

LLW Forum

Meeting Report

Wednesday, Thursday, Friday
May 7-9, 1997
Chicago, Illinois

The Low-Level Radioactive Waste Forum met in Chicago, Illinois, on May 7-9, 1997. Twenty-three Forum Participants, Alternate Forum Participants, and meeting designees representing 20 compacts and states participated. Additional information was provided by 13 resource people from, variously, the State of California; EPA; DOE; DOE's National Low-Level Waste Management Program; NRC; Argonne National Laboratory; Commodore Applied Technologies; and MSE Technology Applications.

Also in attendance, as observers, were four other state and compact officials; one U.S. Department of the Army official; and 10 representatives of other interested parties including a national generators' association, two regional generators' organizations, three disposal facility operators, two generators, and one anti-nuclear group.

A report on the meeting follows.

Low-Level Radioactive Waste Forum

Low-Level Radioactive Waste Forum Meeting Report
Wednesday, Thursday, Friday—May 7-9, 1997

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As a result of a decision made unanimously by LLW Forum Participants in May 1997, the *Low-Level Radioactive Waste Forum Meeting Report* for each meeting is now printed in a single version and distributed as a document accompanying *LLWNotes*. The meeting report includes a condensed attendance list. An expanded list including full titles is distributed to the Executive Committee and the State of Washington contract officer, and is available on request to other Forum Participants.

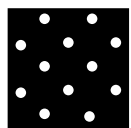
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The Low-Level Radioactive Waste Forum is an association of state and compact representatives, appointed by governors and compact commissions, established to facilitate state and compact implementation of the Low-Level Radioactive Waste Policy Act of 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. Department of Energy	DOE
U.S. Department of Transportation	DOT
U.S. Environmental Protection Agency	EPA
U.S. General Accounting Office	GAO
U.S. Nuclear Regulatory Commission	NRC
naturally-occurring and accelerator-produced radioactive materials	NARM
naturally-occurring radioactive materials	NORM

New Developments in States and Compacts

Forum Participants reported on recent events. Issues discussed included

- legislation pending in Illinois to revise the state's siting process (see *LLW Notes*, April 1997, p. 3); and
- appropriations to fund development of a low-level radioactive waste disposal facility in Texas (see *LLW Notes*, April 1997, pp. 1, 7).

Upgrading an Existing Disposal Facility: Advanced Technology at Barnwell

Virgil Autry discussed changes in the disposal methods used at the low-level radioactive waste disposal facility at Barnwell, South Carolina. Autry also recognized George Antonucci of Chem-Nuclear Systems, the site operator, who explained financial incentives that the company is offering to increase tax revenues from the site that can be used to fund scholarships.

Revisions to DOE Order 5820 re DOE Waste Management

Martin Letourneau of the U.S. Department of Energy Office of Waste Management reported on revisions to DOE Order 5820, which establishes departmental requirements for the management of radioactive waste pursuant to Atomic Energy Act responsibilities. Letourneau explained that the revisions are intended to address concerns raised by the Defense Nuclear Facilities Safety Board, as well as needed management changes since 1988. The presentation included information on the future role of privatization and the future use of commercial facilities in DOE's waste management plans.

Conference of Radiation Control Program Directors: Recent and Upcoming Activities

William Dornsife, former Chair of the Conference of Radiation Control Program Directors, reported on various CRCPD activities, including

- publication of the Environmental Monitoring Report for Commercial Low-Level Radioactive Waste Disposal Sites (1960's through 1990's);

- formation of a NORM working group, which is putting together a draft regulation that is currently circulating for comment; and
- work being performed by several committees and working groups, including the biannual regulators workshop.

National Conference of State Legislatures' (NCSL) Low-Level Radioactive Waste Working Group: Recent and Upcoming Activities

Sandra Birk of DOE's National Low-Level Waste Management Program described potential topics for the next meeting of the NCSL Low-Level Radioactive Waste Working Group, which is scheduled for August. She also outlined plans and procedures for amending NCSL's Radioactive Waste Management Policy.

