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TUESDAY, FEBRUARY 11

AFTERNOON SESSION

INTRODUCTIONS AND ANNOUNCEMENTS

Forum Convenor Gregg Larson called the meeting to order. Don Womeldorf welcomed attendees to the Southwestern Compact region. Announcements and general introductions followed.

REPORTS ON NEW DEVELOPMENTS IN STATES AND COMPACTS

The following state and compact officials gave oral reports on recent events in their respective states and regions. Such reports are an optional supplement to the *LLW Notes*.

- Carl Lischeske/California
- Dennis Schornack/Michigan
- Edward Ford/Central Midwest Compact
- Tom Carlisle/Illinois
- Carol Amick/Massachusetts
- Leonard Slosky/Rocky Mountain Compact
- Jeff Breckel/Washington
- Ted Buckner/Southeast Compact
- Gregg Larson/Midwest Compact
- Jane Harf/Ohio
- A. Eugene Crump/Central Compact
- Norma Stewart/District of Columbia
- Michael Hogan and John Weingart/New Jersey
- Janice Deshais/Northeast Compact
- Kevin McCarthy/Connecticut
- Jack Spath/New York
- Lee Mathews/Texas
- Marc Tenan/Appalachian Compact

See Appendix for additional information on state and compact activities.

Later in the meeting, the LLW Forum unanimously adopted the following resolution, introduced by Ted Buckner and seconded by Carl Lischeske.

**LLW Forum Support for the Texas Low-Level Radioactive Waste Disposal
Compact Consent Legislation (Number 97.2.2)
Adopted on February 13, 1997**

Whereas, The Low-Level Radioactive Waste Policy Act of 1980 and its 1985 amendments make states responsible for the disposal of commercial low-level radioactive waste generated within their borders;

Whereas, This same federal law encourages states to form regional compacts to meet this obligation;

Whereas, Nine regional compacts, comprising forty-one states, have been consented to by the U.S. Congress;

Whereas, The Texas Low-Level Radioactive Waste Disposal Compact—whose members include Texas, Maine and Vermont—was negotiated and adopted by its member states to meet their responsibilities under federal law; and

Whereas, The Low-Level Radioactive Waste Forum, since its inception in 1986, has assisted compacts and unaffiliated states in meeting their obligations pursuant to federal low-level radioactive waste legislation; therefore, be it

Resolved, That the Low-Level Radioactive Waste Forum encourages the U.S. Congress to expeditiously provide its consent, without amendment, to the Texas Low-Level Radioactive Waste Disposal Compact.

Later in the meeting, the LLW Forum unanimously adopted the following resolution, introduced by A. Eugene Crump and seconded by Don Womeldorf.

**LLW Forum Support for the Amendments to the Midwest Interstate
Low-Level Radioactive Waste Compact (Number 97.2.3)
Adopted on February 14, 1997**

Whereas, The Low-Level Radioactive Waste Policy Act of 1980 and its 1985 amendments make states responsible for the disposal of commercial low-level radioactive waste generated within their borders;

Whereas, This same federal law encourages states to form regional compacts to meet this obligation;

Whereas, Nine regional compacts, comprising forty-one states, have been consented to by the U.S. Congress;

Whereas, Amendments to the Midwest Compact—whose members include Indiana, Iowa, Minnesota, Missouri, Ohio and Wisconsin—were enacted by each member state’s legislature and signed into law by each member state’s Governor; and

Whereas, The Low-Level Radioactive Waste Forum, since its inception in 1986, has assisted compacts and unaffiliated states in meeting their obligations pursuant to federal low-level radioactive waste legislation; therefore, be it

Resolved, That the Low-Level Radioactive Waste Forum encourages the U.S. Congress to expeditiously provide its consent, without amendment, to the Midwest Interstate Low-Level Radioactive Waste Compact Amendments.

Resolved, That the Low-Level Radioactive Waste Forum encourages the President to expeditiously sign the Midwest Interstate Low-Level Radioactive Waste Compact Amendments.

