Low-Level Radioactive Waste Management Activities in the States and Compacts

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LLW Management Summary Report

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Forum Participants should contact Cynthia Norris to request camera-ready copy of this edition of LLW Management Summary Report.

The Low-Level Radioactive Waste Forum is an association of representatives of states and compacts established to facilitate state and compact commission 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 Forum provides an opportunity for states and compacts to share information with one another and to exchange views with officials of federal agencies.

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Appalachian Compact

Governing Body  Appalachian States Low-Level Radioactive Waste Commission

Member States  Delaware, Maryland, Pennsylvania, West Virginia

Compact Established  The compact was established February 19, 1986, and ratified by Congress on May 19, 1988. The commission’s first organizational meeting was held April 30, 1990.

Current Waste Management  Contract with the Southeast Compact Commission to allow generator access to the disposal facility in Barnwell, South Carolina, through June 1994.

Host State: Pennsylvania

Regulatory and Program Responsibility  Bureau of Radiation Protection, Department of Environmental Resources (DER)


Other Involvement  DER Low-Level Waste Advisory Committee, Environmental Quality Board

Disposal Technology  Earth-mounded above-ground vault

Siting  Pennsylvania has completed the second stage of a three-stage disqualification process. Currently, about 46 percent of the commonwealth has been disqualified from further consideration. The Stage Three map is expected to be released in January 1994. Three potentially suitable sites will be selected by Chem-Nuclear in the late summer of 1994. In late 1994 or early 1995, Chem-Nuclear will submit the three sites with appropriate documentation to the Environmental Quality Board for review and approval.

Licensing  Chem-Nuclear is expected to submit its license application in early 1997. Pennsylvania has applied for limited Agreement State status, under which Pennsylvania DER would approve the license.

Development Costs  To date: $18.5 million. Estimated total cost including construction: $66 million.

Compacts and Their Host States continued

Central Compact

**Governing Body**  Central Interstate Low-Level Radioactive Waste Commission

**Member States**  Arkansas, Kansas, Louisiana, Nebraska, Oklahoma

**Compact Established**  The compact was established May 12, 1983. The commission's organizational meeting was held June 29, 1983.

**Current Waste Management**  Contract with the Southeast Compact Commission to allow generator access to the disposal facility in Barnwell, South Carolina, through June 1994.

Host State: Nebraska

**Regulatory and Program Responsibility**  Department of Environmental Quality

**Siting Responsibility**  Department of Health

**Disposal Technology**  US Ecology, Inc.

**Siting**  Property near Butte in Boyd County, Nebraska, was selected in December 1989.

**Licensing**  A license application was submitted to the host state regulators in July 1990. In December 1991, the state declared the application to be complete and ready for technical review. This review is ongoing, and state regulators have transmitted the third round of technical questions to US Ecology.

**Development Costs**  To date: $53.8 million. Estimated total cost including construction: $139.8 million.

**Disposal Facility Operational**  The Butte facility is projected to be operational no later than September 1998.

**Other Information**  In January 1993, the Nebraska regulators announced their “intent to deny" the license application based upon their interpretation of regulations governing the presence of wetlands in the buffer zone on the proposed site. US Ecology reconfigured the site, reducing it in size, and eliminating any identified wetlands areas from the license application. In October 1993, the regulators withdrew their “intent to deny" and continued their review of the license application.

Two lawsuits have been filed by the state of Nebraska against the Central Interstate Compact concerning community consent. The first has been decided in favor of the compact and is now on appeal by the state of Nebraska. The second lawsuit has been dismissed and the state will not appeal.
Central Midwest Compact

Governing Body  Central Midwest Interstate Low-Level Radioactive Waste Commission

Member States  Illinois, Kentucky

Compact Established  The compact was established in September 1984 and ratified by Congress effective January 1986.

Current Waste Management  Contract with the Southeast Compact Commission to allow generator access to the disposal facility in Barnwell, South Carolina, through June 1994.

