion to members of the public interested in the efforts of states to site low-level radioactive waste disposal facilities, and

Since the federal agencies, led by EPA and NRC, have strengthened ongoing efforts to harmonize federal radiation protection standards by establishing the Interagency Steering Committee on Radiation Standards (ISCORS),

Therefore, be it resolved that the LLW Forum strongly endorses efforts by all federal agencies to, in a timely manner, increase the consistency of radiation protection standards.

Low-Level Radioactive Waste Management: An Interactive Dialogue with DOE, EPA and NRC

U.S. Nuclear Regulatory Commission Carl Paperiello, Director of the NRC Office of Nuclear Materials Safety and Safeguards, noted that NRC's budget would be reduced by approximately 10 percent despite the fact that NRC is self-funding through fees levied on generators. He noted that NRC is considering alternatives regarding the low-level radioactive waste program and referenced the NRC staff paper addressing some of the options.

U.S. Environmental Protection Agency Eugene Durman of EPA explained the EPA's budget situation and noted that budget cuts could be as high as 30 percent. He indicated that this would eliminate "low-priority" radiation programs, including the rescission of NESHAPs Subpart I and the recycling guidance.

U.S. Department of Energy Joseph Coleman, Director of the Office of Eastern Waste Management Operations of the DOE Office of Environmental Management, described the process of reorganizing DOE's Office of Environmental Management. He provided an update on DOE's progress in implementing DOE low-level radioactive waste disposal plans as recommended by the Defense Nuclear Facilities Safety Board in Recommendation 94-2. He noted that the greater-than-class-C waste disposal program is likely to receive the main budget cuts.

Risk-Based Regulations and Other Regulatory Methods Randy Wood, Director of the Nebraska Department of Environmental Quality, described how risk-based regulation differs from more traditional regulatory modes. He discussed how the move toward risk-based regulation changes the role of the regulator. He noted that a risk-based regulatory mode involves value judgments on the best ways to balance the risks, benefits, and costs of various policy options.

Following the discussion, the Forum Participants unanimously agreed that

the LLW Forum recognizes the support, assistance, and encouragement given by Joe Coleman to the states and compacts implementing the nation's Low-Level Radioactive waste program, expresses its deep appreciation for his work, and wishes him the very best in his new role.

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LLW Forum September 1995 Meeting—Other Topics

The following topics were also part of the agenda:

- new developments in states and compacts;
- a liaison report on the Host State Technical Coordinating Committee meeting in August in Boston, Massachusetts;
- DOE's low-level waste management program—including current information on the status of DOE technical assistance activities, current and future practices of the National Low-Level Waste Management Program, and Idaho National Engineering Laboratory practices that may be of interest to Forum Participants;
- federal waste management—including information on the DOD Base Realignment and Closure (BRAC) process, the function and purpose of DOD waste consolidation facilities in South Carolina and Washington, and DOD's assessment of potential new contract sources to determine whether the contracts for the two facilities should be open for competitive bidding;
- insurance guidelines for storage—including information on the organizational structure and history of American Nuclear Insurers (ANI), types of coverage provided and facilities insured, claims, premiums, ANI's views with respect to storage of non-reactor waste at reactor sites, the impact of mixed waste on insurance coverage, and coverage for a new generation of low-level radioactive waste disposal sites;
- Electric Power Research Institute Projects, specifically programs and technology available to help utilities with source reduction and off-site volume reduction;
- types of radioactive waste, specifically the types of waste that generally constitute 11e.(2) waste, including the fact that there are ambiguities about which wastes fall into this category; and
- LLW Forum agenda planning for the February 1996 meeting.

LLW Forum Tours Envirocare Site

In conjunction with the LLW Forum's meeting in Salt Lake City, Forum Participants and others had the opportunity to tour Envirocare's facility in Clive, Utah, on September 29. Transportation to and from the facility was provided by Envirocare, which sponsored the tour.

Attendance Seventeen Forum Participants and Alternate Forum Participants took part in the tour, along with 20 additional state and compact officials, and seven officials from federal agencies.

Thirteen other interested parties—including representatives of users group associations, local monitoring committees, generators and generator organizations, environmental consulting firms, facility developers/operators, and private citizens—also attended the tour, as did four LLW Forum staff members.

Itinerary Tour participants were offered their choice of an on-site tour or a drive-by tour of the perimeter of the facilities. Those who participated in the on-site tour received training and clothing required for entry into restricted areas.

The on-site tour included visits to the

- low-level radioactive waste disposal facility,
- the NORM disposal facility,
- the mixed waste disposal cell, and
- the mixed waste treatment facility.

Tour participants also learned about the disposal facility for 11e.(2) waste, i.e., uranium and thorium mill tailings.

LLW Forum Mixed Waste Working Group Meets

Presentations and Discussions The Mixed Waste Working Group met on September 27 in conjunction with the LLW Forum meeting. During the course of the working group meeting, members

- heard a report from a representative of DOE's National Low-Level Waste Management Program on the draft analysis of the suitability of using DOE facilities to treat commercial mixed waste;
- discussed the next steps for DOE acceptance of commercial mixed waste for treatment;
- discussed recent activities of the Federal Facility Compliance Act (FFCA) Task Force, the next steps in the FFCA process, and preparation for the next FFCA meeting; and
- heard a report from an NRC representative on NRC's correspondence with EPA about mixed waste regulations, the joint EPA/NRC issuance of mixed waste storage guidance, and the status of NRC's branch technical position on baghouse dust.

Resolution re Issuance of Hazardous Waste Rule During the meeting, the working group unanimously agreed

that state and compact representatives should be aware of the issuance of the Hazardous Waste Identification Rule—which is to be published by EPA in the *Federal Register* by November 15, 1995—and should coordinate with their hazardous waste people to determine the implications of the rule for mixed waste management.

Attendance Attending the Mixed Waste Working Group meeting were the following working group members and affiliate members:

- Carol Amick of the Massachusetts Low-Level Radioactive Waste Management Board;
- Harvey Collins of the California Department of Health Services;
- William Dornsife of the Pennsylvania Bureau of Radiation Protection;
- Domenic Forcella of the Connecticut Hazardous Waste Management Service;

- Ronald Gingerich of the Connecticut Hazardous Waste Management Service;
- Teresa Hay of the Midwest Compact and the Iowa Department of Natural Resources;
- Lee Mathews of the Texas Low-Level Radioactive Waste Authority;
- Joe Stohr of the Northwest Compact and the Washington Department of Ecology; and
- Don Womeldorf of the Southwestern Compact.

Others participating in the meeting were

- Kathleen Asbell of DOE's National Low-Level Waste Management Program;
- Janice Deshais of the Northeast Compact;
- Jeanette Eng of the New Jersey Low-Level Radioactive Waste Disposal Facility Siting Board;
- James Kennedy of NRC;
- Terry Plummer of DOE;
- William Sinclair of the Northwest Compact and the Utah Division of Radiation Control;
- Randy Wood of the Nebraska Department of Environmental Quality; and
- Holmes Brown, Laura Scheele, and M. A. Shaker of the LLW Forum/Afton Associates, Inc.

Observing were

- Eugene Durman of EPA;
- Eugene Gleason of Envirocare of Utah, Inc.;
- Patricia Knapp of the Boyd County Low-Level Waste Monitoring Committee;
- Sherry Meddick of Greenpeace, Inc.;
- Paul Nelson of the Boyd County Low-Level Waste Monitoring Committee;
- Jeffrey Snook of DOE/Idaho Operations Office; and
- Philip Wheatley of DOE's National Low-Level Waste Management Program.

For further information, contact Laura Scheele, Mixed Waste Working Group Coordinator, at (202)547-2620.

LLW Forum Waste Information Working Group Meets

Presentations and Discussion The Waste Information Working Group met on September 26, in conjunction with the LLW Forum fall meeting. During the course of the meeting, members

- heard a report from an Afton staff person on NRC's response to the working group's inquiry regarding the differences between manifesting requirements for leased sealed sources and those for sealed sources that are purchased;
- listened to a presentation from the representative of a sealed source manufacturer on the effect of NRC's final uniform manifest rule on industry policies and practices;
- listened to presentations from representatives of the State of Illinois and the Central Midwest Compact on implementation and application of the rule;
- discussed implementation and application of the rule by other states and compacts; and
- discussed potential problems that could arise as a result of inconsistent application of manifesting requirements.

Future Activities Waste Information Working Group members agreed to continue to focus on manifesting requirements for sealed sources at the next working group meeting. The group also agreed to discuss manifesting requirements for incineration facilities and decontamination facilities at a future meeting. Other issues regarding the interregional movement of waste as it relates to tracking and manifesting will be addressed on a case-by-case basis.

Attendance The following Waste Information Working Group members were present at the meeting:

- Carol Amick of the Massachusetts Low-Level Radioactive Waste Management Board;
- Virgil Autry of the South Carolina Department of Health and Environmental Control;
- Janice Deshais of the Northeast Compact; and
- Marc Tenan of the Appalachian Compact.

Others participating in the meeting were

- Bryan Baker of Amersham Holdings;
- Tom Carlisle of the Illinois Department of Nuclear Safety;
- Eric Schwing of the Central Midwest Interstate Low-Level Radioactive Waste Commission;
- Leonard Slosky of the Rocky Mountain Low-Level Radioactive Waste Board; and
- Holmes Brown, Todd Lovinger, and M. A. Shaker of the LLW Forum/Afton Associates, Inc.

Observing was

- Sherry Meddick of Greenpeace, Inc.

For further information, contact Todd Lovinger, Waste Information Working Group Coordinator, at (202)547-2620.

Northwest Compact/Washington

Northwest Compact Committee Conducts Survey re Envirocare, Barnwell Access

On November 6, Terry Strong, Chair of the Northwest Interstate Compact on Low-Level Radioactive Waste Management, wrote to the Executive Directors of regional low-level radioactive waste compacts and to officials in selected unaffiliated states seeking responses to the following questions:

- Does your state/compact find authorization by the originating state/compact prior to export of wastes to Envirocare appropriate, useful, necessary? Please explain your reasoning.
- Would your state/compact find Envirocare's offer to generate quarterly reports summarizing wastes received for disposal from your state/compact helpful?
- Has the Northwest Compact's adoption of the 1995 amended Resolution and Order affected your state's/compact's site development process? Please explain your reasoning.
- How has South Carolina's decision to open for all states affected your state's site development process? Please explain your reasoning.

The survey letter was sent to all nine other regional low-level radioactive waste compacts including the Texas Compact which is awaiting congressional consent, as well as to the unaffiliated states of Massachusetts, Michigan, and South Carolina. Addressees were requested to respond by November 17.