REGULATION OF AND ACCESS TO ENVIROCARE

Envirocare's License Renewal William Sinclair of the State of Utah's Division of Radiation Control discussed

- the status of the criminal investigation being conducted by the Utah Attorney General's Office concerning the financial relationship between Khosrow Semnani, owner of Envirocare of Utah, and Larry Anderson, a former state regulator;
- the recent review by the Division of Radiation Control of all of the licenses issued to Envirocare since 1988; and
- the process for the normal five-year license renewal which Envirocare is currently undergoing.

Fee Assessments Sinclair discussed Utah's fee structure for the disposal of radioactive waste, including

- background information;
- application and use of the fees; and
- legislative proposals to increase the fee assessments.

Northwest Compact Resolution and Order re Envirocare Jeff Breckel of the Northwest Compact discussed

- the compact's reaction to recent events concerning the Envirocare facility;
- the rationale behind prior compact resolutions concerning the Envirocare facility; and
- the future role of the compact in issues related to Envirocare.

Following the presentations, several questions were asked by Forum Participants.

DISCUSSION WITH COMMISSIONER DICUS OF THE U.S. NUCLEAR REGULATORY COMMISSION

Letter from Carol Browner, Administrator, U.S. Environmental Protection Agency, to Shirley Ann Jackson, Chairman, U.S. Nuclear Regulatory Commission, regarding the Nuclear Regulatory Commission rule on radiological criteria for license termination that is expected to be finalized early this year. February 7, 1997.

NRC Commissioner Greta Dicus discussed

- NRC's strategic assessment process;
- external regulation of the U.S. Department of Energy;
- certification of the U.S. Enrichment Corporation;
- potential legislation re radioactive waste management;
- NRC's proposed rulemaking on radiological criteria for decommissioning and NRC's interaction with EPA; and
- the international radioactive waste convention.

Following her presentation, Forum Participants discussed issues of mutual interest to NRC and states and compacts.

RECENT LITIGATION RE WARD VALLEY, CALIFORNIA

Peter Baldrige provided information regarding a lawsuit filed in January 1997 by the California Department of Health Services (DHS) to compel the transfer of federal land in Ward Valley to DHS for use in siting a low-level radioactive waste disposal facility.

**OVERVIEW OF U.S. GEOLOGICAL SURVEY STUDIES NEAR BEATTY, NEVADA:
1976–1996**

*Waste Burial in Arid Environments—Application of Information
from a Field Laboratory in the Mojave Desert, Southern Nevada.*
U.S. Department of Interior—U.S. Geological Survey.
August 1995. Bibliography accompanies the document.

Brian Andraski summarized results from U.S. Geological Survey (USGS) studies of the unsaturated zone near the closed low-level radioactive waste disposal site at Beatty, Nevada. He also explained the applicability of these results to waste disposal in an arid environment. (See documents referenced above.)

Andraski noted that the USGS program on low-level radioactive waste was terminated in 1994.

He added that basic data collection and limited research has continued under other auspices and that the Beatty testing may be pursued under the USGS Toxic Substances Hydrology program. Forum Participants expressed support for continuation of USGS activities in this area.

WEDNESDAY, FEBRUARY 12

MORNING SESSION

ARMY WASTE MANAGEMENT: NEW ACTIVITIES

Army Waste Management: New Activities. Overhead slides presented by Steve Mapley, Chief, Radioactive Waste Management, Radioactive Industrial Operations Command, U.S. Department of the Army, to the LLW Forum in San Diego, California, on February 12, 1997.

Stephen Mapley of the U.S. Department of the Army discussed the future role of DOD's Executive Agency, and disposal of DOD's waste at a DOE facility.

The following resolution, which was moved by Donald Womeldorf and seconded by Eugene Crump, was passed by Forum Participants later in the meeting.

**DOD Management of Low-Level Radioactive Waste (Number 97.2.1)
Adopted on February 13, 1997**

Whereas, The Department of Defense Executive Agency for Low-Level Radioactive Waste has served as a single point of contact for the states and compacts engaged in low-level radioactive waste management;

Whereas, Utilizing the services of the Executive Agency by Defense and other federal agencies is cost effective and reduces the cost to the nation's taxpayers;

Whereas, Working with one single agent representing the Department of Defense has reduced state and compact time and frustration over dealing with multiple installations and service practices; and

Whereas, The Department of Defense is reviewing the authorities and responsibilities of the Executive Agency; therefore, be it

Resolved, That the Low-Level Radioactive Waste Forum memorializes the U.S. Department of Defense to maintain a single Executive Agency responsible for management of low-level radioactive waste.