In response to the LLW Forum's request at the February LLW Forum meeting, Birk reported that she had provided NCSL staff with the names of Forum Participants to serve as reviewers for individual state brochures about low-level radioactive waste management that NCSL is developing

Executive Session

First Quarter 1997 Financial Report M. A. Shaker, Forum Management Advisor, reported that the LLW Forum was over budget by approximately 2.3 percent at the end of the first quarter of 1997 for a number of reasons, including a substantially increased workload in the following subtasks: state liaison; federal liaison; and *LLW Notes*, *Summary Reports*, and *News Flashes*. Forum Convenor Gregg Larson reported on specific actions taken to date and recommendations by the Executive Committee to reduce spending and end the year within the approved budget amount.

Executive Committee Report The Forum Convenor reported that the Executive Committee recommended postponing implementation of the *Bylaws of the Low-Level Radioactive Waste Forum, Inc.* to resolve pending issues. The Convenor noted that he had appointed a committee of Janice Deshais, Marc Tenan, and himself to resolve the remaining issues in advance of the LLW Forum October 1997 meeting. Forum Participants concurred with the recommendation.

LLW Forum Business Session

Contractor Report The Forum Management Advisor reported that the LLW Forum had been informed by the Manager of the DOE Low-Level Waste Program that the program would not fund the reproduction of LLW Forum publications—*LLW Notes* and the *Summary Report: Low-Level Radioactive Waste Management Activities in States and Compacts*—that are provided to members of the public through the joint DOE/LLW Forum Outreach Project. The request for this assistance was made in April 1997 by the Convenor on behalf of the LLW Forum. It was noted that the Executive Committee is continuing to pursue the request with DOE officials.

LLW Forum staff also reported on the LLW Forum web site; upcoming LLW Forum meetings in 1998; and the April 1 briefing co-sponsored by the LLW Forum and the National Governors' Association for staff of the Washington, D.C. offices of Governors and state organizations.

Executive Committee Report The Forum Convenor presented an Executive Committee proposal to reduce LLW Forum costs. After discussion, the following motion was made by Don Womeldorf on behalf of the Executive Committee, seconded by Kathryn Haynes, and passed unanimously. (Each portion of the motion was subject to approval by State of Washington contract officers, and practices would be modified at their request.)

In order to conserve LLW Forum resources, henceforth

- the LLW Forum Meeting Report will be printed in one version, that version to model the one that has been reprinted in the *LLW Notes*; and
- the LLW Forum Meeting Report will be distributed once—as an insert in the *LLW Notes*; and
- the full attendance list from LLW Forum meetings will be distributed to the Executive Committee and the State of Washington contract officer, and will be made available on request to other Forum Participants*;² and

- the format of the regular contractor report will be modified to provide more summary information upon approval of a new format by State of Washington contract officials; and
- the Executive Committee briefings of federal officials usually held in Washington, D.C., in June will be held in 1997 in conjunction with the LLW Forum's October meeting in Annapolis, Maryland.

** At the request of the State of Washington contract officer, a shortened version of the attendance list will be included in each meeting report.*

Public Involvement and Risk

Communication: Success at West Valley, New York

Jack Spath of the New York Energy Research and Development Authority (NYSERDA) explained the following high-impact programs that NYSERDA has undertaken at West Valley to improve community relations:

- off-site radiation testing for cesium 137, a program that involved traveling door-to-door to contact local landowners; and
- opening the Western New York Nuclear Service Center property to deer hunting; and
- formation and support of a citizen task force to discuss the future of the site.

Spath also summarized lessons learned from these programs.

DOE Low-Level Waste Management Program

DOE Headquarters Program Activities, Including Annual Report to Congress and Fiscal Year 1998 Budget Terry Plummer of the U.S. Department of Energy's Office of Environmental Management discussed DOE's annual reports to Congress on the distribution of surcharge rebates and low-level radioactive waste disposal facility development, as well as the DOE FY '98 budget process.