Envirocare Information

Included with Strong's letter was correspondence from Charles Judd, Executive Vice President of Envirocare, to William Sinclair, Director of the Utah Division of Radiation Control. Judd's letter enumerated types of waste that Envirocare does and does not accept and explained that

Envirocare is currently investigating certain additional low-level radioactive waste streams which are not prohibited under the current license. These waste streams include:

1. Nuclear power plant resins;
2. Steam generators from nuclear power plants; and
3. Large pieces of equipment from nuclear power plants, such as turbines.

These additional wastes may qualify as debris and may be taken if they are otherwise consistent with the radioactive materials license. Although not specifically excluded, special operational control procedures may be required for these wastes by the Utah Division of Radiation Control ...

Judd noted that the company reports monthly to the Northwest Compact regarding all low-level radioactive waste accepted at the facility, and he offered to expand this reporting by submitting "a quarterly summary to each compact of the low-level wastes that were received during the previous three months from their region."

Concerning the company's future plans, Judd stated, "At this time, Envirocare has no plans to become a Class B or C low-level radioactive waste disposal facility."

Judd enclosed with his correspondence a list of questions and answers about waste acceptance parameters that had been prepared as a supplement to a previous document that responded to questions from the Nuclear Energy Institute. (Copies of the response to the Nuclear Energy Institute's questions were distributed at the September 1995 LLW Forum meeting in Salt Lake City and during the subsequent site tour of the Envirocare facility.) Judd also enclosed a list of the radionuclides that Envirocare currently accepts, indicating the license concentration limits and percentage of the class A limit for each.

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States and Compacts *continued*

Northwest Compact/Washington (continued)

Background: Basis for Survey

The Northwest Compact committee decided at a meeting on September 25 to conduct the survey, after hearing presentations from the Executive Directors of the Southwestern, Southeast, and Midwest Compacts. These Executive Directors had been requested to comment on the effect in their regions of the Northwest Compact's amended resolution and order of April 20, 1995, which lays out the compact's policy on importation of low-level radioactive waste into the region for disposal at the Envirocare facility.

Next Steps

At the Northwest Compact committee meeting scheduled for December 12, in Portland, Oregon, the compact committee will discuss the survey responses to determine if further action is required.

For further information, contact Joe Stohr or Michael Garner of the Northwest Compact at (360)407-7107 or (360)407-7102, respectively. See also "New Materials and Publications."

Southwestern Compact/California

Recent Data from Beatty Used to Question Suitability of Ward Valley Site

Representatives of the Committee to Bridge the Gap (CBG)—a group that opposes development of the planned low-level radioactive waste disposal site in California—have raised concerns in the media regarding recent data on tritium migration at the closed low-level radioactive waste disposal site at Beatty, Nevada. California's Department of Health Services, however, cautions against using this data to draw conclusions about the safety of the planned facility in Ward Valley.

Test Hole at Beatty Yields Unexpected Results

The data at issue were described in an October 27 letter to CBG Executive Director Joseph Lyou from David Prudic, a hydrologist with the U.S. Geological Survey (USGS) in the Nevada district. Prudic provided results from gas sampling in a test hole that showed tritium concentrations at depths of up to 357 feet that could not be explained by fallout from the atmosphere. Concentrations of 762 and 1,100 tritium units* were recorded at a depth of 79 feet, and a concentration of 162 units was measured at 357 feet.

Prudic explained that initial sampling at the test hole was performed in April 1994. After test analyses showed "unexpectedly high concentrations of tritium and carbon-14 in samples collected in the upper 100 feet of sediments," additional sampling was performed at depths of up to 112 feet in July 1995. Prudic's letter notes that, when the hole was drilled in 1993, ground water from the test hole was analyzed for tritium and the concentration was below the limit of detection.

According to Carl Lischeske, Manager of the Low-Level Radioactive Waste Program at the California Department of Health Services, the lack of detectable tritium in the ground water indicates that the water vapor in the vadose zone, while containing relatively high concentrations of tritium, contains an insufficient amount of the radionuclide to make a measurable impact on the ground water under the site. The presence of tritium at depths of up to 357 feet in soil vapor therefore does not represent a potential public health threat. Lischeske points out that the concentration measured at 357 feet actually meets EPA's 20,000 picocurie per liter drinking water standard before being diluted by the underlying ground water.

* To convert tritium units to picocuries per liter, multiply by 3.2

Former NAS Panelist Expresses Concern

Two of the seventeen members of the former National Academy of Sciences (NAS) committee that reviewed technical issues regarding the planned site for California's low-level radioactive waste disposal facility have expressed concern that the committee did not consider the recent data in reaching its conclusions about the site. Prudic—who authored a U.S. Geological Survey report published in August 1994 on percolation rates of precipitated water in the unsaturated zones at the Beatty and Ward Valley sites—testified before the committee in July 1994, prior to receiving the analytical results from the gas sampling. (See *LLW Notes*, October 1994, p. 5.)

Martin Mifflin, a member of the former NAS committee, has encouraged other scientists who participated in the committee to sign on to a letter to U.S. Interior Secretary Babbitt opposing a transfer of the federally owned Ward Valley site to the State of California without certain conditions. Mifflin and fellow committee member June Ann Oberdorfer wrote to Babbitt on October 30, stating,

We urge, at the very minimum, no land transfer without provisions for follow-through on the National Academy of Sciences Ward Valley Committee Report recommendations, such as additional tritium and chlorine-36 analyses and monitoring plan overview, at Ward Valley, and provisions for in-depth studies at the Beatty Facility to establish why long-term waste containment has not occurred.

Mifflin and Oberdorfer were the respective authors of the two dissenting statements included in the NAS committee report published in May 1995. (See *LLW Notes Supplement*, June 1995, pp. 8-12.)

California Regulatory Agency Says Beatty Data Irrelevant

Staff of the California Department of Health Services (DHS) met with Prudic and other USGS scientists and the facility developer on September 18, after DHS had been advised of the availability of the data from the test hole in question. At the meeting, the USGS scientists briefed the state on the Beatty findings and discussed the role of USGS in monitoring the Ward Valley site.

According to Peter Baldridge, Senior Staff Attorney for DHS who was present at the meeting, he specifically asked if the data at issue had any bearing on the suitability of the Ward Valley site and was told that it did not. "They certainly didn't consider these results to mean closing the door on Ward Valley," Baldridge said when contacted for this article. "Otherwise they wouldn't have been discussing future activities at our site."

Lisa Brandt, Chief Legal Counsel for DHS, attributes the problems at Beatty to outdated methods of waste management. "This finding proves that Beatty was not operated in accordance with what would be state-of-the-art disposal practices," Brandt said. "This reinforces our desire to have more rigorous disposal practices at Ward Valley. Beyond that, I don't think we can tell anything from a single data point." As an example of the differences in disposal practices, Brandt noted that there are reports of liquid tritium being dumped in trench bottoms at Beatty, whereas the Ward Valley site will not accept liquid waste.

Much of the preceding information was transmitted to Forum Participants and Alternate Forum Participants, Federal Liaisons and Alternates via facsimile in a News Flash on November 2.

Southwestern Compact/California (continued)

Interior Requires Legally Binding Conditions for Ward Valley Transfer *Conditions to Be Included with or without State's Assent*

On October 20, Deputy Interior Secretary John Garamendi warned the State of California that, if the state did not accept Interior's terms for the transfer of federal land to the state, Interior would proceed unilaterally to transfer the land in Ward Valley with enforceable conditions. In such a situation, the state would have the choice of accepting Interior's conditions or rejecting the land transfer.

Garamendi issued his warning in response to a proposal from the state, which has requested the land for use in siting a low-level radioactive waste disposal facility. California Health and Welfare Secretary Sandra Smoley had signed and forwarded a proposed memorandum of agreement (MOA) to U.S. Interior Secretary Bruce Babbitt on September 18, with a transmittal letter explaining the state's concerns about the transfer terms that had been offered by Babbitt's negotiators. In reply, Garamendi offered Smoley a modified version of the state's proposed agreement.

California's Proposed Agreement

The agreement forwarded by Secretary Smoley would have committed California's Department of Health Services (DHS) to implementation of "the recommendations set forth in the Executive Summary" of a report on the Ward Valley site issued in May by a committee of the National Academy of Sciences (NAS), subject to any particulars included in the agreement.

Among other things, the agreement specified the following:

- "[R]ecommendations which require disturbance of the Ward Valley site will be undertaken during the construction phase of the Ward Valley facility after desert tortoises at the site are removed outside the temporary perimeter fence."
- Department of Interior (DOI) "does not intend, nor does this MOA authorize DOI, to direct the discretionary actions of the State in implementing the NAS recommendations or other discretionary actions referred to or described in this agreement."
- "There will be further analysis of tritium and chlorine-36 at depth. The tests will be completed and results obtained before waste is received."
- "In the unlikely event that the Plutonium-239 inventory disposed [of] at Ward Valley reaches five curies, DHS will so notify DOI and will thereafter provide quarterly Plutonium-239 inventory reports to DOI."

Background: NAS Report on Ward Valley

The NAS committee's report, entitled *Ward Valley: An Examination of Seven Issues in Earth Sciences and Ecology*, found it "highly unlikely" that ground water would be contaminated by the low-level radioactive waste disposal facility planned for the site. Additional data collection was recommended by the committee, however, in order to improve the reliability of monitoring at the site. (See *LLW Notes Supplement*, June 1995, p. 8.)

States and Compacts *continued*

- "The Ward Valley LLRW Disposal Facility License must be renewed every seven years. At the time of the next renewal subsequent to reaching a five-curie Plutonium-239 inventory, DHS will give notice to the public, and to DOI in the manner described in ... this agreement of the date on which the license is proposed to be renewed and of the projected Plutonium-239 inventory on that date."
- "Upon execution of this agreement, DOI will transfer the specified lands to DHS by means of a patent, the issuance of which will be the final discretionary action by DOI in the transfer process. Following the final exercise of its discretion, DOI will take no action to reconsider or modify its actions transferring the site unless ordered to take such action by the final order of a court of competent jurisdiction. The patent will contain no conditions, or limitations other than; (a) those specified in the Biological Opinion issued by the U.S. Fish and Wildlife Service on August 31, 1995 [See *LLW Notes*, Aug./Sept. 1995, p.1]; (b) a right-of-way for ditches and canal constructed by authority of the United States, and a right-of-way for a power transmission line and road previously granted to the Metropolitan Water District of Southern California."
- "Except as specifically provided, the agreements, promises and commitments shall not be a basis for litigation ... The parties recognize that ... provisions of state law and the license provide a remedy related to the health and safety concerns addressed in this agreement, and that no additional remedy based specifically on this agreement is necessary or appropriate."

In forwarding the agreement directly to Babbitt, Smoley explained the state's rationale for circumventing Babbitt's negotiators:

Your negotiators have made it clear, however, that it is the purpose of the Department of the Interior to seek to maintain continued control of the site after the transfer, even though the Department of the Interior has no expertise in low-level radioactive waste disposal, and even though such continued control would be fundamentally at odds with federal policy as embodied in the Low-Level Radioactive Waste Policy Act ...