Resolved, That the Low-Level Radioactive Waste Forum instructs the Forum Convenor to notify appropriate individuals within the U.S. Department of Defense of this resolution.

ELECTRIC POWER RESEARCH INSTITUTE PROJECTS

Meeting the Challenges of Change: Highlights of EPRI's Low-Level Waste Research and Development Program. Overhead slides presented by Carol Hornibrook of the Electric Power Research Institute to the LLW Forum in San Diego, California on February 12, 1997.

Carol Hornibrook reported on programs of the Electric Power Research Institute that are designed to assist utilities in three areas: dry active waste minimization, wet waste minimization, and mixed waste treatment. (See document referenced above.)

WASTE CURIES, VOLUMES AND TOXICITY: RELATIONSHIP TO DISPOSAL FEES AND SURCHARGES

Barnwell Site

Prerequisites for a Stable Disposal Future at Barnwell. Overhead slides presented by George Antonucci of Chem-Nuclear Systems to the LLW Forum in San Diego, California, on February 12, 1997.

New Waste Processing Strategies for LLRW Management Service Suppliers. Overhead slides presented by James Gibson of Scientific Ecology Group, Inc. (SEG) to the LLW Forum in San Diego, California, on February 12, 1997.

Surcharges and New Fee Structure George Antonucci described the applicable surcharges and the new pricing structure for low-level radioactive waste disposal at Chem-Nuclear's facility in Barnwell, South Carolina. He discussed key elements of the new pricing and explained the customer cost impact. (See Antonucci's slides referenced above.)

Impact of Surcharges and Fee Structure on Waste Treatment James Gibson explained the change in waste treatment objectives brought about by the new pricing system for disposal at Barnwell and how generators seem to be responding. He also discussed the general effect of the new disposal rates on waste management. (See Gibson's slides referenced above.)

Impact of Disposal Costs on a Major Generator Stephen Mapley described the impact of the new pricing schedule on the Department of Defense.

Hanford Commercial Site

Rate Regulation—US Ecology Disposal Fees. Northwest Interstate Compact on Low-Level Radioactive Waste Management. February 1997.

Michael Garner explained the regulation and structure of the rates charged by US Ecology for disposal of low-level radioactive waste at the Hanford commercial site. (See document referenced above.)

Future Pennsylvania Site

William Dornsife discussed how the fee system for the future site for low-level radioactive waste disposal site in Pennsylvania will be structured to promote waste management goals.

THURSDAY, FEBRUARY 13

EXECUTIVE SESSION

CONTRACTOR MANAGEMENT

Gregg Larson and Mike Garner reported on the process by which a contractor was selected to provide LLW Forum services from January 1997 through December 1999.

Don Womeldorf then moved that

the LLW Forum recognize the extraordinary efforts of the State of Washington in executing with the U.S. Department of Energy the current 3-year grant for the LLW Forum support and selection of the contractor, and express specific appreciation and gratitude to Jeff Breckel and Mike Garner.

The motion was seconded by Ed Ford and carried unanimously.

Don Womeldorf also moved that

the LLW Forum acknowledge the important contributions made by Joe Stohr during his tenure as Executive Director of the Northwest Compact and wish him all success in his new assignment.

The motion was seconded by Ed Ford and carried unanimously.

FINANCIAL REPORT AND PROJECTED BUDGET

*Low-Level Radioactive Waste Forum, Fourth Quarter and Yearly Financial Report, January - December 1996 (abridged).
December 1996. Afton Associates, Inc.*

*Low-Level Radioactive Waste Forum Budget and Financial Report, January - December 1997 (abridged). February 1997.
Afton Associates, Inc.*

Comparison by Task and Subtask of LLW Forum 1996 Costs and 1997 Budget. February 1997. Afton Associates, Inc.