Planning and Prioritization of 1998 Projects to Assist States and Compacts Jeffrey Snook of DOE's Idaho Operations Office discussed DOE's process for obtaining input from states and compacts on upcoming fiscal year projects. Snook also reviewed technical assistance work requests for 1998 and encouraged states and compacts to submit additional requests early.

Snook reported that, in the near future, National Low-Level Waste Management Program (NLLWMP) staff would be contacting Forum Participants and members of the Host State Technical Coordinating Committee (TCC) individually to determine if they have additional work requests, to ask if they wish to serve on advisory groups to develop work scopes, and to ask for comments about which of the workshops and technical assistance projects they deem to be most valuable. In addition, Snook committed to giving Afton Associates, Inc.—the LLW Forum's management firm—a developed scope of work with more accurate cost figures by August 1. Afton will then distribute that information to Forum Participants, collect responses, and provide feedback to the NLLWMP.

Comment on 1998 Projects Forum Participants asked a variety of questions about 1998 projects and discussed how to provide meaningful input on upcoming fiscal year projects. In addition, Forum Participants requested information on the State of California's requests for technical assistance concerning the planned Ward Valley facility.

Impact of the International Atomic Energy Agency's Convention on Waste

William Reamer of the U.S. Nuclear Regulatory Commission's Office of General Counsel provided information on the International Atomic Energy Agency's (IAEA) draft convention on the safety of radioactive waste management including

- background information,
- the status of the convention and its impact, and
- a summary of waste management provisions.

Reamer reported that a group representing approximately 50 national governments participated in seven meetings and drafting sessions to produce a draft text in March 1997 entitled "Draft Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management."

Panel Discussion: The Environmental Justice Concept—Past, Present, and Future

Past LLW Forum Consideration of Environmental Justice Issues Laura Scheele of the LLW Forum/Afton Associates described past LLW Forum consideration of environmental justice issues, including discussions at past meetings and articles in the *LLW Notes*.

Federal Activities Alex Varela of EPA's Office of Environmental Justice reported on

- the history of the environmental justice movement on the federal level, and
- EPA initiatives concerning environmental justice.

William Reamer then explained NRC's environmental justice policy and the application of NRC's policy to Agreement States. He also described the environmental justice issues associated with the NRC Atomic Safety and Licensing Board's recent decision regarding the Louisiana Enrichment Service's license application to the NRC. (See related story, *LLW Notes*, May/June 1997.)

Panel: State Initiatives and Perspectives The following persons shared state experiences and outlooks on environmental justice:

- Janice Deshais of the Northeast Compact;
- Carol Amick of Massachusetts;
- Michael Garner of Washington;
- Carl Lischeske and Pete Baldrige of California;
- Thor Strong of Michigan; and
- Gene Crump of the Central Compact.

Discussion Forum Participants and panelists discussed federal activities concerning environmental justice, state experiences, and the interaction between federal agencies and states related to environmental justice.

New Technologies for Processing and Disposal of LLRW

Development of Ceramic Materials to Solidify and Stabilize LLRW and Mixed Waste Arun Wagh of Argonne National Laboratory gave a presentation on a room-temperature treatment for low-level mixed wastes which was originally developed in an effort to find a superior treatment for off gases. Following Wagh's presentation, Forum Participants asked several questions about the process and its test performance.

Plasma Arc Technology as a Volume-Reduction Process for LLRW Jeff Ruffner of MSE Technology Applications, Inc. gave an update on plasma arc technology—a thermal process which uses an electric arc to essentially create a synthetic rock. Ruffner described the process, which is not a new technology but which has only recently been applied to the environmental field. According to Ruffner, the end result is very stable.

Newly Patented Process for Separation of Nuclear Wastes from Soils and Destruction of Other Hazardous Materials Gerry Getman from Commodore Applied Technologies gave a presentation on a newly patented process for separating nuclear wastes from soils called solvated electron technology. Getman described the technology, reviewed its history, and reported on its application.