Our inability to make progress with your negotiators toward a positive resolution of the land transfer issue leaves us no alternative but to send the attached agreement to you directly.

Interior's Reply

On September 19, immediately after Secretary Smoley's transmittal of the state's proposed agreement, Interior Department Solicitor John Leshy issued a press release stating:

We regret that the State of California has unilaterally broken off negotiations, and has instead chosen to resort to legislative end runs in the Congress and publicity stunts on this issue of critical importance to the public health and safety of Californians ...

The sticking point seems to be the State's insistence that its agreement to carry out the NAS recommendations not be enforceable, but remain entirely within the discretion of the State. As far as we are concerned, 'trust me' just won't do it.

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States and Compacts *continued*

Southwestern Compact/California (continued)

U.S. Deputy Interior Secretary Garamendi's response to Health and Welfare Secretary Smoley of California echoed Leshy's views about the terms of the transfer, stating that the proposed agreement is "deficient in a critical respect. It is, by its own terms, unenforceable." He did, however, express satisfaction that California had accepted the "major substantive conditions which the Secretary [Babbitt] has stated must accompany the transfer."

With his letter, Garamendi included a revised agreement, which he explained was "in most respects identical to the one you [Smoley] have proposed," with modifications:

First, as discussed above, we have included a provision that the mutual commitments of the Department of the Interior and the State are specifically enforceable. Second, we have specified that, absent a license change following a public process, the amount of plutonium-239 stored at the facility will not exceed 10 curies, the amount on which the NAS analysis is based. The State's negotiators have indicated that this latter provision would be acceptable in the context of an overall agreement.

As part of Garamendi's modifications, he deleted the language in Smoley's agreement stating that, except as specifically provided, the agreement would not be a basis for litigation.

In closing, Garamendi warned, "If we cannot reach agreement promptly, the Secretary [Babbitt] is prepared to complete the transfer process and issue a patent which will include, as enforceable conditions, the substantive provisions of the agreement you have proposed."

California's Response

As of press time, the State of California had not yet issued a formal response to Garamendi's correspondence. However, Elisabeth Brandt, DHS Chief Legal Counsel, confirmed that the state continues to favor proposals currently under consideration in Congress to legislatively transfer the land to the state. (See related story.) The Southwestern Low-Level Radioactive Waste Commission also continues to support a legislative transfer.

Much of the preceding information was transmitted to Forum Participants and Alternate Forum Participants, Federal Liaisons and Alternates via facsimile in a News Flash on October 24.

NRC Staff Receive Awards for Providing Ward Valley Information to NAS

On November 3, Andrew Campbell of the NRC's Advisory Committee on Nuclear Waste and James Kennedy of NRC's Division of Waste Management were presented awards by John Greeves, the Director of NRC's Division of Waste Management, for their efforts in providing information to the National Academy of Sciences (NAS) on the amount of plutonium expected to be disposed of at the planned low-level radioactive waste facility in Ward Valley.

NAS requested that NRC provide expert advice during the NAS review of various issues raised concerning the facility. The awards were "in recognition of a special act which resulted in a significant contribution to the work of the Nuclear Regulatory Commission."

For further information, see the following articles in the LLW Notes: Aug./Sept. 1995, pp. 22-25; LLW Notes Supplement, June 1995, pp. 8-12; Nov./Dec. 1994, pp. 15-16; May/June 1994, pp. 14-15; and Jan./Feb. 1994, pp. 26-29.

Five State Organizations Meet, Agree to Address Federalism “Imbalance”

On October 22–24, the executive committees of five national organizations representing state government officials met at the States’ Federalism Summit to discuss “the changing nature of federalism, the real imbalances that have developed over time, and ideas for restoring the balance.” Summit delegates emphasized that the gathering was not a constitutional convention and that the summit would not propose one.

The States’ Federalism Summit, convened by Governors E. Benjamin Nelson (D-NE) and Michael Leavitt (R-UT), is composed of the executive committees of

- the Council of State Governments,
- the National Conference of State Legislatures,
- the National Governors’ Association,
- the American Legislative Exchange Council, and
- the State Legislative Leaders’ Foundation.

During the two-day meeting in Cincinnati, Ohio, the Governors and state legislators agreed “that further action is necessary to restore a proper and healthy balance to the nation’s federal system.” They further agreed that “there are a variety of mechanisms available for redressing the current imbalance. Each approaches the objective in a different way; but each would provide states greater authority and standing in their relations with the federal government.”

In particular, the following options were identified at the summit:

- (1) a federalism act to enhance the political safeguards of federalism and give states a more effective voice in congressional deliberations;
- (2) a mechanism to provide the people of the states, through their legislatures, the power to require Congress to reconsider laws, specific provisions of laws, or regulations that interfere with state authority;

(3) a mechanism that would allow the states to propose specific amendments to the U.S. Constitution subject to ratification by the United States Congress; and

(4) statutory remedies and/or constitutional reforms to address the problems of conditions attached to spending grants, regulations, and mandates.

Officials meeting at the summit stated, “As representatives of the five sponsoring organizations, we are committed to present these options to our respective organizations for further consideration and to explore opportunities for common action.” The organizational representatives further requested the States’ Federalism Steering Committee “to continue guiding this federalism initiative, to develop a strategic plan, to open communication with other interested parties, including local governments, and to convene a follow-up summit.”

States’ Federalism Steering Committee

Governors

E. Benjamin Nelson (D-NE)

Michael Leavitt (R-UT)

Howard Dean (D-VT)

Tommy Thompson (R-WI)

State Legislators

Senator Stanley Aronoff (R-OH)

Representative Bob Hunter (D-NC)

Senator Jeff Wells (R-CO)

Assemblyman Bob Wertz (D-NY)

Representative Jane Campbell (D-OH)

Senator Jim Lack (R-NY)

Senator Robert Conner (R-DE)

Representative Willie Logan (D-FL)

Senator Brenda Burns (R-AZ)

Representative David Halbrook (D-MS)

State Legislators' LLRW Working Group Meets

The Low-Level Radioactive Waste Working Group of the National Conference of State Legislatures (NCSL) held its second meeting on October 19, in conjunction with the NCSL Assembly on State Issues in Atlanta, Georgia. The following topics were addressed during the meeting, which lasted four hours:

- Sen. Gary Suhadolnik of Ohio discussed "compact options for disposal," with a focus on the state's recent adoption of enabling legislation and amendments to the Midwest Interstate Low-Level Radioactive Waste Compact (See *LLW Notes*, July 1995, p. 5). Additional information was provided by Jane Harf of the Ohio Environmental Protection Agency.
- Sen. James Seward of New York explained the rationale for recent changes in New York's siting program and discussed the state's options for providing for low-level radioactive waste management. (See *LLW Notes*, July 1995, p. 8 and *LLW Notes*, April/May 1995, p. 7.)
- Edward Helminski of Exchange/Monitor Publications spoke in favor of exploring options for an integrated national program for low-level radioactive waste that would accept waste from federal and commercial facilities. As the impetus for exploring these options, Helminski noted that DOE must find disposal sites also, and the volume of DOE waste dwarfs that of commercial waste.
- Paul Genoa of the Nuclear Energy Institute (NEI) indicated that, while the nuclear industry continues to support the Low-Level Radioactive Waste Policy Amendments Act and the progress clearly being made in some compacts, NEI wishes to continue to work with NCSL and others to explore innovative ways for states to work together to implement the federal legislation in a more cost-effective manner.
- Allen Stalvey of Chem-Nuclear summarized the historical events and equity issues that contributed to the passage of the federal low-level radioactive waste legislation. He also discussed decreases in waste volumes over the years and the resultant impact on site economics, generators' willingness to pay for disposal, and the future of the Barnwell disposal site.
- Holmes Brown of Afton Associates commented on the implementation of the Low-Level Radioactive Waste Policy Amendments Act across the country, the flexibility of the current low-level radioactive waste management system, and the ability of the system to respond to political changes. He also provided information on current and potential international options for low-level radioactive waste disposal.
- Philip Wheatley of DOE's National Low-Level Radioactive Waste Management Program at INEL explained the concept of "assured storage" as a potential alternative to waste disposal. (An article describing this concept was published in the September 1995 issue of *Radwaste Magazine*. See "New Materials and Publications.")

At the conclusion of the meeting, Sandra Birk of the National Low-Level Radioactive Waste Management Program led a facilitated discussion of the options for low-level radioactive waste management discussed during the meeting, with the objective of determining the contents for an issue paper.

Next Steps NCSL staff will draft an issue paper, which will be circulated to working group members in late November for review and finalized in January 1996.

The working group will next meet either in conjunction with the newly constituted Ohio Low-Level Radioactive Waste Development Authority or with the NCSL meeting scheduled for Austin, Texas, in May 1996.

Background Funding for the working group is provided by a subcontract from DOE's National Low-Level Waste Management Program at INEL. The working group held its organizational meeting on July 16. (See *LLW Notes*, July 1995, p. 8.)

States and Compacts *continued*

Attendance

State Legislators and Legislative Staff

Connecticut	Rep. Edward Graziani*
Florida	Mitchell Rubin
Idaho	Rep. Jack Barraclough
Mississippi	Don Christy
New York	Sen. James Seward*
North Carolina	Rep. Sam Ellis
Ohio	Sen. Charles Horn* Sen. Gary Suhadolnik**
South Carolina	Frank Caggiano
Utah	Connie Steffen

*LLRW Working Group appointee

**Chair, LLRW Working Group

Others

William Riethle, Yankee Atomic Electric Co.
Charles Judd, Envirocare of Utah, Inc.
Joe Suchecki, WMX Technologies, Inc.

Additional Working Group Appointees

Besides those legislators denoted as appointees in attendance at the meeting, the following legislators have also been appointed to the NCSL's LLRW Working Group:

Illinois	Sen. Bill Mahar
Michigan	Rep. James "Mick" Middaugh
Nebraska	Sen. Don Preister
New Hampshire	Sen. Richard Russman
Puerto Rico	Sen. Freddy Valentin Acevedo
South Carolina	Sen. Thomas Moore
Texas	Sen. John Montford
Washington	Sen. Shirley Hankins
New York	Assemblyman Martin Luster

For further information, contact Cheryl Runyon of NCSL at (303)830-2200.

States and Compacts

Northeast Compact/Connecticut/New Jersey

☀ In October, Domenic Forcella resigned his position as Chair and Executive Officer of the Connecticut Hazardous Waste Management Service to take a new position as Environmental Health and Safety Officer at Central Connecticut State University. Forcella had served as an affiliate member of the LLW Forum's Mixed Waste Working Group and as a member of the National Governors' Association Federal Facility Compliance Act (FFCA) Task Force. At press time, a replacement for Forcella had not been appointed.