Host State: Illinois

Regulatory Responsibility  Illinois Department of Nuclear Safety

Siting and Program Responsibility
- Low-Level Radioactive Waste Task Group—develop siting criteria
- Illinois State Geological Survey and State Water Survey—statewide screening including evaluation of volunteer locations and identification of ten locations likely to meet the criteria
- Facility Developer—evaluation of 10 locations, selection and characterization of site, preparation of license application, and facility development
- Illinois Department of Nuclear Safety—licensing agency

Disposal Technology  Above-grade, earthen-covered concrete vault

Siting  The task group will develop siting criteria and the Illinois Geological and Water Surveys will be responsible for screening the state and evaluating any volunteered sites in order to locate at least ten areas of at least 640 acres each that appear likely to meet the criteria. The contractor will evaluate the areas identified by the Geological and Water Surveys, select three promising sites for further study, and present findings to the task group. Following the task group’s approval of three sites, the contractor will select one final site for full characterization.

Licensing  A license application is expected to be submitted in November 1, 1997.

Development Costs  Not provided.

Disposal Facility Operational  Projected by July 1, 2000.
Midwest Compact

Governing Body Midwest Interstate Low-Level Radioactive Waste Commission

Member States Indiana, Iowa, Minnesota, Missouri, Ohio, Wisconsin

Compact Established The compact was established in October 1983 and was given the consent of Congress in December 1985.

Current Waste Management Contract with the Southeast Compact Commission to allow generator access to the disposal facility at Barnwell, South Carolina, through June 1994.

Host State: Ohio

Regulatory Responsibility Undetermined pending enactment of enabling legislation.

Program Responsibility Ohio Department of Health

Siting Responsibility Undetermined pending enactment of enabling legislation.

Other Involvement Ohio Blue Ribbon Commission on Siting Criteria
Ohio Low-Level Radioactive Waste Advisory Committee

Disposal Technology None selected at this time.

Siting Ohio was designated the host state for the Midwest Compact in July 1991, following the revocation of Michigan’s membership in the compact. Siting activity cannot begin until the Ohio General Assembly enacts enabling legislation.

Licensing According to the most recent projected schedule, a license application will be submitted for a regional disposal facility by four and one-quarter years after Ohio enactment of enabling legislation.

Development Costs To date: $0.5 million. Estimated total cost including construction: unknown.

Disposal Facility Operational Seven and one-quarter years after Ohio enactment of enabling legislation.

Other Information The Ohio Blue Ribbon Commission on Siting Criteria and the Ohio Low-Level Radioactive Waste Advisory Committee submitted their recommendations on enabling legislation to the Ohio General Assembly on September 2, 1993. The Midwest Compact Commission approved compact amendments in November 1993.
Northeast Compact

Governing Body Northeast Interstate Low-Level Radioactive Waste Commission

Member States Connecticut, New Jersey

Compact Established Congress ratified the compact in 1985, and it was signed into law by the President in 1986. Shortly thereafter, two of the four original member states—Delaware and Maryland—joined the Appalachian Compact. In 1987, the remaining member states of Connecticut and New Jersey were designated as dual host states.

Current Waste Management Contract with the Southeast Compact Commission to allow generator access to the disposal facility at Barnwell, South Carolina, through June 1994.

Host State: New Jersey

Regulatory Responsibility U.S. Nuclear Regulatory Commission
(New Jersey is not an Agreement State.)
New Jersey Department of Environmental Protection and Energy

Program Responsibility New Jersey Low-Level Radioactive Waste Disposal Facility
Siting Board (Siting Board)

Siting Responsibility New Jersey Low-Level Radioactive Waste Disposal Facility
Siting Board

Other Involvement New Jersey Radioactive Waste Advisory Committee (RWAC)

Disposal Technology State law prohibits shallow land burial. The technology will depend on input from the volunteer community, site-specific requirements, and the ability of the technology to be licensed.

Siting The state’s siting plan seeks a volunteer community to host a disposal facility and offers significant incentives.

Licensing New Jersey’s current projected date of license submittal to NRC is July 1996.

Development Costs To date: $2.3 million. Estimated total cost including construction: $100 million.