High-Level and Low-Level Radioactive Waste: A Dialogue on Parallels and Intersections

Jerry Saltzman, former Director of External Regulations of the DOE High-Level Waste Program, gave a presentation on the history of the high-level waste program, passage of the Nuclear Waste Policy Act, and current status of the program—including recent litigation and related legislation pending before Congress. Following Saltzman's presentation, Forum Participants engaged in an interactive discussion about parallels and intersections between the high-level and low-level radioactive waste programs in the United States, including issues such as overlapping authorities, funding, and determining the public good.

Draft Agreement re Uniform Application of Manifesting Procedures

Todd Lovinger of the LLW Forum/Afton Associates reported on proposed changes to the draft agreement on the uniform application of manifesting procedures. Lovinger announced that LLW Forum staff would be redistributing the draft agreement to all Forum Participants for their review and that further action on the draft agreement would be considered at the October 1997 LLW Forum meeting.

Regulatory Issues Focus

Laura Scheele of the LLW Forum/Afton Associates reported the results of the Regulatory Issues Discussion Group. (See page 9.)

LLW Forum October 1997 Agenda Planning

Cynthia Norris of the LLW Forum/Afton Associates announced the results of the voting for October 1997 meeting topics and requested input from Forum Participants on recent agenda format changes.

**Resolution Supporting California's State-Specific Technical Assistance Requests
(Number 97.5.1)**

Adopted on May 9, 1997

Whereas, It is the understanding of the Low-Level Radioactive Waste Forum that the U.S. Department of Energy's National Low-Level Waste Program has not approved two state-specific requests submitted by California to support California's peer review panel and site analysis of chlorine 36 and hydrogen 3 due to discussion between DOE and the U.S. Department of the Interior; and

Whereas, Such requests would normally have received timely approval under the DOE technical assistance program for compacts and states; and

Whereas, The requests from the State of California are legitimate requests for technical support to advance California's siting efforts and are time-sensitive; therefore be it

Resolved, That the LLW Forum supports the state-specific requests for peer review and analytical support submitted by the State of California.

Resolved, That the LLW Forum express this support in a letter to the Secretary of Energy, urging approval of California's two requests and establishing work schedules that provide for the timely completion of the scopes of work involved in each project.

**Resolution of Appreciation for Support from the U.S. Nuclear Regulatory Commission
(Number 97.5.2)**

Adopted on May 9, 1997

Whereas, It is essential that states and compacts have ready access to and continuing ability to interact with the U.S. Nuclear Regulatory Commission as the federal authority for the regulation of low-level radioactive waste;

Whereas, The past interaction through the Low-Level Radioactive Waste Forum between the states, compacts, and the NRC has been extremely valuable;

Whereas, The LLW Forum resolved to support the continuation of NRC programs that have provided for this interaction; and

Whereas, The Commissioners have determined to continue in existence the NRC program that has provided for this interaction; therefore, be it

Resolved, That the LLW Forum expresses its appreciation to NRC for the continuation of this valuable and essential service to the states and compacts.

Resolved, That the Convenor of the LLW Forum officially express this appreciation to the Commissioners of the NRC and others as appropriate.

Resolution to Request Commercial Mixed Waste Analyses (Number 97.5.3)

Adopted on May 9, 1997

Whereas, Commercial low-level radioactive mixed waste (mixed waste) is dually regulated by the U.S. Nuclear Regulatory Commission and NRC Agreement States under the Atomic Energy Act and by the U.S. Environmental Protection Agency and EPA-authorized states under the Resource Conservation and Recovery Act (RCRA); and

Whereas, Federal regulations require that commercial mixed waste be disposed of and not stored; and

Whereas, Federal regulations require that many commercial mixed wastes be treated to federally defined standards before being disposed of; and