Federal Agencies

Nuclear Regulatory Commission (NRC)

☀ NRC and the Federal Republic of Germany have signed an agreement to continue the ongoing exchange of technical information and to cooperate in nuclear safety matters. Under the terms of the agreement, the two agencies will continue to exchange technical and scientific data relating to safety, safeguards, waste management and the environmental impact of nuclear energy facilities.

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Nuclear Regulatory Commission (NRC) *continued*

- ☼ On September 22, NRC released a staff options paper—*Alternatives to Terminating the Nuclear Regulatory Commission Low-Level Radioactive Waste Disposal Program*—that discusses the implications of terminating NRC's low-level radioactive waste disposal program. The staff paper address' three options, ranging from continuing the current NRC program to terminating all NRC low-level radioactive waste program activities. The paper recommends option two, which is "to reduce the program to those activities required by law and a few others that are necessary and essential to the national program." At the request of the NRC Commissioners, NRC's Advisory Committee on Nuclear Waste (ACNW) is reviewing the staff options paper and will issue recommendations on the future of NRC's low-level radioactive waste disposal program by December 31, 1995.

- ☼ NRC has established an interactive page on the world wide web to support discussions related to the development of implementation guidance for the NRC's rulemaking on radiological criteria for decommissioning. Web page users will be able to review and comment on staff documents related to the implementation guidance as the documents are developed. NRC's rule is expected to be issued in early 1996. To access the web page, point the web browser to <http://www.nrc.gov/news.html/>, then select the "Decommissioning Implementation" link.

- ☼ On July 29, EPA and NRC staff finalized the *White Paper on Risk Harmonization*, which examines the risk assessment (primarily radiological risk assessment) and risk management approaches used by each agency. The *White Paper* is part of the ongoing "risk harmonization" effort engaged in by the agencies in response to

Senator John Glenn's (D-OH) request for a plan "to address inconsistencies, gaps, and overlaps in current radiation protection standards." (See *LLW Notes*, Jan./Feb. 1995, pp. 20-21.) The Interagency Steering Committee on Radiation Standards (ISCORS)—which includes representatives from DOE, DOD, EPA and NRC—will continue to meet to resolve issues identified in the *White Paper*. ISCORS meetings are not open to the public.

Environmental Protection Agency (EPA)

- ☼ In a September 28 *Federal Register* notice, EPA reopened the comment period on the rescission of Subpart I of the National Emissions Standards for Hazardous Air Pollutants (NESHAPs). Subpart I, which applies to low-level radioactive waste disposal facilities as well as other NRC and Agreement State licensees, limits radionuclide emissions from such licensees to that amount which would cause any member of the public to receive in any year an effective dose equivalent no greater than 10 millirem (mrem), of which no more than 3 mrem may be from radioiodine. EPA is proposing to rescind Subpart I once NRC adopts a "constraint" rule requiring licensees to limit emissions to a level resulting in a dose not greater than 10 mrem per year. (For additional background information, see the following issues of the *LLW Notes*: April/May 1995, p. 18 and Jan./Feb. 1995, pp. 22-23.) The comment period expires November 27, 1995.

Keyserling v. Beasley

South Carolina Supreme Court to Hear Case Challenging Inclusion of Parts of the Barnwell Proviso in the 1995 State Budget Bill

On October 19, the Supreme Court of the State of South Carolina agreed to accept original jurisdiction over a lawsuit challenging the inclusion of certain provisions relating to the Barnwell low-level radioactive waste disposal facility in the state's General Appropriations Act of 1995. The lawsuit—*Keyserling v. Beasley*—was filed by various parties on September 7 against Governor David Beasley (R) and several legislators under the South Carolina Uniform Declaratory Judgments Act. (See *LLW Notes*, August/September 1995, pp. 10–12.)

Briefing Schedule

The court dispensed with the normal requirement that the respondents file an answer to the complaint and set a briefing schedule as follows:

- Petitioners' brief is due 30 days after issuance of the order accepting original jurisdiction (November 20, 1995).
- Respondents' brief is due 30 days after receipt of the petitioners' brief.
- Petitioners' reply brief is due 15 days after receipt of the respondents' brief. This brief is discretionary on the part of the petitioners.

After all of the briefs have been filed, the court will set a date for a hearing on the matter. Attorneys for the petitioners have indicated that they will try to file their brief as soon as possible, in order to accelerate a decision on the case.

Petition for Intervention

On the same date, the court granted state Senator Marshall B. Williams' petition to intervene as a respondent in the action. Senator Williams had earlier petitioned the court to intervene in his capacity as *President Pro Tempore* of the South Carolina Senate and on behalf of the Senate.

Requested Relief

The petitioners are asking that the court issue an order declaring certain portions of the General Appropriations Act of 1995 relating to the Barnwell disposal facility to be unconstitutional and invalid as not reasonably and inherently related to the raising and spending of the state's tax monies. They have requested that the court issue an order before the end of the year, since the law in existence prior to passage of the 1995 Appropriations Act required closure of the Barnwell facility to out-of-state waste at the end of 1995.

Future Legislative Action

If the court were to determine that inclusion of the Barnwell provisions in the 1995 appropriations act was inappropriate, similar provisions could be reintroduced as a stand-alone bill when the state legislature reconvenes on Tuesday, January 9, 1996. Such action, however, would require the state House and Senate to consider the Barnwell provisions independently, as opposed to considering them as a portion of the state's budget bill, as was done in 1995.

The preceding information was transmitted to Forum Participants and Alternate Forum Participants, Federal Liaisons and Alternates via facsimile transmission on October 20, 1995.

Background: *Fort Mojave Indian Tribe v. California Department of Health Services*

Petitioners Fort Mojave Indian Tribe, Los Angeles Physicians for Social Responsibility, Southern California Federation of Scientists, and Committee to Bridge the Gap

Respondents California Department of Health Services (DHS); Kimberly Belshe, DHS' Director; US Ecology; and California Radioactive Materials Management (Cal Rad) Forum

Facts On September 16, 1993, DHS issued a license to US Ecology to construct and operate a low-level radioactive waste disposal facility in Ward Valley, California. (See *LLW Notes*, September 1993, pp. 1, 3-4.) Immediately thereafter, two separate lawsuits were filed in the Superior Court of the State of California seeking to void the license. (See *LLW Notes*, Winter 1993, pp. 20-23.) Then, in December 1993, a report—known as the “Wilshire Report” after one of its three authors—was released detailing the authors’ concerns about the Ward Valley project, including a fear of contamination of the Colorado River. (See *LLW Notes*, Winter 1993, p. 15.) Although the authors are scientists at the U.S. Geological Survey, their report states that it does not represent the policies or positions of any government agency.

Issues The lawsuit seeks to void the license on the grounds that the respondents violated the California Environmental Quality Act, the California Radiation Control Law, and the Southwestern Compact. (For a detailed description of the issues involved in this action, see “Ward Valley, California: Legal Issues in Summary,” *LLW Notes Supplement*, May/June 1994.)

Past Orders and Judgment On February 7, 1994, the superior court ruled that while the state is required to hold a hearing on the record prior to issuing a facility license, it is not required to provide either an “adjudicatory” hearing or a hearing as described in the federal Administrative Procedure Act. (See *LLW Notes*, February/March 1994, pp. 22-23.) Subsequently, the court issued an order—dated May 4—finding that virtually all of the grounds raised by the petitioners for contesting the license approval are “without merit.”

However, the court decided that the Wilshire Report constituted “significant new scientific analysis” and ordered DHS to consider the report in a pre-approval setting. On June 1, the court issued a judgment ordering the respondents to take certain actions consistent with the May 4 order and to set aside approval of the Ward Valley project pending its reconsideration. (See *LLW Notes*, May/June 1994, pp. 16-18.)

Appeal On July 29, 1994, the petitioners filed a notice of appeal. Separate notices of cross-appeal were filed by the state respondents and by US Ecology on August 4, 1994. (See *LLW Notes*, August/September 1994, pp. 16-17.) A hearing was held on August 24, 1995.

Fort Mojave Indian Tribe v. California Department of Health Services

Ward Valley Licensing Decision Upheld by California Court of Appeal

On October 5, 1995, the Court of Appeal of the State of California reversed the judgment of a lower court in a lawsuit seeking to void the certification of a final environmental impact report (EIR) and the issuance of a license for the planned low-level radioactive waste disposal facility in Ward Valley, California. In so doing, the appellate court found that the Superior Court of the State of California erred in directing the California Department of Health Services to set aside its approval of the project and to review a December 1993 report by three scientists who work at the U.S. Geological Survey in a "pre-approval setting." In addition, the appellate court ruled that other grounds raised by the petitioners for setting aside the EIR and the license were correctly determined by the lower court to be without merit.

According to California officials, unless the appellate court's decision is reversed after rehearing or further review, the facility license issued in September of 1993 is valid.

Respondents' Appeals

The Wilshire Report In remanding the matter to DHS for reconsideration in light of the Wilshire Report, the superior court relied upon a provision in the California Code of Civil Procedure that, in certain administrative proceedings, accords the court discretion to remand the case for reconsideration if the court determines that "there is relevant evidence which, in the exercise of reasonable diligence, could not have been produced" at the administrative hearing, or which was improperly excluded from the hearing. On appeal, however, the respondents contended that this provision of the statute does not contemplate or permit the use of evidence which, as in the case of the Wilshire Report, is not relevant, is opinion rather than evidence, and could have been introduced prior to the hearing. Respondents further argued that the record never excluded the information on which the Wilshire Report was based.

The appellate court found that the statutory provision relied upon by the superior court does not prohibit the use of evidence that came into existence after the administrative hearing or decision. However, the court agreed with the respondents that the use of such evidence raises some important concerns. The routine allowance of conflicting scientific opinions created after the decision would, according to the court, create the possibility of "repeated rounds of litigation" and result in "uncertain, attenuated finality."

Accordingly, the appellate court determined that, under the statutory provision cited by the superior court, remand for reconsideration in light of post-decision evidence has generally been limited to "evidence of events which took place after the administrative hearing [or decision]." (emphasis added) In the case at hand, however, the court found that the Wilshire Report did not involve newly developed evidence and therefore did not meet that test.

The report was a restatement and elaboration of its authors' opinions about possible features of the site which they had previously discussed in the Wilshire memorandum, and which, along with that memorandum, DHS had already taken into account ... In context, requiring renewed reconsideration of DHS' decisions in light of the authors' renewed exposition of their opinions bore the earmarks of a revolving rehearing, certain to undermine the prospect of a final decision of this matter so long as scientists are able to advance conflicting views.

Environmental Impact Report Throughout the litigation, the petitioners have contended that the Wilshire Report constitutes the type of new information that requires the preparation of either a supplemental EIR or recirculation of the original EIR. The superior court agreed, finding that the Wilshire Report likely requires the preparation of a supplemental EIR. The respondents contested this issue on appeal.