1996 Financial Report M. A. Shaker reported that the LLW Forum operated slightly under budget for calendar year 1996.

1997 Projected Budget Shaker reminded Forum Participants that the 1997 budget is a flat budget, the same amount as allocated for 1996, thus representing a budget reduction if inflation and increasing costs are considered.

1998 Meeting Scheduling Forum Participants discussed cost reallocation and the design and scheduling of LLW Forum meetings.

Leonard Slosky moved that

in 1998 the LLW Forum hold two meetings at locations and in venues to be determined following action on this motion.

Bill Dornsife seconded the motion.

Discussion followed. Ed Ford moved to call the question, and the motion to call the question carried.

The LLW Forum then moved immediately to a vote on the motion. The motion failed on a show of hands with the result that there will be three meetings of the LLW Forum in 1998.

LLW FORUM STRUCTURE AND FUNDING

Jan Deshais moved that

the LLW Forum hold off on the issue of incorporation until the May meeting or until the issue of indemnification is resolved.

Marc Tenan seconded the motion which carried unanimously.

THURSDAY, FEBRUARY 13

MORNING SESSION

LLW FORUM BUSINESS SESSION

Changes in Bylaws of the Low-Level Radioactive Waste Forum, Inc.—Draft Three. February 1997. Afton Associates, Inc.

Additional Changes in Bylaws of the Low-Level Radioactive Waste Forum, Inc. February 12, 1997. LLW Forum Executive Committee.

1998 Meeting Locations M. A. Shaker announced that, as a result of a straw poll ballot, LLW Forum meetings will be held in 1998 in

- San Diego, California February
- Wyoming May
- Annapolis, Maryland October

LLW Forum Outreach Project M. A. Shaker noted that a current list is available of those receiving LLW Forum publications from the National Low-Level Waste Management Program at INEEL and that the program has agreed to provide the list sorted by states and compacts.

LLW Forum Web Site M. A. Shaker noted that the Executive Committee has authorized Afton Associates to begin uploading LLW Forum *News Flashes* to the web page.

International Liaison M. A. Shaker reported that the Executive Committee has authorized Afton Associates to use a limited amount of money from the “Other Liaison” category to respond to requests for information from international governments and agencies and to continue to include in LLW Forum publications, information on international issues that directly relate to United States commercial low-level radioactive waste management.

Executive Committee Report Gregg Larson reported that the Executive Committee had asked Afton Associates to schedule a briefing in March in Washington, D.C. of state officials and state organizational staff. He also noted that Afton staff will be planning for other meetings between the Executive Committee and federal officials in the late spring.

Larson also reported that the LLW Forum Executive Committee will be presenting a plenary session at the DOE Low-Level Waste Meeting in May.

Election of Convenor Gregg Larson handed the gavel over to Jan Deshais, who then chaired the meeting. Deshais reported that the Executive Committee had unanimously voted to recommend Gregg Larson be elected to continue as Forum Convenor.

On a motion by Marc Tenan, seconded by Leonard Slosky,

Gregg Larson was unanimously elected Forum Convenor for calendar year 1997.

Election of Executive Committee Jan Deshais then moved on behalf of the Executive Committee

that the following individuals continue to serve as members of the Executive Committee

**Jan Deshais
Bill Dornsife
Kathryn Haynes
Lee Mathews
Don Womeldorf**

Don Womeldorf seconded the motion and it carried unanimously.

It was noted that Jeff Breckel currently serves as ex officio member of the Executive Committee on behalf of the State of Washington.

Bylaws of the Low-Level Radioactive Waste Forum, Inc. Jan Deshais moved that

the LLW Forum adopt the *Bylaws of the Low-Level Radioactive Waste Forum, Inc.*

The motion was seconded by Leonard Slosky.

Don Womeldorf then moved that

the LLW Forum adopt the *Additional Changes in the Bylaws of the Low-Level Radioactive Waste Forum, Inc.* as recommended by the Executive Committee.

Carl Lischeske seconded the motion.

Discussion followed on the amendment to the motion.

Kevin McCarthy proposed a friendly amendment to delete “by observers” from prior suggested amendments on pages 9, 13, and 23. Don Womeldorf accepted the amendment as did the second.