Whereas, Commercially available treatment capacity for specific commercial mixed wastes may not currently be fully utilized by generators; and

Whereas, Treatment capacity is not currently commercially available for small volumes of specific commercial mixed wastes; and

Whereas, The dual regulation of commercial mixed waste creates conflicting legal requirements for mixed waste generators; and

Whereas, The Low-Level Radioactive Waste Forum, through its Regulatory Issues Discussion Group (formerly the Commercial Mixed Waste Working Group) has been working since 1989 to help identify solutions for the treatment and disposal of commercial mixed waste; and

Whereas, The LLW Forum's Regulatory Issues Discussion Group conducted a survey of a sample of commercial mixed waste generators; therefore, be it

Resolved, That the LLW Forum request that the U.S. Department of Energy direct its National Low-Level Waste Management Program to

- **analyze the information contained in the LLW Forum's Regulatory Issues Discussion Group's Commercial Low-Level Mixed Waste Survey to determine whether any of the commercial mixed waste streams can be treated by either commercial firms or by DOE; and**
- **distribute the analysis to commercial treatment facilities to ascertain whether any new information exists regarding commercial treatment capabilities; and**
- **analyze how widening existing NRC exemptions to allow certain commercial mixed wastes to be disposed of as hazardous waste would affect disposal capacity for specific commercial mixed waste streams and volumes; and**
- **analyze how amending EPA regulations to allow certain commercial mixed wastes to be managed as radioactive waste would affect disposal capacity for specific commercial mixed waste streams and volumes; and**
- **report on the results of these analyses to the LLW Forum at the October 1997 meeting of the LLW Forum.**

Resolved, That the LLW Forum discuss at the October 1997 meeting, based upon these analyses, the merits of

- **proceeding with the commercial mixed waste pilot project; and**
- **continuing to dedicate resources to identify solutions for the treatment and disposal of commercial mixed waste.**

LLW Forum Regulatory Issues

Discussion Group Meets

Further Mixed Waste Analysis Recommended

Presentations and Discussions

The Regulatory Issues Discussion Group met on May 7 in conjunction with the LLW Forum meeting. During the course of the discussion, group members

- heard a report from Jeffrey Snook of DOE/Idaho about the scope and timing of DOE privatization activities;
 - heard a report from Ronald Gingerich of Connecticut about the results of the states' mixed waste survey;
 - discussed with Terry Plummer of DOE/Headquarters the support of DOE for the mixed waste pilot project;
 - discussed the next steps for states and DOE;
 - heard a report from James Kennedy of NRC about the imminent issuance of NRC's performance assessment guidance;
 - discussed with three state panelists—Michael Klebe of Illinois, Jack Spath of New York, and Randy Wood of Nebraska—state perspectives on the NRC performance assessment guidance;
 - heard a report from William Dornsife of Pennsylvania about Pennsylvania's alternative approach to performance assessment;
 - heard a report from Kennedy concerning the future of NRC's low-level radioactive waste program;
 - heard a report from Holmes Brown of the LLW Forum/Afton Associates about EPA and NRC interaction on the decommissioning standard;
 - heard a report from Dornsife about the activities of the Interagency Steering Committee on Radiation Standards (ISCORS);
- agreed to recommend that the full LLW Forum adopt a resolution thanking NRC for the commission's responsiveness to LLW Forum concerns regarding continued NRC participation at LLW Forum meetings (see LLW Forum resolutions, pp. 7-8); and
 - agreed to recommend that the full LLW Forum adopt a resolution requesting the National Low-Level Waste Management Program to perform further analysis of commercial mixed waste management issues and report on the analysis at the October 1997 meeting of the LLW Forum (see LLW Forum resolutions, pp. 7-8).

Attendance

Attending the Regulatory Issues Discussion Group meeting were a number of Forum Participants and Alternate Forum Participants, federal and state officials, and interested members of the public.

For further information, contact Laura Scheele, Regulatory Issues Discussion Group Coordinator, at (202)547-2620.