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Fort Mojave Indian Tribe v. California Department of Health Services (continued)

The relevant statute allows for the preparation of a subsequent or supplemental EIR if "[n]ew information, which was not known and could not have been known at the time the [EIR] was certified as complete, becomes available." The new information must be "of substantial importance" and must be of such a nature that it "was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified."

The appellate court found that the Wilshire Report and memorandum did not meet these criteria to require a supplemental EIR or recirculation of the original EIR.

Preliminarily, the Wilshire Report arrived too late to require a supplemental EIR for the project approval here at issue, which had already occurred. Once such an approval has been given, ... [the California Environmental Quality Act's (CEQA)] role in it is completed. If qualified new information thereafter develops, a supplemental or subsequent EIR must be prepared in connection with the next discretionary approval, if any. But information appearing after an approval does not require reopening of that approval.

Apart from its untimeliness under CEQA, the Wilshire Report, as well as the Wilshire memorandum, did not show any new or more severe environmental impact of the project (or any newly feasible mitigation measure). DHS and US Ecology had already studied and addressed the risks of transport of escaped wastes to the groundwater, as well as the dependent concern of their transit to the Colorado River. The two Wilshire papers constituted further analyses of those issues, critiquing the (draft) EIR's own analysis. The memorandum and report thus provided only another point of view. Even the Wilshire Report's extensive discussion of possible groundwater pathways from Ward Valley to the river was theoretical, not a report of newly found realities. In sum, the Wilshire Report and memorandum did not qualify as the type of information about environmental impacts or their mitigation that requires reopening of a completed EIR under CEQA. (citations omitted)

Petitioners' Appeals

On appeal, the petitioners advanced a set of claims under the California Environmental Quality Act (CEQA) that they contend the superior court accepted, and which they therefore assert constitute grounds for sustaining the judgment. The appellate court, however, found that the petitioners misconstrued the superior court's decision. "[T]he court did not substantively embrace or adopt any of these contentions, except insofar as it discerned the Wilshire Report to merit remand and reconsideration."

The petitioners also asserted on appeal a number of alleged violations of CEQA and the Radiation Control Law that were rejected by the superior court. Such claims addressed the following issues:

- adequacy of the environmental impact report;
- US Ecology's safety qualifications;
- sufficiency of governmental landowner assurances;
- impacts of the project on desert tortoise habitat;
- petitioners' rights to participate in the licensing process;
- requirements for the adoption of hearing procedures; and
- legal adequacy of the hearings conducted by DHS concerning the license application and approval.

The appellate court ruled that each of these claims put forth by the petitioners were correctly determined by the lower court to be without merit.

For a more detailed description of the petitioners' claims and the superior court's rulings thereon, see the following: LLW Notes, March 1995, pp. 7-11 and LLW Notes, May/June 1994, pp. 16-18.

Additional Appeals

On October 20, the petitioners filed a Request for Rehearing in the Court of Appeal of the State of California. The California Department of Health Services and other respondents filed separate answers to the request on October 27. The court, however, denied the petitioners' Request for Rehearing by order dated November 3, 1995.

Petitioners have indicated that they may file a Petition for Review with the California Supreme Court. If such a petition is filed, the California Supreme Court may decide to grant or deny the petition within 60 days, but may also extend the time for an additional 30 days.

The deadline for filing a Petition for Review with the California Supreme Court is November 14. If such a petition is filed, the respondents will have 20 days in which to file a response to the petition.

Related Litigation

Currently, there is one case challenging the planned Ward Valley disposal facility before the courts. That action—*Committee to Bridge the Gap v. Babbitt*—seeks to postpone the Ward Valley land transfer until alleged violations of the National Environmental Policy Act (NEPA) and the Federal Land Policy and Management Act (FLPMA) have been remedied. (See *LLW Notes*, February 1993, p. 16.)

Under the terms of a stipulation entered into by the parties to that suit on March 3, 1993, further action on the case has been suspended pending review of the land transfer by U.S. Interior Secretary Bruce Babbitt. The stipulation requires the Department of Interior and Bureau of Land Management to provide at least 30 days advance notice prior to taking any action on the land transfer. (See *LLW Notes*, April 1993, p. 8.)

The preceding information was transmitted to Forum Participants and Alternate Forum Participants, Federal Liaisons and Alternates via facsimile transmission on October 11, 1995.

Reicher, Berkovitz Named to Policy Positions at DOE

Reicher—Acting Assistant Secretary for Policy, Planning and Evaluation

In September, DOE Secretary Hazel O'Leary named Dan Reicher the Acting Assistant Secretary for Policy, Planning and Evaluation. Reicher was formerly the DOE Deputy Chief of Staff. Responsibilities of his new position are to assure the effective central management of the development of national and departmental energy policy; departmental strategic planning; and the integration of departmental policy, program, and budget goals.

Berkovitz—Special Assistant to DOE Assistant Secretary Thomas Grumbly

Dan Berkovitz has been named the Special Assistant to DOE Assistant Secretary Thomas Grumbly. He was formerly the Counsel of the U.S. Senate Committee on Environment and Public Works. Berkovitz had been nominated to be an NRC Commissioner by President Bill Clinton, but opposition by Republican members of the U.S. Senate Environmental and Public Works Committee prevented his nomination from going to the full Senate for a vote. (See *LLW Notes*, June 1995, p. 31.)

Court Calendar

Case Name	Description	Court	Date	Action
<i>Appalachian States Low-Level Radioactive Waste Commission v. O'Leary</i> (See <i>LLW Notes</i> , July 1995, pp. 9-11.)	Seeks the release of all surcharge fees, collected from Appalachian region generators, being held in an escrow account by Department of Energy Secretary Hazel O'Leary.	United States Court of Appeals for the Third Circuit	September 21, 1995	Babcock & Wilcox Company submitted a motion for leave to file an amicus curiae brief in support of DOE. The amicus curiae brief was filed at the same time.
			September 22, 1995	U.S. DOE filed its opening brief on appeal.
			September 28, 1995	Appalachian Commission filed a Response in Opposition to Motion of Babcock and Wilcox Company for Leave to File an Amicus Curiae Brief.
			October 25, 1995	Commonwealth of Massachusetts filed an amicus curiae brief in support of the Appalachian Commission.
			October 30, 1995	Appalachian Commission filed its reply brief.
			November 16, 1995	DOE's reply brief is due.
<i>Central Midwest Interstate Low-Level Radioactive Waste Commission v. O'Leary</i> (See <i>LLW Notes</i> , August/September 1995, pp. 14-15.)	Seeks payment of all remaining Central Midwest region surcharge rebates held in escrow and payment of an amount equal to 12/36 (one third) of the total Central Midwest region escrow funds.	United States District Court for the Central District of Illinois	September 27, 1995	Court grants Commonwealth Edison's and Illinois Power's motions to intervene.
			September 27, 1995	Court grants commission's motion to prohibit DOE from releasing contested funds prior to resolution of the case.
			October 6, 1995	DOE Secretary Hazel O'Leary filed an answer to the complaint.

Court Calendar *continued*

Case Name	Description	Court	Date	Action
<i>Massachusetts v. O'Leary</i> (See <i>LLW Notes</i> , August/September 1995, pp. 12-14.)	Seeks payment of all escrowed surcharge fees, collected from generators in Massachusetts.	United States District Court for the District of Massachusetts	September 29, 1995 September 29, 1995	Massachusetts filed a memorandum in opposition to DOE's motion to dismiss the suit. Massachusetts filed a cross-motion for summary judgment.
<i>Midwest Interstate Low-Level Radioactive Waste Commission v. O'Leary</i> (See <i>LLW Notes</i> , July 1995, pp. 12-14.)	Seeks payment of surcharge rebates held in escrow with respect to funds payable with respect to the period from July 1, 1995 through December 31, 1995.	United States District Court for the District of Minnesota	September 22, 1995 January 26, 1996 March 1, 1996	DOE filed an answer to the commission's complaint. Hearing on cross-motions for summary judgment. Prior stipulation was extended so that it now provides that DOE will not disburse surcharge payments to Midwest Compact generators until the district court issues a final order, or until March 1, 1996, whichever comes first.
<i>Keyserling v. Beasley</i> (See related story, this issue.)	Challenges the inclusion of certain provisions relating to the Barnwell low-level radioactive waste disposal facility in the state's General Appropriations Act of 1995.	Supreme Court of the State of South Carolina	September 27, 1995 September 27, 1995 October 19, 1995	State of South Carolina filed its return to the petition requesting original jurisdiction. Senator Marshall Williams, <i>President Pro Tempore</i> of the South Carolina Senate, filed a motion to intervene on behalf of the Senate. Supreme Court of the State of South Carolina agreed to accept original jurisdiction over the case and set the briefing schedule. (See related story in this issue for the briefing schedule.)

Court Calendar *continued*

Case Name	Description	Court	Date	Action
<i>Fort Mojave Indian Tribe v. California Department of Health Services</i> (See related story, this issue.)	Appeal of a suit that seeks to void the certification of the final EIR/S and the issuance of a license for the Ward Valley facility based on alleged violations of state and federal law.	Court of Appeal of the State of California	October 5, 1995	Appellate court reversed the judgment of a lower court, thereby upholding the Department of Health Services decision to issue a license for the Ward Valley facility.
			October 20, 1995	Petitioners filed a Petition for Rehearing in the Court of Appeal of the State of California.
			October 27, 1995	California DHS and other respondents filed separate answers to petitioners' Request for Rehearing.
			November 3, 1995	California Court of Appeal denied petitioners' Request for Rehearing.
			November 4, 1995	Decision of the Court of Appeal of the State of California becomes final.
			November 14, 1995	Deadline for filing a Petition for Review before the California Supreme Court.
<i>Nebraska v. Central Interstate Low-Level Radioactive Waste Commission</i> (See <i>LLW Notes</i> , January/February 1995, pp. 14-15.)	Seeks a declaration by the court that Nebraska is entitled to two voting members and one non-voting member on the Central Commission and that a compact amendment on this issue does not require Congressional ratification.	United States District Court for the District of Nebraska	October 10, 1995	Trial was held before a judge. Commission requested dismissal of the state's case.
			October 23, 1995	Court issued a final judgment in favor of defendant Central Interstate Low-Level Radioactive Waste Commission.

Texas Compact Legislation to be Reintroduced on House Floor, Pending in the Senate

Background

Legislation to grant congressional approval to the Texas Low-Level Radioactive Waste Disposal Compact—H.R. 558—was brought up for a vote on the suspension calendar in the U.S. House of Representatives on September 19. The House voted 243 to 176 against the motion to suspend debate on the legislation and enact the bill. A two-thirds majority would have been required to pass the motion, as is the case for all legislation placed on the suspension calendar.