Disposal Facility Operational Projected by October 1998.

Other Information On January 6, 1994 the Siting Board approved for public comment a voluntary siting plan that had been recommended by the RWAC. Siting efforts are funded through generator assessments.
Host State: Connecticut

Regulatory Responsibility
U.S. Nuclear Regulatory Commission
CONNECTICUT IS NOT AN AGREEMENT STATE.)
Connecticut Department of Environmental Protection

Program Responsibility
Connecticut Office of Policy and Management—coordination
Connecticut Hazardous Waste Management Service—program

Siting Responsibility
Connecticut Hazardous Waste Management Service

Other Involvement
Connecticut Siting Council
Connecticut Department of Public Works

Disposal Technology
The Board of Directors of the Connecticut Hazardous Waste Management Service will select the technology in consultation with the volunteer community. The board has decided not to consider shallow land burial.

Siting
The state’s siting plan seeks a volunteer community to host a disposal facility and offers significant incentives. The state is prepared to use a statewide screening process if the volunteer approach does not produce a site that protects public health and safety.

Licensing
Connecticut’s current projected date of license submittal to NRC is July 1997.

Development Costs
To date: $9.4 million. Estimated total cost including construction: $100 million.

Disposal Facility Operational
Projected by December 1999.

Other Information
Effective April 2, 1993, the Connecticut General Assembly approved the 1993 Low-Level Radioactive Waste Management Plan. The plan’s volunteer siting approach is being implemented. Siting efforts are funded through generator assessments.
Northwest Compact

**Governing Body** Northwest Low-Level Waste Compact Committee

**Member States** Alaska, Hawaii, Idaho, Montana, Oregon, Utah, Washington, Wyoming

**Compact Established** The compact was established in 1981 and ratified by Congress in December 1985.

**Current Waste Management** Waste is disposed of at the regional low-level radioactive waste disposal facility operated by US Ecology, Inc.

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**Host State: Washington**

**Regulatory Responsibility** Department of Health

**Program Responsibility** Department of Ecology

**Siting Responsibility** Not applicable

**Disposal Technology** Shallow land burial

**Siting** The regional low-level radioactive waste disposal facility is located on the U.S. DOE Hanford reservation on the 100 acres of land subleased by US Ecology from the state of Washington.

**Licensing** The site operator's current materials license was issued by the Washington State Department of Health on May 29, 1992. The license next comes up for renewal on May 31, 1997.

**Development Costs** Not applicable.

**Disposal Facility Operational** The compact's regional disposal facility has been in operation since July 1965.

**Other Information** The compact's low-level radioactive waste disposal site is not permitted for mixed waste. The compact is working with other states and compacts to encourage U.S. DOE to include commercially generated mixed waste in their master plan for management of U.S. DOE mixed waste.
Rocky Mountain Compact

Governing Body  Rocky Mountain Low-Level Radioactive Waste Board

Member States  Colorado, Nevada, New Mexico

Compact Established  The compact was established in 1983 and ratified by Congress in December 1985.

Current Waste Management  Contract with the Northwest Interstate Compact Committee and the state of Washington for disposal at the Northwest Compact’s regional disposal facility. Some waste is also authorized for disposal at the Envirocare facility in Utah.

Host State: None

Regulatory and Program Responsibility  Not applicable.

Siting Responsibility  Host state if and when one is designated.

Disposal Technology  Not applicable.

Siting  No siting activity is currently being conducted.

Licensing  Not applicable.

Development Costs  Not applicable.

Disposal Facility Operational  Not applicable.

Other Information  Export authorization is required for all waste generated within the compact region that is sent outside of the region. Import authorization is required to bring out-of-compact waste into the region for management. No facilities within the compact region are currently authorized to receive out-of-compact waste. The compact has jurisdiction (including import and export authority) over naturally occurring and accelerator-produced radioactive materials (NORM/NARM).
Southeast Compact

Governing Body  Southeast Compact Commission for Low-Level Radioactive Waste Management

Member States  Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia

Compact Established  The Southeast Compact was established in 1983 and ratified by Congress in 1985. The compact law was amended in 1989.