*Low-Level Radioactive Waste Forum Meeting
May 7-9, 1997
Chicago, Illinois*

Attendance

LLW Forum Participants, Alternate Participants and Meeting Alternates

Appalachian Compact

Marc Tenan, Participant, Appalachian Compact

Pennsylvania

William Dornsife, Participant, Pennsylvania

Central Compact

A. Eugene Crump, Alternate 1, Central Compact

Nebraska

Randy Wood, Participant, Nebraska

Central Midwest Compact/Illinois

Michael Klebe, Alternate 1, Illinois

Alternate 1, Central Midwest Compact

Midwest Compact

Stanley York, Alternate 2, Midwest Compact

Gregg Larson, Participant, Midwest Compact

Forum Convenor

Ohio

Jane Harf, Alternate 1, Ohio

Philip Stanger, meeting designee, Ohio

Northeast Compact

Janice Deshaïs, Participant, Northeast Compact

Connecticut

Ronald Gingerich, Alternate 1, Connecticut

New Jersey

Paul Wyskowski, meeting designee, New Jersey

Northwest Compact/Washington

Michael Garner, Participant, Northwest Compact
meeting designee, Washington

Southeast Compact

Kathryn Haynes, Participant, Southeast Compact

Alternate Convenor

Southwestern Compact

Don Womeldorf, Participant, Southwestern Compact

California

Carl Lischeske, Participant, California

Texas

Lee Mathews, Participant, Texas

District of Columbia

Norma Stewart, Participant, District of Columbia

Phillip Sumner, Alternate 1, District of Columbia

Massachusetts

Carol Amick, Alternate 1, Massachusetts

Michigan

Thor Strong, Participant, Michigan

New York

Jack Spath, meeting designee, New York

South Carolina

Virgil Autry, Alternate 1, South Carolina

Resource Persons

State of California

Pete Baldrige

Idaho National Engineering and Environmental Laboratory

Sandra Birk

Jeffrey Mousseau

Commodore Applied Technologies, Inc.

Gerry Getman

U.S. Nuclear Regulatory Commission

James Kennedy, Federal Liaison

U.S. Department of Energy

Martin Letourneau

Terry Plummer, Federal Liaison

Jerry Saltzman (retired)

Jeffrey Snook, Federal Liaison

U.S. Nuclear Regulatory Commission

William Reamer

MSE Technology Applications, Inc.

Jeff Ruffner

U.S. Environmental Protection Agency

Alex Varela

Argonne National Laboratory

Arun Wagh

Other Officials: Low-Level Radioactive Waste Compacts, Their Affiliated Member States, and Host States

Appalachian Compact

Nan Lyon, Maryland

Illinois

Tom Carlisle

Marcia Marr

Other Officials: Unaffiliated States

District of Columbia

Geraldine Sykes

Federal Agency and Commission Officials

Department of the Army

Stephen Mapley, Federal Liaison

Other Interested Parties

American Ecology Corporation

Rich Paton

Appalachian Compact Users of Radioactive Isotopes

John Vincenti

Chem-Nuclear Systems, Inc.

George Antonucci

Paul Corpstein

Commonwealth Edison

Mary Vincent

Council for Responsible Waste Solutions

Debbie Vivalo

Envirocare of Utah, Inc.