Planned Reintroduction on House Floor

The Texas Compact bill is expected to be scheduled for a vote on the House floor again in the near future. The next time, however, the bill is expected to be scheduled using the normal procedure, in which case the bill would require only a majority vote for passage. Under the normal procedure, a rule for debate is granted by the Rules Committee. Often the rule permits amendments. It is anticipated that an amendment addressing environmental justice concerns will be offered on the floor.

New DOE National Low-Level Waste Program Manager in Idaho

As of September, Jeffrey Snook of DOE Idaho has been serving as the Program Manager for DOE's National Low-Level Waste Program in Idaho Falls, Idaho.

James Boyd, Snook's predecessor, has changed positions to become the National Spent Fuel Program Manager with the Department.

Governors' Letters

The Governors of Texas, Maine, and Vermont have sent letters to House members urging approval of the compact. The letters commented on the compact as follows:

It is vital for national and state waste policy that the Texas compact with Vermont and Maine be passed by both houses of Congress and signed into law. This compact passed the legislatures of the states involved and is supported by all three Governors. Texas, Maine and Vermont have complied with all federal and state laws and regulations in forming this compact. Our rights and security should not be jeopardized, nor should that of any state belonging to a compact.

U.S. Senate

Texas Compact legislation is still pending in the U.S. Senate. The bill, S. 419, was approved by the Senate Judiciary Committee on May 18 without amendments. To date, the bill has not been scheduled for a vote on the Senate floor. However, it could come up at any time.

Much of the preceding information was included in a News Flash transmitted via facsimile to Forum Participants and Alternate Participants, and Federal Liaisons and Alternates on October 16, 1995.

The Reconciliation Bill—Background and Process

What Is the Reconciliation Bill?

The budget reconciliation bill is part of the overall budget process by which Congress has attempted to control federal spending. The process begins in the spring with the adoption of a joint budget resolution. The resolution sorts out federal spending according to 20 budget functions and specifies the dates for committee and floor action.

Two separate processes are used to implement the spending distribution outlined in the budget resolution—the appropriations process (for discretionary programs) and the reconciliation process (for changes in entitlement programs and taxes). The reconciliation process is only used if the budget resolution calls for levels of entitlement spending or taxation that differ from those specified under current law.

How Does the Reconciliation Bill Become a Law?

The U.S. Senate and House of Representatives draft independent versions of the reconciliation bill, which are then voted on by each chamber and reconciled in conference, if necessary.

U.S. Senate Several different Senate committees draft portions of and hold hearings on the reconciliation bill. The committees then send spending information contained in their draft bills to the Senate Budget Committee. The Budget Committee combines the bills into a final package, which it sends to the Congressional Budget Office (CBO) for review. CBO is charged with making a determination as to whether the outlay reductions and proposed tax breaks contained in the reconciliation bill will result in a balanced budget over the next seven years.

After CBO completes its review, the Senate Budget Committee holds a mark-up on the reconciliation bill. The committee does not have the authority, however, to change the reconciliation language that it receives from the other committees. Passage of the reconciliation bill by the Budget Committee requires approval by a majority of the committee members. If the committee passes the bill, it is then sent to the full Senate. Once the bill reaches the Senate floor, amendments are permitted.

U.S. House of Representatives As in the Senate, several different House committees draft portions of and hold hearings on portions of the reconciliation bill. Subsequently, committees send spending information contained in their draft bills to the House Budget Committee. The Budget Committee combines the bills into a final package and votes on the bill.

If the House Budget Committee approves the reconciliation bill, it is sent to the House Rules Committee, which adds other components, including tax cuts and economic dividends. The Rules Committee then sends the bill to the CBO for a determination as to whether it will allow for a balanced budget by the year 2002. If CBO finds that the bill will result in a balanced budget, then the final reconciliation bill is sent to the full House for a vote. As is the case in the Senate, amendments are permitted on the House floor.

Conference Committee If the reconciliation bill passes both chambers of Congress, a conference may be necessary to reconcile differences between the House and Senate versions of the bill. If a reconciliation bill is approved by the conference committee, the bill is then returned to both houses for floor consideration. If identical versions of the bill are approved by both houses of Congress, the bill is sent to the President for signature.

The President The President may veto the reconciliation bill. If he does so, Congress may attempt to override the veto by a two-thirds affirmative vote in both houses. If the override attempt fails, then Congress and the President would have to negotiate other means of resolving the budget dispute.

Budget Reconciliation Bills Pass Both Houses of Congress

USEC in Both Bills, California Land Transfer in House Version

Ward Valley Land Transfer

U.S. House of Representatives The budget reconciliation bill—which includes a provision conveying land in Ward Valley, California, to the state's Department of Health Services for use in siting a low-level radioactive waste disposal facility—was voted out of the U.S. House of Representatives on Thursday, October 26.

U.S. Senate The U.S. Senate approved its version of a reconciliation bill on Friday, October 27. The Senate version of the legislation does not provide for transfer of the Ward Valley land.

Language transferring Ward Valley to the State of California was originally included in the Senate reconciliation bill. However, the California land transfer language was one of a list of 49 provisions compiled by Senate Democrats and objected to on procedural grounds by Senator James Exon (D-NE). The land transfer provision was included in the list at the request of Senator Barbara Boxer (D-CA).

The Senate parliamentarian ruled that 46 of the 49 provisions, including the one pertaining to Ward Valley, were "extraneous" under the Senate's Byrd rule regarding legislating on a budget bill. The parliamentarian specifically held that the income received by the federal government as a result of the California land transfer would be "incidental." Thus, the land transfer provision was deleted from the bill on procedural grounds before final passage.

U.S. Enrichment Corporation

The provisions pertaining to the U.S. Enrichment Corporation (USEC) could set a precedent for assigning responsibility for the disposal of waste generated after the privatization of other DOE facilities. Under the language in both houses' reconciliation bills, DOE would be required—at the request of the corporation—to accept for storage, treatment, or disposal low-level radioactive waste that the corporation generates. In addition, in the Senate's bill, states would not be required to accept waste generated by USEC.

For background information, see "Senate Holds Hearing on Privatization of the U.S. Enrichment Corporation," LLW Notes, June 1995, p. 24.

Conference Committee

A conference committee made up of representatives of both chambers of Congress will begin meeting this week to reconcile differences between the two pieces of budget legislation. Supporters of the California land transfer language contained in the House version of the bill plan to work with the conferees to craft language that would survive a "Byrd rule test" when the conference report again reaches the floor of the Senate.

Final Passage

If a reconciliation bill is approved by the conference committee, the bill will be returned to both houses for floor consideration. If the bill is passed in both houses, it will be forwarded to the President.

Potential Veto

The President is currently expected to veto a reconciliation bill if it contains some major provisions in the House and Senate versions.

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U.S. Congress *continued*

House Conferees on Reconciliation with Senate Amendment to H.R. 2491

For consideration of the House bill and the Senate amendment:

Republicans

John Kasich (OH)
Dick Armey (TX)
John Boehner (OH)
Tom DeLay (TX)
Robert Walker (PA)

Democrats

Martin Sabo (MN)
David Bonior (MI)
Charles Stenholm (TX)

Additionally, for consideration of the title of the reconciliation bill containing Ward Valley transfer language:

Republicans

Don Young (AK)
W.J. ("Billy") Tauzin (LA)

Democrat

George Miller (CA)

Additionally, for consideration of the title of the reconciliation bill containing U.S. Enrichment Corporation language

Republicans

Thomas Bliley (VA)
Dan Schaefer (CO)

Democrat

John Dingell (MI)

Senate Conferees on Reconciliation with Senate Amendment to H.R. 2491

As of press time, Senate conferees had not been named.

Much of the preceding information was transmitted via facsimile in a News Flash to Forum Participants and Alternate Participants, Federal Liaisons and Alternates on October 31, 1995.

Federal Agencies and Committees

U.S. Nuclear Regulatory Commission

Petitioner Asks NRC to Reconsider Land Ownership Decision

In a letter dated August 7, Diane Burton, Managing Director of Heartland Operations to Protect the Environment (HOPE), requested that NRC reconsider its decision to withdraw an advance notice of proposed rulemaking (ANPR) on land ownership requirements for low-level radioactive waste disposal sites. In July 1995, NRC announced the withdrawal of the ANPR that presented a possible change to the NRC or Agreement State requirements to allow private ownership of low-level radioactive waste disposal sites. (See *LLW Notes*, July 1995, p. 16 and Aug./Sept. 1994, p. 26.) The *Federal Register* notice withdrawing the ANPR states, "The basis for this decision [withdrawing the rulemaking] is that States and compacts have generally indicated that they do not need, nor would they allow, private ownership, and that this rule could be potentially disruptive to the current LLW [low-level radioactive waste] program."

Purpose of Land Ownership Requirements

Current NRC regulations for licensing land disposal of low-level radioactive waste require that the land must be owned by the federal or state government. The land ownership requirements in 10 CFR Part 61 are intended to assure control of the disposal sites after closure in order to reduce the potential for inadvertent intrusion, better ensure site integrity, and facilitate monitoring of site performance.

NRC's Response

In a letter to Burton dated October 3, NRC Chair Shirley Jackson responded:

Your primary contention as stated in your letter is that the NRC's present regulation (10 CFR 61.59(a)), requiring disposal of LLW "only on land owned in fee by the Federal or a State government," is in conflict with a provision in the Nuclear Waste Policy Act of 1982, as amended (42 USC 10171(b)), which authorized the U.S. Department of Energy "to assume title and custody of low-level radioactive waste and the land on which such waste is disposed of, upon request by the owner of such waste and land and following termination of the license issued by the Commission (NRC) for such disposal" Consequently, you propose requiring private land ownership during operations and closure of the facility, and then converting title to the site to the U.S. Department of Energy. The ANPR, on the other hand, considered the option to allow private ownership indefinitely, given that adequate land use restrictions were imposed. In light of this fundamental difference in approach, we have decided to handle your letter as a petition for rulemaking.

NRC's Petition Process

NRC regulations allow for the initiation of a rulemaking upon the petition of an interested person. According to Jackson's letter, NRC staff has determined that the Burton letter contained the necessary information for treatment as a petition. The petition has been placed in NRC's Public Document Room and will be published in the *Federal Register* for public comment.

For further information, contact Mark Haisfield of NRC's Office of Nuclear Regulatory Research at (301)415-6196.

New Materials and Publications

Document Distribution Key

P	LLW Forum Participants	D	LLW Forum Document Recipients
A	LLW Forum Alternates		
F	LLW Forum Federal Liaisons	N	LLW Notes Recipients
L	LLW Forum Federal Alternates		
T	LLW Forum Media Contacts	M	LLW Forum Meeting Report Recipients
V	LLW Forum Press Monitors		

LLW Forum

DM *LLW Forum Meeting Report.*

Afton Associates, Inc. September 1995. Proceedings from the LLW Forum fall meeting, September 26-28, 1995. (Distributed on October 24, 1995.)

