

LLW Forum

Meeting Report

Monday, Tuesday and Wednesday
September 28–30, 1998
Annapolis, Maryland

The Low-Level Radioactive Waste Forum met in Annapolis, Maryland, on September 28–30, 1998. Twenty-two Forum Participants, Alternate Forum Participants, and meeting designees representing 19 compacts, host states and unaffiliated states participated.

Additional information was provided by 16 resource people from, variously, the Midwest Compact, the States of Connecticut, Massachusetts, and Utah; DOE and DOE's National Low-Level Waste Management Program; NRC; EPA; the U.S. General Accounting Office; Chem-Nuclear Systems; the Brookings Institution; Duke Engineering and Services, and Consumers Energy.

Also in attendance, as observers, were eight other state and compact officials; one staff person from the National Governors' Association; one staff person from the NRC's Advisory Committee on Nuclear Waste; two staff people from the Department of the Army; two staff people from DOE headquarters; three staff people from DOE's National Low-Level Waste Management Program; one staff person from NRC; one staff person from the U.S. General Accounting Office; and 14 representatives of other interested parties, including two regional generators' organizations, one national anti-nuclear organization, two citizens advisory committees, one generator, two disposal facility operators, one private company, one professor, one private attorney, and one private consultant.

A report on the meeting follows.

Low-Level Radioactive Waste Forum Meeting Report

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Monday, Tuesday, Wednesday—September 28–30, 1998

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As a result of a decision made unanimously by 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 an attendance list.

The *Low-Level Radioactive Waste Forum Meeting Report* is distributed by Afton Associates, Inc. to those who receive *LLWNotes*.

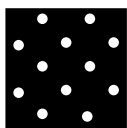
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The Low-Level Radioactive Waste Forum is an association of state and compact representatives, appointed by governors and compact commissions, established to facilitate state and compact implementation of the Low-Level Radioactive Waste Policy Act of 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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**LLW
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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. Matters discussed included

- enactment of the Texas Low-Level Radioactive Waste Disposal Compact Consent Act and licensing proceedings for the Texas Low-Level Radioactive Waste Disposal Authority's proposed facility;
- Nebraska regulators' evaluation of the license application submitted for a regional low-level radioactive waste disposal facility for the Central Interstate Low-Level Radioactive Waste Compact;
- decisions to sign the Interstate Agreement for the Uniform Application of Manifesting Procedures;
- activities in Pennsylvania aimed at suspension of the project for siting a low-level radioactive waste disposal facility; and
- the status of amendments to various compacts.

Envirocare Access and Licensing

Northwest Compact's Triennial Review of Access Policy Michael Garner of the Northwest Interstate Compact on Low-Level Radioactive Waste Management summarized review activities regarding the committee's policy on access to the disposal facility operated by Envirocare of Utah. (See *LLW Notes*, June/July, p. 4.) Garner reported that a number of letters have been received suggesting changes to the policy, and he invited further comments. Discussion ensued. In response to questions, William Sinclair of the State of Utah explained some of the limitations on waste that can be accepted at the Envirocare facility.

Status of Utah's Relicensing Process Sinclair noted that some activities related to the relicensing of the Envirocare facility have been suspended pending resolution of concerns about the certification of engineering drawings. (See *LLW Notes*, Aug./Sept. 1998, p. 15.) Sinclair then discussed the remaining issues to be addressed and their potential impact on the time frame for issuing a final licensing decision.

Barnwell Initiatives

George Antonucci of Chem-Nuclear Systems summarized changes to Chem-Nuclear's long-term plan to assure extended access to the low-level radioactive waste disposal facility in Barnwell, South Carolina.

NORM: EPA Perspectives

Loren Setlow of EPA provided definitions for technologically enhanced naturally-occurring radioactive materials (TENORM), described characteristics of TENORM, and listed industries that generate it.

State Regulation Setlow discussed both current state regulation of TENORM and the development of the Conference of Radiation Control Program Directors' draft TENORM regulation, which may be provided in the future for states as a model to adopt.

Federal Regulation Setlow described EPA's involvement in numerous projects related to TENORM, including development of a scoping document on diffuse NORM, and a National Academy of Sciences study of EPA's NORM guidelines.

Future Directions Setlow identified issues that remain to be addressed including providing adequate sites for waste disposal; working with interested parties to provide specialized guidance, education, standards and rules; and reclamation of abandoned mine land wastes that may contain TENORM.