Eugene Gleason

Nuclear Energy Institute

Paul Genoa

Nuclear Information and Resource Service

Diane D'Arrigo

Yankee Atomic Electric Company

William Riethle

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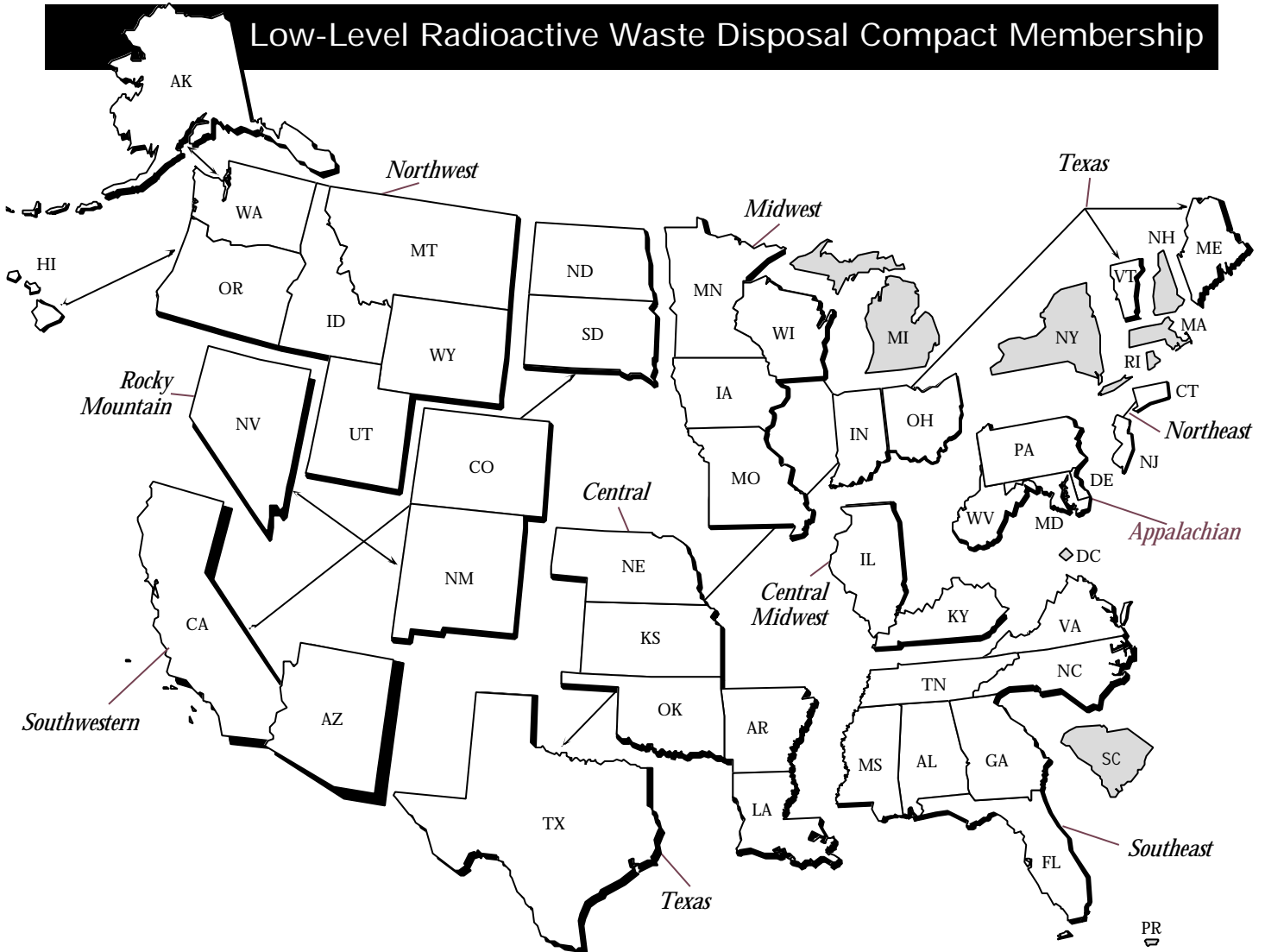
Todd Lovinger

Cynthia Norris

Laura Scheele

M. A. Shaker

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

Northwest accepts Rocky Mountain waste as agreed between compacts.

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

The compact has been passed by all three states and awaits consent by the U.S. Congress.

Unaffiliated States

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

The Low-Level Radioactive Waste Forum includes a representative from each regional compact, each designated future host state of a compact *, each state with a currently operating facility •, and each unaffiliated state.