DM Meeting Packet:

LLW Forum meeting, September 26-28, 1995. (Distributed on September 15, 1995.) including

- *LLW Forum Meeting Agenda.* Afton Associates, Inc. September 1995.

- *LLW Forum Meetings-at-a-Glance Schedule.* Afton Associates, Inc. September 1995.

- *LLW Forum Meeting Preattendance List.* Afton Associates, Inc. September 1995.

- *LLW Forum Site Tour Preattendance List.* Afton Associates, Inc. September 1995.

- *Changes to the License for the Low-Level Radioactive Waste Disposal Facility at Barnwell, South Carolina.* South Carolina Department of Health and Environmental Control. August 11, 1995.

- Letter from Vernon Andrews, Corporate Radiation Safety Officer, Envirocare of Utah, Inc., to Dane Finerfrock, Utah Division of Radiation Control, regarding radioactivity concentration averaging in waste for disposal license #UT2300249. August 22, 1995.

- *Application for License to Export Nuclear Material and Equipment.* August 22, 1995. Master International Systems USA Corporation. Requests a license from NRC authorizing Master International to export low-level radioactive waste to the Russian Republic of Dagestan.

- Letter from Thomas Grumbly, Assistant Secretary for Environmental Management, DOE, to Gregg Larson, Convenor, Low-Level Radioactive Waste Forum, thanking Larson for a June 29 letter containing information on low-level radioactive waste disposal capacity and facility development. August 21, 1995.

- *Status of Technical Assistance.* DOE's National Low-Level Waste Management Program. September 1995.

- Letter report from Paul Pomeroy, Chair, NRC's Advisory Committee on Nuclear Waste, to Shirley Jackson, Chair, NRC, regarding lessons learned from the Ward Valley, California, low-level radioactive waste disposal facility siting process. August 10, 1995.

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PAFL Letter from Gregg Larson, LLW Forum Convenor, to Patrice Bubar, Director, Albuquerque/Rocky Flats Operations Division, Environmental Management, DOE, transmitting the LLW Forum Mixed Waste Working Group's endorsement of a pilot project "that would demonstrate the feasibility of DOE accepting commercial mixed waste, and would allow generators, states, compacts, and the Department to identify issues requiring further attention if such a program were instituted nationwide." October 31, 1995. Distributed to Forum Participants, Alternate Forum Participants, Federal Liaisons and Alternates with an accompanying memo from Laura Scheele, LLW Forum Mixed Waste Working Group Staff Coordinator, on October 31, 1995.

New Materials and Publications *continued*

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PAFL Memorandum from Todd Lovinger, Director, LLW Forum Legal Clearinghouse, regarding the South Carolina Supreme Court agreement to hear a case challenging inclusion of parts of the Barnwell proviso in the 1995 state budget bill. October 20, 1995. (Transmitted via facsimile on October 20, 1995.)

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PAFL Memorandum from Laura Scheele, LLW Forum Federal Liaison, regarding ACNW's scheduled discussion of NRC's LLRW program options; EPA's reopening of the comment period on the rescission of NESHAPs Subpart I. October 17, 1995. (Transmitted via facsimile on October 17, 1995.)

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PAFL Memorandum from Todd Lovinger, Director, LLW Forum Legal Clearinghouse, regarding the appellate court's reversal of a previous judgment that set aside the Ward Valley, California license. October 10, 1995. (Transmitted via facsimile on October 10, 1995.)

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PA Memorandum from Todd Lovinger, Congressional Liaison, Afton Associates, Inc., regarding the Texas Compact legislation's failure to pass in the U.S. House of Representatives. September 19, 1995. (Transmitted via facsimile on September 19, 1995.)

States and Compacts

Midwest Compact/Ohio

Midwest Interstate Low-Level Radioactive Waste Compact Commission Annual Report. August 1995. Report on the activities from July 1, 1994 to June 30, 1995. Midwest Interstate Low-Level Radioactive Waste Compact Commission. To obtain a copy, contact Sandy Schmidt of the Midwest Compact Commission at (612)293-0126.

Northwest Compact/Washington

DM Letter from William Sinclair, Executive Secretary, Utah Radiation Control Board, to Vernon Andrews, Corporate Radiation Safety Officer, Envirocare of Utah, Inc., regarding radioactive material license #UT2300249. September 6, 1995. (Distributed on October 24, 1995.)

DM Letter from Vernon Andrews, Corporate Radiation Safety Officer, Envirocare of Utah, Inc., to Dane Finerfrock, Section Manager, Environmental Monitoring and Low-Level Waste Section, Division of Radiation Control, Utah Department of Environmental Quality (DEQ), regarding radioactivity concentration averaging in waste for disposal #UT2300249, the second letter on this topic. August 31, 1995. (Distributed on October 24, 1995.)

DM . Notice from Dane Finerfrock, Section Manager, Environmental Monitoring and Low-Level Waste Section, Division of Radiation Control, Utah DEQ, regarding a radioactive material license request submitted by Envirocare of Utah, Inc. September 1995. (Distributed on October 24, 1995.)

D Letter from Charles Judd, Executive Vice President, Envirocare of Utah, Inc., to William Sinclair, Director, Division of Radiation Control, Utah DEQ, responding to a request by the Northwest Compact Committee that Envirocare further describe the low-level radioactive wastes it receives. October 4, 1995.

Southwestern Compact/California

Cancer Incidence Among Children and Young Adults in Livermore, California, 1960-1991. California Department of Health Services, Environmental Health Investigations Branch. September 1995. (A provisional report pending peer review and public comment.) No overall excess of cancer, particularly the leukemias or lymphomas, among Livermore children of young adults, was found. There was, however, an unexpected excess of malignant melanoma. It is not possible, within the scope of the current study, to assess any affiliation of the melanoma cases with the Lawrence Livermore National Laboratory. To obtain a copy, contact Kristin Giller in the Lawrence Livermore National Laboratory Environmental Communications Public Affairs Office at (510)424-2580.

New Materials and Publications *continued*

Correspondence re Ward Valley Land Transfer

Letter from Frank Murkowski, Chair, Committee on Energy and Natural Resources, U.S. Senate, to Bruce Babbitt, Secretary, Department of the Interior, expressing concern about conditions contained in the transfer proposal that Deputy Secretary John Garamendi presented to the California Health and Welfare Secretary. October 23, 1995.

Letter from John Garamendi, Deputy Secretary, Department of the Interior, to Sandra Smoley, Secretary, State of California, Health and Welfare Agency, responding to her September 13 letter to Secretary Babbitt which enclosed a signed form of agreement relating to the transfer of Ward Valley to the State of California for use in siting a low-level radioactive waste disposal facility. Garamendi's reply included a modified version of the agreement. October 20, 1995.

Letter from Dianne Feinstein, U.S. Senate, to Ronald Gaynor supporting Secretary Babbitt's decision to "transfer Ward Valley to the State of California contingent upon the safeguards recommended by the National Academy [of Sciences] being carried out." October 6, 1995.

Letter from Sandra Smoley, Secretary, State of California, Health and Welfare Agency, to Bruce Babbitt, Secretary, Department of the Interior, enclosing a proposed Memorandum of Agreement for the transfer of federal land in Ward Valley, California, to the state. September 18, 1995.

Letter from Pete Wilson, Governor, State of California, to Don Young, Chair, Committee on Natural Resources, U.S. House of Representatives, requesting him "to transfer the Ward Valley site to the State of California and to shepherd this legislation through Congress at the earliest possible time." A similar letter was sent to Frank Murkowski, Chair, Committee on Energy and Natural Resources, U.S. Senate. September 12, 1995.

Federal Agencies

Department of Energy (DOE)

1994 State-by-State Assessment of Low-Level Radioactive Wastes Received at Commercial Disposal Sites (DOE/LLW-224). Prepared by Ronald Fuchs of DOE's National Low-Level Waste Management Program, Idaho National Engineering Laboratory (INEL). September 1995. Report provides disposal figures for the commercial low-level radioactive waste being shipped for disposal within the United States. To obtain a copy, contact Donna Lake at (208)526-6927.

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National Low-Level Waste Management Program Radionuclide Report Series, Volume 14: Americium-241 (DOE/LLW-130) and National Low-Level Waste Management Program Radionuclide Report Series, Volume 15: Uranium-238 (DOE/LLW-131). DOE's National Low-Level Waste Management Program, Idaho National Engineering Laboratory (INEL). September 1995. These reports discuss radiological, chemical, and physical characteristics of americium-241 and uranium-238, and the behavior of them in the environment and in the human body. To obtain a copy, contact Donna Lake at (208)526-6927.

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New Materials and Publications *continued*

National Institutes of Health: Mixed Waste Minimization and Treatment (DOE/LLW-218).

DOE's National Low-Level Waste Management Program, Idaho National Engineering Laboratory (INEL). August 1995. Report was prepared in response to a request for technical assistance from the Appalachian States Low-Level Radioactive Waste Commission on the issues of possible minimization and treatment approaches for waste generated by the biomedical community. To obtain a copy, contact Donna Lake at (208)526-6927.

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Workplace Investigation of Increased Diagnosis of Malignant Melanoma Among Employees of Lawrence Livermore National Laboratory. (UCRL-LR-106723).

DOE's Lawrence Livermore National Laboratory. August 1994. The report concludes that, based on rates for the surrounding communities, the diagnosis rate of malignant melanoma for employees of Lawrence Livermore National Laboratory during 1972 to 1977 was three to four times higher than expected. To obtain a copy, contact the National Technical Information Service, U.S. Department of Commerce, at (703)487-4650.

Environmental Protection Agency (EPA)

"National Emissions Standards for Radionuclide Emissions from Facilities Licensed by the Nuclear Regulatory Commission and Federal Facilities Not Covered by Subpart H," 60 *Federal Register* 50161. EPA. September 28, 1995. Action: Notice of reopening of comment period. This document reaffirms the EPA proposal to rescind subpart I for NRC and Agreement States licensees other than nuclear power reactors, describes the expected proposed revisions to the NRC program which support such rescission, and invites additional comment on the sufficiency of the revisions of the NRC program.

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Principles for Environmental Cleanup of Federal Facilities. Federal Facilities Environmental Restoration Dialogue Committee, EPA. August 2, 1995. This document is the result of the work of the Federal Facilities Environmental Restoration Dialogue Committee, a federal advisory committee chartered by the EPA and facilitated by the Keystone Center. The 14 principles represent an agreement on recommendations and findings regarding federal facility environmental cleanups amongst 49 of the 50 members of the Committee. To obtain a copy, contact Sven Erik Kaiser, EPA's Federal Facilities Restoration and Reuse Office, at (202)260-5138.

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Final White Paper on Risk Harmonization. NRC/EPA. July 1995. In this paper, EPA and NRC jointly examine the similarities and differences in their approaches to risk assessment and risk management. To obtain a copy, contact the NRC Public Document Room.