Current Waste Management  Regional generators have been authorized to use the regional disposal facility in Barnwell, South Carolina, until December 31, 1995. Eligible out-of-region generators with valid access contracts have been authorized to use the facility until June 30, 1994.

Current Host State: South Carolina

Regulatory Responsibility  Division of Radioactive Waste Management, Bureau of Solid and Hazardous Waste, South Carolina Department of Health and Environmental Control

Program Responsibility  Division of Radioactive Waste Management, Bureau of Solid and Hazardous Waste, South Carolina Department of Health and Environmental Control—for Barnwell site
Commissioners for South Carolina, Southeast Low-Level Radioactive Waste Compact Commission—for compact matters

Other Involvement  Chem-Nuclear Systems, Inc. operates the disposal facility.

Siting  Not applicable.

Licensing  A license authorizing possession and storage of waste at the Barnwell facility was first issued on November 6, 1969. On April 13, 1971, the license was amended to authorize disposal. The license is currently under timely renewal.

Disposal Facility Operational  The Barnwell facility has been in operation since 1969. (See above.)

Other Information  South Carolina is serving as host state for the Southeast Compact until December 31, 1995.
Designated Host State: North Carolina

Regulatory Responsibility: Division of Radiation Protection, North Carolina Department of Environment, Health and Natural Resources (DRP)

Program and Siting Responsibility: North Carolina Low-Level Radioactive Waste Management Authority (Authority)

Other Involvement: Chem-Nuclear Systems, Inc. will operate the disposal facility.

Disposal Technology: Integrated vault

Siting: In December 1993, the Authority selected a site in Wake County as its preferred site.

Licensing: A license application was submitted by Chem-Nuclear to DRP in December 1993. It is expected that DRP will make a decision on the issuance of the license no later than March 15, 1995.

Development Costs: To date: $64.5 million. Estimated total costs excluding construction: $87.7 million. Estimated total cost including construction: $150 million.

Disposal Facility Operational: Projected by early 1996.
Southwestern Compact

**Governing Body** Southwestern Low-Level Radioactive Waste Commission

**Member States** Arizona, California, North Dakota, South Dakota

**Compact Established** The compact was established in July 1988 and ratified by Congress in November 1988. North Dakota and South Dakota joined the compact in 1989.

**Current Waste Management** Contract with the Southeast Compact Commission to allow generator access to the disposal facility at Barnwell, South Carolina, through June 1994; disposal at the Envirocare of Utah facility authorized by petition through 1994.
## Host State: California

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<td>Enhanced shallow land burial</td>
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**Siting** Property in Ward Valley was designated as the preferred site by US Ecology in 1988. Because the property is currently owned by the federal government, the state of California is working with BLM to transfer the land to the state.

**Licensing** A license was issued by DHS on September 16, 1993, conditioned on DHS ownership of the land.

**Development Costs** To date: $46 million. Estimated total cost including construction: $68 million.

**Disposal Facility Operational** Projected by mid-1996 contingent upon the outcome of legal actions.

**Other Information** The federal government must make a decision on the land transfer before the site can be developed. Lawsuits protesting the license action and related environmental analyses have been filed.

The license issued by DHS does not include mixed waste disposal. The Southwestern Commission and DHS are currently working with other states and compacts to encourage the U.S. Department of Energy to provide for management of the compact's mixed waste.
Texas Compact (pending)

**Governing Body** Texas Low-Level Radioactive Waste Disposal Compact Commission

**Member States** Texas, Maine, Vermont (eligible to join)

**Compact Established** In June 1993, the Governor of Texas signed into law legislation establishing a low-level radioactive waste compact with Maine and Vermont. Maine completed its approval process with the passage of a referendum on November 2, 1993. Compact legislation was introduced in the Vermont legislature in January 1994 and is expected to pass in the spring. The compact could then be submitted to the U.S. Congress for ratification.