GAO Study on Management and Disposal of Commercial LLRW

Dwayne Weigel of the U.S. General Accounting Office (GAO) reported on a study that GAO is performing in response to a recent request from the Chair of the U.S. Senate Committee on Energy and Natural Resources. Weigel described the scope and timing of the study. He also explained GAO's approach to gathering the necessary information.

Forum Participants later adopted a resolution with respect to the study: (See next page.)

Resolution to Provide Information to the U. S. General Accounting Office (Number 98.3.1)

Adopted on September 29, 1998

Whereas, The U.S. General Accounting Office has received a request from the Senate Committee on Energy and Natural Resources to review issues related to the management and disposal of commercially generated low-level radioactive waste; and

Whereas, The members of the Low-Level Radioactive Waste Forum are interested in contributing to the GAO study by providing information and expertise; now therefore be it

Resolved, That the Low-Level Radioactive Waste Forum directs the LLW Forum staff to provide GAO with contact information for Governors and compact commissions, as well as other information, to aid in their study.

Resolved, That the Low-Level Radioactive Waste Forum directs the LLW Forum staff to request that the GAO indicate in its study the methodology used in obtaining their results.

Resolved, That the Low-Level Radioactive Waste Forum request that GAO staff attend the February 1999 LLW Forum meeting to discuss their findings.

The Promise and Peril of Environmental Justice

Themes of the Environmental Justice Movement

Christopher Foreman of the Brookings Institution reviewed themes of the environmental justice movement—including health, community, and opportunity—and discussed both successes and shortcomings of the movement. He also described the content and status of environmental justice guidelines currently being developed by the EPA and identified some of the major groups and organizations working on the issue, such as the National Environmental Justice Advisory Committee (NEJAC).

Rationalizers v. Democratizers: Differing Views on Environmental Justice Foreman reported on the debate over environmental justice issues between what he terms “rationalizers” and “democratizers.” He described various aspects of the debate, which focuses on what constitutes environmental reform and how best to achieve the end goal. Foreman also explained political forces driving the environmental justice movement.

Discussion Forum Participants and Alternate Forum Participants asked questions covering a wide range of issues involving environmental justice including, among other things, what the role of the press is and should be, who the stakeholders are, what process EPA has used in developing its guidelines, and what improvements could be made to that process.

Executive Session

Second Quarter 1998 Financial Report M. A. Shaker, Forum Management Advisor, reported that the LLW Forum ended the second quarter slightly under budget.

Proposed LLW Forum 1999 Budget Following a report by Shaker on the proposed 1999 budget, Lee Mathews, on behalf of the Executive Committee,

moved the adoption of the proposed budget for calendar year 1999.

The motion carried unanimously.

The LLW Forum then met as Forum Participants and Alternate Forum Participants only.

LLW Forum Funding After 1999 Janice Deshais made a motion on behalf of the Executive Committee concerning a grant request for 2000–2002. The motion carried. (See next page.)

The following motion by Stanley York, seconded by Lee Mathews, then passed.

The Forum authorizes the Convenor to enter any agreements required by DOE necessary to implement the resolution.

Don Womeldorf then made the following motion on behalf of the Executive Committee. A friendly amendment by Steve Moeller to thank the State of Washington was accepted, and the motion passed. (See next page.)

Resolution to Request that the LLW Forum Executive Committee Develop and Submit a Grant Application to the U.S. Department of Energy to Support the Work of the LLW Forum for Calendar Years 2000-2002 (Number 98.3.2)

Adopted on September 29, 1998

Whereas, The LLW Forum intends to request a grant from the U.S. Department of Energy to support the work of the LLW Forum for calendar years 2000-2002; now therefore be it

Resolved, That the LLW Forum submit a grant application that mirrors the current grant in scope of work and level of effort, including a provision for special projects.

Resolved, That in order to maintain the same level of services, the grant application may reflect reasonable yearly increases in levels of funding.

Resolved, That the Executive Committee is hereby directed and authorized to work with the State of Illinois to develop a grant application and submit this grant request to the U.S. Department of Energy.

Resolution to Request that the State of Illinois Serve as the Grant Administrator for the LLW Forum (Number 98.3.3)

Adopted on September 29, 1998

Whereas, The LLW Forum intends to request a grant from the U.S. Department of Energy to support the work of the LLW Forum for calendar years 2000 through 2002; and

Whereas, The State of Washington, through its Nuclear Waste Program, has served as a grant administrator for several years; and

Whereas, The State of Illinois, through its Department of Nuclear Safety, has volunteered to formally request and administer such a grant on behalf of the LLW Forum; and

Whereas, The State of Illinois has further agreed to work with the LLW Forum and its Executive Committee to apply for and administer such a grant; now therefore be it

Resolved, That the Low-Level Radioactive Waste Forum thanks the State of Washington for having served as a grant administrator from 1991 through 1999.