The LLW Forum then moved to a vote on the motion to adopt the additional changes and it passed.

Jeff Breckel then made a friendly amendment to the original motion, which then read that

the LLW Forum adopt the Bylaws of the Low-Level Radioactive Waste Forum, Inc. to become effective upon incorporation

The motion was then voted on and passed.

Ted Buckner then introduced a resolution expressing LLW Forum support for passage of the Texas Compact Consent legislation. The motion was seconded by Kevin McCarthy. Following LLW Forum procedure, Kevin McCarthy then moved, and Carl Lischeske seconded, that the motion be laid on the table for consideration later in the meeting.

The motion to table was approved.

PANEL DISCUSSION: DOE LOW-LEVEL RADIOACTIVE WASTE MANAGEMENT

National Low-Level Radioactive Waste Management Program, States Technical Assistance Program, Fiscal Year 1997. DOE's National Low-Level Radioactive Waste Management Program. February 1997.

Goals, Objectives, and Management Principles with Factors for Evaluating Technical Assistance. DOE's National Low-Level Radioactive Waste Management Program, Idaho National Engineering Laboratory. January 1997.

Principles for U.S. Department of Energy Interaction with States and Compacts Regarding Management of the Low-Level Waste Management Program. Low-Level Radioactive Waste Forum Executive Committee for the Low-Level Radioactive Waste Forum on October 10, 1996.

Recommended Guidelines for Prioritizing DOE Assistance to Compacts and States in Support of the Goals of the Low-Level Radioactive Waste Policy Amendments Act of 1985. Quote from a letter from Gregg Larson, LLW Forum Convenor to James Boyd, Program Manager, National Low-Level Waste Program, Idaho Operations Office, U.S. Department of Energy. March 31, 1995.

DOE Centers of Excellence Jay Rhoderick and Jeffrey Snook discussed the creation of Centers of Excellence for specific DOE functions. The presentations included

- the history behind and rationale for creating Centers of Excellence;
- the specific issues addressed by and functions of the various Centers of Excellence; and

- the structure, purpose, and status of the Idaho Center of Excellence for low-level radioactive waste and mixed waste.

National Low-Level Waste Management Program Activities Terry Plummer and Jeffrey Snook reported on

- DOE headquarters program activities, including the annual report to Congress; and
- 1997 projects to assist states and compacts.

Sandy Birk also provided information on 1997 projects.

Planning and Prioritization of Projects to Assist States and Compacts Jeffrey Snook and Terry Plummer discussed

- interaction between states and compacts and the Department in planning and prioritizing technical assistance projects for 1998 and beyond; and
- interaction between states and compacts and the Department in planning and prioritizing 1997 technical assistance projects.

Discussion After discussion among Forum Participants, the following resolution—which was moved by Leonard Slosky and seconded by Marc Tenan—was passed by Forum Participants.

The LLW Forum endorses the two step procedure that DOE has outlined for review of the technical assistance program to states and compacts. This procedure includes an initial review of proposed projects and associated resource allocations for the upcoming fiscal year at the LLW Forum spring meeting, and a second report on the projects and dollar allocations at the LLW Forum fall meeting.

THURSDAY, FEBRUARY 13

AFTERNOON SESSION

REGULATORY ISSUES

Report of the Regulatory Issues Discussion Group

Laura Scheele reported on the meeting of Regulatory Issues Discussion Group.

Jay Rhoderick discussed

- DOE plans for producing tritium at commercial reactors;
- DOE intent to investigate the impact, if any, of the use MOX fuel in commercial reactors on the resulting low-level waste stream;
- external regulation of DOE; and
- legislative proposals to abolish DOE.

Discussion followed among Forum Participants.

NATIONAL CONFERENCE OF STATE LEGISLATURES' LLRW WORKING GROUP

Preliminary Agenda for the Assembly on State Issues, Low-Level Radioactive Waste Working Group, April 4, 1997, San Francisco, California. National Conference of State Legislatures (NCSL).