**Current Waste Management** Texas and Vermont have contracts with the Southeast Compact Commission to allow generator access to the disposal facility at Barnwell, South Carolina, through June 1994. Maine generators rely on on-site storage.
### Host State: Texas

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<tr>
<td><strong>Siting Responsibility</strong></td>
<td>Texas Low-Level Radioactive Waste Disposal Authority</td>
</tr>
</tbody>
</table>
| **Other Involvement**         | Texas Department of Health  
|                               | Texas General Land Office |
| **Current Waste Management**  | Contract with Southeast Compact to allow generator access to the disposal facility at Barnwell, South Carolina, through June 1994. |
| **Disposal Technology**       | Below-ground concrete canisters |

**Siting**  The Authority began statewide site screening activities under newly enacted state law in 1983. Initial efforts identified several desirable sites in south Texas. In 1985, the Texas Legislature instructed the Authority to give preference in its site search to state-owned land. In 1987, the Authority identified several possible sites in Hudspeth County, Texas, including a site at Fort Hancock. El Paso County and others filed a lawsuit to enjoin the Authority from selecting the Fort Hancock site, and the site was abandoned in early 1991. In May 1991, the Texas Legislature amended the Authority's statute, which led to the selection of a site in a 400-square mile area near Sierra Blanca in Hudspeth County. In February 1992, the Authority selected a site on the Faskin Ranch for the state's proposed low-level waste disposal facility. The ranch was purchased and site characterization began. Site characterization activities concluded in November 1993.

**Licensing**  The initial installment of the license application was submitted to the Texas Natural Resource Conservation Commission in March 1992. The final update was submitted in December 1993. Licensing review is underway.

**Development Costs**  To date: $28.5 million. Estimated total cost including construction: $60 million.

**Disposal Facility Operational**  Projected by late 1996 contingent upon the outcome of litigation.
## Massachusetts

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<tr>
<td>Disposal Technology</td>
<td>Shallow land burial is prohibited in the commonwealth; the chosen technology must allow monitoring and package retrieval. After a site is selected, the disposal technology will be chosen by the sited community from methods certified by the Management Board.</td>
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**Current Waste Management**

Contract with Southeast Compact Commission to allow generator access to the disposal facility at Barnwell, South Carolina, through June 1994.

**Siting**

The Massachusetts Low-Level Radioactive Waste Management Board was appointed by the Governor in 1988, in response to legislation approved in 1987. The law directs the board to proceed on a dual path of negotiating with other states and/or compacts and planning for the possibility of in-state siting. On February 16, 1994, the Management Board voted to begin the siting process for a disposal facility in Massachusetts. A management plan and various regulations pertaining to the facility was adopted in December 1993. These regulations deal with siting, operator selection, waste minimization, licensing, operation, and so forth.

The management plan and regulations were issued in draft form in January 1993. After eight public hearings and nine supplementary “briefing sessions” this past winter and spring, the Management Board and the two state departments are finalizing revisions in light of over 3,500 public comments.

**Licensing**

The projected date for submittal of a license application is January/February 1998.

**Development Costs**

To date: not provided. Estimated total costs including initial construction for a hypothetical above-ground vault facility without a cover have been developed based on four potential facility capacities: 35,000 cubic feet per year—$47.5 million; 50,000 cubic feet per year—$48.7 million; 80,000 cubic feet per year—$49.8 million; 467,000 cubic feet per year—$65.7 million.

**Disposal Facility Operational**

Projected by January/February 2000.
Michigan

Regulatory Responsibility
Michigan Department of Public Health
Michigan Department of Natural Resources
U.S. Nuclear Regulatory Commission
(Michigan is not an Agreement State.)

Program Responsibility
Michigan Low-Level Radioactive Waste Authority

Siting Responsibility
Michigan Low-Level Radioactive Waste Authority

Disposal Technology
State law limits disposal technology to above- or below-ground vaults or above- or below-ground modular canisters. No final determination has been made on facility design.

Current Waste Management
In November 1990, the states of Nevada, South Carolina, and Washington began denying Michigan generators access to disposal facilities in those states, following their determination that Michigan was out of compliance with federal milestones. Since then Michigan generators have been storing low-level radioactive wastes on site.