Resolved, That the Low-Level Radioactive Waste Forum requests that the State of Illinois apply for a grant from the U.S. Department of Energy to support the work of the LLW Forum for calendar years 2000 through 2002 and, if the grant is made, that the State of Illinois administer the grant on behalf of the LLW Forum.

Resolved, That the Low-Level Radioactive Waste Forum thanks the State of Illinois for undertaking this matter to the benefit of the LLW Forum and the national low-level radioactive waste management process.

LLW Forum Business Session

Staff Report M. A. Shaker, Forum Management Advisor, highlighted activities in the second four months of 1998, including

- obtaining and cataloging signed copies of the *Interstate Agreement for the Uniform Application of Manifesting Procedures* and
- initiating a system for sending e-mail memos to Forum Participants and Alternate Forum Participants to alert them rapidly to important events. This system complements the LLW Forum's *News Flashes*.

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LLW Forum staff also answered over 745 specific requests for information and assistance from Forum Participants and Alternate Forum Participants, state and compact officials, state organizations, federal officials, and members of the press. In addition, LLW Forum staff

- provided individualized information by phone, fax, mail or e-mail to Forum Participants and Alternate Forum Participants, state and compact officials, state organizations, federal officials, and members of the press 154 times;
- e-mailed or faxed information on national and regional news articles, radio and television broadcasts, and Internet postings to Forum Participants and Alternate Forum Participants, state and compact officials, state organizations, and federal officials over 1,190 times;
- published three newsletters with a total of 124 pages;
- published a 20-page summary report of state and compact activities;
- published a 12-page meeting report;
- faxed out/posted on the Internet 10 *News Flashes*;
- faxed out 23 special memos to alert Forum Participants to urgent matters and began in July to send out such memos by e-mail for a total of 10 by mid-September; and
- provided liaison with other groups such as NGA, WGA, the Host State TCC, NCSL, the Environmental Council of the States (ECOS), the National Environmental Justice Advisory Committee, the Nuclear Energy Institute, the National Academy of Sciences, and the Health Physics Society.

Shaker further noted that the Executive Committee had approved cost-saving measures including increasing communication by e-mail; producing a smaller Contact List while maintaining a mailing list for review by the Executive Committee at its regular meetings; and returning to Annapolis in October 1999 for the fall LLW Forum meeting.

Executive Committee Report Forum Convenor Kathryn Haynes reported that the Executive Committee

- had agreed to request LLW Forum approval of appointment of a formal liaison to the Conference of Radiation Control Program Directors (CRCPD) to increase communication between the two organizations, and that Kevin McCarthy had agreed to serve in this capacity;
- reviewed the comments of Forum Participants on projected DOE National Low-Level Waste Program projects for FY 1999, asked staff to work with project comment committee members to refine the instrument used for reporting information to DOE, and agreed to invite DOE program staff to the next Executive Committee meeting to discuss use of the information;
- reviewed the second-quarter financial statement and the proposed 1999 budget, and discussed plans for funding the LLW Forum management services after 1999; and
- reviewed the draft *Statement of Principles and Operating Procedures* in order to make a recommendation to the LLW Forum on the passage of that document.

LLW Forum Statement of Principles Kathryn Haynes, on behalf of the Executive Committee, moved the adoption of the revised *Statement of Principles and Operating Procedures*. After discussion of the purpose section of the document, the LLW Forum voted to

adopt the revised Statement of Principles and Operating Procedures.

Court Rulings in Takings Cases Involving LLRW Siting

Prior Settlements and Court Rulings Frank Santoro, a private attorney who has done work for the Connecticut Hazardous Waste Management Service (CHWMS), described the origins of “takings” law within the American justice system and its present application. Santoro defined the relevant legal terminology and gave a brief history of two cases alleging that the siting of various types of waste disposal facilities constituted a “taking” by the government without adequate compensation—both of which were resolved

in favor of the state defendants. Santoro then described in detail a recent takings case filed against CHWMS by a developer, which case the court recently resolved in favor of the state.

Implications to State/Compact Siting Efforts

Santoro explained potential application of the cases described to activities in other states and compacts, and possible implications to state/compact siting efforts. In response to questions, Santoro explained general principles of law governing the application of decisions in one court to cases in another.

Discussion Forum Participants asked questions concerning the requisite elements needed to pursue a successful takings claim, potential limits on the application of takings law (such as its applicability to non-governmental defendants), the extent of governmental activity that is required to make a claim, and the possibility of pursuing a claim for a temporary taking.