Gary Suhadolnik explained the membership and purpose of NCSL's Low-Level Radioactive Waste Working Group and described his involvement. He summarized past meetings of the group and mentioned the upcoming meeting in San Francisco. (See agenda referenced above.) He noted that NCSL will consider amending its policy on radioactive waste management at the organization's 1997 annual meeting. (See *LLW Notes*, February 1997, p. 10.) He also noted that NCSL has developed a series of documents relevant to low-level radioactive waste.

Forum Participants asked if there was a mechanism for Forum Participants to comment on future information papers. Cheryl Runyon said that NCSL staff could provide a list of papers that are under consideration and would welcome volunteers to review future documents.

POST-CLOSURE SITE OWNERSHIP: LLRW, 11E.(2) WASTE, AND OTHER WASTES

Post-Closure Ownership Requirements for LLRW

Martin Malsch discussed

- NRC and Agreement State requirements; and
- Utah's alternative approach.

Post-Closure Ownership Requirements for Other Radioactive Materials

Martin Malsch of NRC discussed the post-closure ownership requirements for

- Special Nuclear Materials;
- Site Decommissioning Management Plan (SDMP) sites; and
- fuel-cycle facilities.

Jay Rhoderick discussed the post-closure ownership requirements for 11e.(2) waste.

Post-Closure Ownership Requirements

Malsch and Rhoderick discussed post-closure ownership requirements

- for DOE waste, if disposed of at a privately owned site exclusively for DOE waste; and
- for DOE sites, if NRC eventually regulates DOE disposal operations.

Discussion followed among Forum Participants and panelists.

FRIDAY, FEBRUARY 14

MORNING SESSION

PANEL DISCUSSION: COMMERCIAL LLRW MANAGEMENT IN THE CONTEXT OF OTHER RADIOACTIVE WASTE MANAGEMENT

Holmes Brown introduced the panel speakers and provided background information on the Low-Level Radioactive Waste Policy Act and Amendments Act.

A State Perspective: Impact on Policy Decisions of Hosting both DOE and Commercial Facilities

Jeff Breckel discussed Washington's perspective on how hosting both DOE and commercial facilities impacts the state's process for making policy decisions.

A Regional Perspective: Western States' Equity Issues and Implications for Corridor States

Ronald Ross discussed the Western Governors' Association (WGA) policy regarding DOE waste disposal and WGA's protocols for specific shipments of DOE wastes.

A National Perspective: the Federal Facility Compliance Act and the National Dialog

John Thomasian discussed the Federal Facility Compliance Act (FFCA) Task Force process and NGA's activities vis-a-vis the National Dialog.

A Federal Perspective: DOE Waste Management

Jay Rhoderick discussed

- external regulation of DOE;
- DOE use of commercial facilities;
- spent fuel;
- foreign reactor waste; and the
- 10-year plan.

Forum Participants and panelists discussed commercial low-level radioactive waste management in the context of other radioactive waste management.

FEDERAL RISK HARMONIZATION EFFORTS

William Dornsife provided a report on the activities of the Interagency Steering Committee on Radiation Standards (ISCORS) since the September 1996 meeting of the LLW Forum. He also described the working group structure of ISCORS.

WASTE MANIFESTING AND TRACKING

Report of the LLW Forum Waste Information Working Group Todd Lovinger reported on the activities of the Waste Information Working Group. Lovinger noted that at its most recent meeting, working group members

- discussed alternative approaches to be incorporated in an agreement for the uniform application of manifesting procedures among states and compacts;
- agreed to consult with their respective legal counsels to determine the appropriate format for such an agreement and the relevant content; and
- agreed to recommend the working group be abolished but to instruct Afton to complete work on the agreement for presentation to the full LLW Forum at a future meeting.

Discussion followed and the working group recommendations were approved.

LLW FORUM MAY 1997 AGENDA PLANNING

*LLW Forum Agenda Planning Ballot. Afton Associates, Inc.
February 1997.*

Cynthia Norris announced the results of the voting for May 1997 meeting topics.

MEETING ADJOURNED

ATTENDANCE

APPENDIX

Central States Compact Report

Central Midwest Interstate Low-Level Radioactive Waste Commission

State of Ohio Report

Michigan Low-Level Radioactive Waste Authority Report