Nuclear Regulatory Commission (NRC)

BLT-EC (Breach, Leach Transport, and Equilibrium Chemistry), a Finite-Element Model for Assessing the Release of Radionuclides From Low-Level Waste Disposal Units. ((NUREG/CR-6305; BNL—NUREG—52446). Background, theory and model description. Prepared by Brookhaven National Laboratory and California State University at Fresno for the Division of Regulatory Applications, Office of Nuclear Regulatory Research, NRC. August 1995. This report presents a detailed description of the various physical and chemical processes that control the release and migration of radionuclides from shallow land LLRW disposal facilities, formulates the mathematical models that represent these processes, outlines how these models are incorporated and implemented in BLT-EC, and demonstrates the application of BLT-EC on a set of example problems. To obtain a copy, contact the NRC Public Document Room.

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New Materials and Publications *continued*

Nuclear Regulatory Commission (NRC) *continued*

Alternatives to Terminating the Nuclear Regulatory Commission Low-Level Radioactive Waste Disposal Program. (SECY-95-201). Prepared by James Taylor, Executive Director for Operations, for the Commissioners. Informs the Commission of the implications of terminating the NRC's LLW disposal program and recommends an alternative approach. This paper involves significant programmatic, policy, and budget issues. July 31, 1995. To obtain a copy, contact Jim Kennedy, Low-Level Waste and Regulatory Issues Section, Low-Level Waste and Decommissioning Projects Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards, NRC, at (301)415-6668.

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Final White Paper on Risk Harmonization. NRC/EPA. July 1995. In this paper, EPA and NRC jointly examine the similarities and differences in their approaches to risk assessment and risk management. To obtain a copy, contact the NRC Public Document Room.

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Disposal of Radioactive Material Into Sanitary Sewer Systems. (SECY-95-162). Prepared by James Taylor, Executive Director for Operations, for the Commissioners. Informs the Commission of the staff's plans for a proposed rulemaking to address issues related to disposal of radioactive material into sanitary sewers and the potential for reconcentration of that material once released. June 20, 1995. To obtain a copy, contact Cheryl Trottier, Office of Research, NRC, at (301)415-6232.

Other

"RISK: Where do Real Dangers Lie?" *Smithsonian*, November 1995, pp. 42-53. John Ross. Article about the risks society faces in everyday life. The article does not specifically address low-level radioactive waste.

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Radwaste Magazine: Special Issue on LLW Management. September 1995. Reports on several issues related to low-level radioactive waste including assured storage; low-level radioactive waste compacts and state agencies; and radioactive waste management at Harvard, Texas A&M and Case Western Reserve Universities.

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"Dancing Around the Dumps," *Governing*, August 1995, pp. 48-51. Ellen Perlman. Article on the status of low-level radioactive waste management within the United States.

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Building Citizen Support for Responsible Low-Level Radioactive Waste Disposal Solutions; A Handbook for Grassroots Organizers. Nuclear Energy Institute. 1995. To obtain a copy, contact Paul Genoa of the Nuclear Energy Institute at (202)739-8034.

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"Healing Power: Low-Level Radiation in Perspective," *Priorities*, Vol. 7, No. 2, 1995, pp. 10-13. Michelle Maglalang Malkin. To obtain a copy of the magazine, contact Andrea Case of the American Council on Science and Health, at (212)362-7044.

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Environmental Justice: A Matter of Perspective. National Conference on State Legislatures (NCSL). September 1995. Discusses the environmental justice issue and examines stakeholder perspectives and state legislative implications. To obtain a copy, contact the NCSL Marketing Department at (303)830-2200. The report is available at no charge to state legislatures and for \$12.00 plus shipping and handling to others.

Obtaining LLW Forum and Other Materials and Publications

To obtain federal government information

By telephone

- DOE Press Office (202)586-5806
- DOE Public Information Office, Secondary Distribution Center (202)586-9642
- EPA Public Information Center (202)260-7751
- GAO Document Room (202)512-6000
- Government Printing Office (to order entire *Federal Register* notices) (202)512-1800
- NRC Public Document Room (202)634-3273
- U.S. House of Representatives Document Room (202)225-3456

By FAX

- U.S. Senate Document Room (202)228-2815
- When making document requests, include a mailing address where the document(s) should be sent.

By Internet

- EPA Listserve Network
Contact John Richards for information on how to subscribe to the Listserve Network to receive *Federal Register* notices via e-mail at
voice (202)260-2253 • *FAX* (202)260-3884 • *e-mail* richards.john@epamail.epa.gov

Receiving *LLW Notes* by Mail

LLW Notes and the *Summary Report: Low-Level Radioactive Waste Management Activities in the States and Compacts* are distributed to state, compact and federal officials designated by LLW Forum Participants and Federal Liaisons. In April 1994, Forum Participants unanimously approved a change in LLW Forum procedures in order to allow representatives of industry, environmental and citizen groups—as well as other interest groups and members of the public—to receive these two publications directly by mail.

Members of the public may now apply to DOE's National Low-Level Waste Management Program at the Idaho National Engineering Laboratory (INEL) to be placed on a public information mailing list for copies of *LLW Notes* and the supplemental *Summary Report*. Afton Associates, the LLW Forum's management firm, will provide copies of these publications to INEL. The LLW Forum will monitor distribution of these documents to the general public to ensure that information is equitably distributed throughout the states and compacts.

To be placed on a list to receive LLW Notes and the Summary Report by mail, please contact Donna Lake, Senior Administrative Specialist, INEL, at (208)526-0234.

Low-Level Radioactive Waste Disposal Compact Membership

Appalachian Compact

- Delaware
- Maryland
- Pennsylvania
- West Virginia

Central Compact

- Arkansas
- Kansas
- Louisiana
- Nebraska
- Oklahoma

Central Midwest Compact

- Illinois
- Kentucky

Midwest Compact

- Indiana
- Iowa
- Minnesota
- Missouri
- Ohio
- Wisconsin

Northwest Compact

- Alaska
- Hawaii
- Idaho
- Montana
- Oregon
- Utah
- * • Washington
- Wyoming

Rocky Mountain Compact

- Colorado
- Nevada
- New Mexico

Northeast Compact

- Connecticut
- New Jersey

Southeast Compact

- Alabama
- Florida
- Georgia
- Mississippi
- North Carolina
- Tennessee
- Virginia

Southwestern Compact

- Arizona
- California
- North Dakota
- South Dakota

Texas Compact

- Maine
- Texas
- Vermont

Unaffiliated States

- District of Columbia
- Massachusetts
- Michigan
- New Hampshire
- New York
- Puerto Rico
- Rhode Island
- * • South Carolina

* *current host state*

• *future host state*

*Northwest accepts
Rocky Mountain waste
as agreed
between compacts*

*Maine, Texas and Vermont are
named as members of a compact
passed by all three states. The
compact is awaiting consent by the
U.S. Congress.*

The Low-Level Radioactive Waste Forum includes a Participant from each regional compact, current host state, future host state and unaffiliated state. Graphic by Afton Associates, Inc. for the LLW Forum. July 1995.

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Available to DOE and DOE contractors from the Office of Scientific and Technical Information, P.O. Box 62, Oak Ridge, TN 37831; prices available from (423) 576-8401.

Available to the public from the National Information Service, U.S. Department of Commerce, 5285 Port Royal Road, Springfield, VA 22161

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LLW
FORUM

1996 Calendar

January	February	March	April
	3 - 6 NGA Winter Meeting Washington, DC <hr/> 13 - 16 LLW Forum San Diego, CA <i>Southwestern Compact/California</i> <ul style="list-style-type: none"> • executive session • business session: Convenor, Exec. Committee election • state/compact developments • TCC report • agenda planning • tracking and manifesting • interregional shipments • mixed waste • DOE Low-Level Waste Management Program • federal waste management • types of radioactive waste • international export • LLRW management policy <hr/> 25 - 29 Waste Management '96 Tucson, AZ		<i>tentative</i> Host State Technical Coordinating Committee Meeting
May	June	July	August
2 - 4 NCSL Assembly on States Issues Austin, TX <hr/> 5 - 10 CRCPD Annual Meeting Albuquerque, NM <hr/> 9 - 11 NCSL Assembly on Federal Issues Washington, DC <hr/> 29 - 31 LLW Forum Annapolis, MD <i>Appalachian Compact</i> <ul style="list-style-type: none"> • executive session • business session • state/compact developments • TCC report • agenda planning • tracking and manifesting • interregional shipments • mixed waste • DOE Low-Level Waste Management Program • federal waste management • types of radioactive waste • international export • Should credit be given for facility design? • conversation with EPA • conversation with DOE • conversation with NRC • conversation with DOT 	<i>tentative</i> Radioactive Exchange Decisionmakers' Forum Amelia Island, FL	13 - 16 National Governors' Association Annual Meeting Puerto Rico 27 - 8/1 NCSL Annual Meeting St. Louis, MO	
September	October	November	December
24 LLW Forum Site Visit Hudspeth Co. <i>Texas Compact/Texas</i> <hr/> 25 - 27 LLW Forum Austin, TX <i>Texas Compact/Texas</i> <ul style="list-style-type: none"> • executive session • business session • state/compact developments 	1 - 3 DOE Annual Meeting Salt Lake City, UT		11 - 13 <i>tentative</i> NCSL Assembly on State Issues and Assembly on Federal Issues Washington, DC

<p>29 - 31 LLW Forum Annapolis, MD</p> <p style="text-align: center;"><i>Appalachian Compact</i></p> <ul style="list-style-type: none"> • executive session • business session • state/compact developments • TCC report • agenda planning • tracking and manifesting • interregional shipments • mixed waste • DOE Low-Level Waste Management Program • federal waste management • types of radioactive waste • international export 	<p>Amelia Island, FL</p>	<p style="text-align: right;">Meeting Puerto Rico</p>	
<p>• Should credit be given for facility design?</p> <p>• conversation with EPA</p> <p>• conversation with DOE</p> <p>• conversation with NRC</p> <p>• conversation with DOT</p>		<p>27 - 8/1 NCSL Annual Meeting St. Louis, MO</p>	
September	October	November	December
<p>24 LLW Forum Site Visit Hudspeth Co.</p> <p style="text-align: center;"><i>Texas Compact/Texas</i></p>	<p>1 - 3 DOE Annual Meeting Salt Lake City, UT</p>		<p>11 - 13 tentative NCSL Assembly on State Issues and Assembly on Federal Issues Washington, DC</p>
<p>25 - 27 LLW Forum Austin, TX</p> <p style="text-align: center;"><i>Texas Compact/Texas</i></p> <ul style="list-style-type: none"> • executive session • business session • state/compact developments • TCC report • agenda planning • tracking and manifesting • interregional shipments • mixed waste • DOE Low-Level Waste Management Program • federal waste management • types of radioactive waste • international export 			
<p>30 Host State TCC Salt Lake City, UT</p>			