Siting  Michigan was the host state for the Midwest Compact. Following setbacks in the site selection process in 1990, the Midwest Compact ceased funding for the Michigan siting process and, in 1991, revoked Michigan's membership in the Compact. Michigan currently does not have an active site selection process or a specific schedule for the development of a disposal facility. Draft legislation would authorize the creation of a Policy Advisory Board to study and evaluate short-term and long-term waste management and disposal options and make recommendations to the Governor and the Authority.

Licensing  A projected date for submittal of a license application is not available.

Development Costs  To date: $11 million. Estimated total cost including construction: not available.

Disposal Facility Operational  A projected date is not available.

Other Information  In November 1993, the Authority released a technical evaluation of the state's siting criteria. The report concluded that Michigan's statutory siting criteria were too stringent to permit siting a facility within the state. No revisions to siting criteria have been proposed.
Unaffiliated States continued

New York

Regulatory Responsibility
Department of Environmental Conservation (DEC)

Program Responsibility
State Energy Office

Siting Responsibility
Low-Level Radioactive Waste Siting Commission

Other Involvement
Department of Health (DOH)
New York City Department of Health
Department of Labor
New York State Energy Research and Development Authority (NYSERDA)
New York State Citizens Advisory Committee on Permanent Disposal Facility Siting and Disposal Method Selection

Current Waste Management
Contract with Southeast Compact Commission to allow generator access to the disposal facility at Barnwell, South Carolina through June 1994.

Disposal Technology
No disposal technology has been selected; however state law bars shallow land burial.

Siting The Siting Commission was appointed by Governor Mario Cuomo in May 1987, in response to legislation approved in July 1986. The DEC regulations for siting a low-level radioactive waste disposal facility in New York were issued in December 1987. The 1990 amendments to the New York Low-Level Radioactive Waste Management Act require the Siting Commission to decide on the preferred method to be used for disposal prior to site characterization and selection and to enhance public participation. The Siting Commission's application for site and method certification is expected to be submitted to DEC by summer 1998.

Licensing NYSERDA's license and permit is currently projected to be submitted to DEC by June 1999.

Development Costs From 1986 through fiscal year 1993-1994 (April 1, 1993-March 31, 1994), $56.8 million will be collected, $43 million of which will be spent by the end of the fiscal year.

Disposal Facility Operational A disposal facility is predicted to be in operation by November 2001. The DEC issued financial assurance regulations in September 1991 and regulations for the design, construction, operation, closure, post-closure and institutional control in March 1993.

Other Information On November 5, 1993, NYSERDA issued the Low-Level Radioactive Waste Storage Study documenting the results of its evaluation of the ability of generators in the state to store waste for an extended period of time.
### District of Columbia

**Regulatory Responsibility**
Department of Consumer and Regulatory Affairs (DCRA)

**Program Responsibility**
Service Facility Regulation Administration

**Current Waste Management**
Contract with Southeast Compact Commission to allow generator access to the disposal facility at Barnwell, South Carolina, through June 1994.

**Siting**
Because of the dense population and geographic size of the District of Columbia, and because of the relatively low volume of low-level radioactive waste generated within the district, DCRA is not planning to site a facility.

### New Hampshire

New Hampshire is not planning to site a disposal facility. Further information is unavailable at this time.

### Puerto Rico

Puerto Rico is not planning to site a disposal facility. Further information is unavailable at this time.

### Rhode Island

**Regulatory Responsibility**
Rhode Island Department of Health
Rhode Island Department of Environmental Management

**Program Responsibility**
Rhode Island Department of Health
Rhode Island Department of Environmental Management

**Siting Responsibility**
Rhode Island Department of Environmental Management

**Other Involvement**
Rhode Island Radiation Advisory Commission

**Current Waste Management**
On-site storage

**Siting**
Rhode Island is currently negotiating with several entities to enter into a disposal compact or contract, provided that it can be done cost effectively. The state is not planning at this time to site a facility, although it has not eliminated that option.