Assured Isolation

Study re Licensing an Assured Isolation Facility Using Existing NRC Regulations

Michael Bauser, a private attorney who has performed legal work for DOE's National Low-Level Waste Management Program (NLLWMP), gave a presentation on the results of a study regarding potential methodologies for the licensing of an assured isolation facility using existing NRC regulations. Bauser referred Forum Participants to a report prepared for the NLLWMP and presented to NRC on this specific issue. Bauser then explained the concept behind assured isolation and showed a schematic of what such a facility might look like. He gave a broad overview of proposed criteria for licensing an assured isolation facility, explaining that the proposal involves the use of various aspects of NRC's materials licensing regulations, rather than the agency's disposal regulations. Bauser also described the purpose, structure and organization of the proposed assured isolation facility licensing regulations and discussed the basic licensing approach.

Discussion Forum Participants discussed inspection requirements, worker exposures, materials licensing, decommissioning, and public acceptance.

Study re Whether Development of an Assured Isolation Facility Meets a State's/Compact's Legal Obligation to Provide Disposal Capacity

Frank Santoro gave a presentation on the results of a draft study that he is preparing for the Connecticut Hazardous Waste Management Service on whether or

not the development of an assured isolation facility meets a state's/compact's legal obligation to provide disposal capacity. Santoro described the underlying assumptions made in the study and the issues examined. He then presented four theories as to how the development of such a facility could meet applicable legal requirements.

Since *New York v. U.S.*: Continuing Rights and Obligations of States and Compacts

The following attorneys participated in an interactive discussion with Forum Participants on the continuing rights and obligations of states and compacts since the U.S. Supreme Court's decision in *New York v. U.S.*: Dan Berkovitz (DOE, presenting his own views); Richard Ihrig (Midwest Compact); J. Raymond Miyares (Massachusetts); William Reamer (NRC); and Frank Santoro (Connecticut).

The discussion focused on the following areas:

- obligation to provide disposal capacity pursuant to the Low-Level Radioactive Waste Policy Act of 1980 and its 1985 amendments, compact provisions or state law, contract (actual or implied-in-fact), and/or other legal theories;
- other rights and obligations granted to states and compacts;
- state and compact actions in light of rights and obligations; and
- the continuing role of states and compacts.

The discussion covered a wide range of issues within these general topics including merits and drawbacks of the federal law, the significance of various legal decisions involving the distribution of surcharge rebates and the inability of the federal government to meet its contractual obligation to take spent fuel, the impact of the continued operation of the Barnwell and Envirocare facilities, litigation risks associated with various state/compact activities, the meaning of the phrase "provide for disposal," and factors driving state/compact decisions and activities—such as health and safety concerns, political and economic issues, and public acceptability. The session concluded with a discussion of the importance of maintaining the compact system and its inherent benefits.

Transportation of Heavy/Oversized Components

Transport of Yankee Rowe Components to Barnwell Bill Riethle of Duke Engineering and Services provided a narrative description of events shown in a video recording of the transportation of the reactor pressure vessel from the Yankee Rowe nuclear plant to Barnwell, South Carolina, for disposal.

Disposal of Heavy/Oversized Components George Antonucci then presented slides showing the special area at Barnwell used for disposal of massive components from nuclear plants.

Pending DOE Programmatic Decisions on LLRW and Mixed Waste Disposal

Karen Guevara discussed pending decisions for the disposal of U.S. Department of Energy low-level and mixed radioactive waste. The presentation included discussions of the types and volumes of waste generated by DOE, current disposal options, the scope of DOE's programmatic environmental impact statement (PEIS) on the disposal and treatment of DOE low-level and mixed radioactive waste, preferred alternatives identified in the PEIS, decision criteria, current discussions with stakeholders, and next steps.

Discussion followed, during which Forum Participants asked questions on many topics including the impact on the process of DOE Secretary Bill Richardson's proposed national summit of governors, the department's views on use of commercial facilities, and orphan waste streams.

DOE National Low-Level Waste Program

Terry Plummer of DOE headquarters presented a program update on behalf of DOE Idaho including a discussion of DOE Idaho internal changes, Joel Case's presentation at the June 1998 LLRW Management Decisionmakers' Forum, the FY 1999 budget and projected budget profile, and feedback on the LLW Forum's comments on FY 1999 proposed technical assistance projects.

Discussion followed, during which staff of DOE's National Low-Level Radioactive Waste Management Program asked for feedback on certain projects, and Forum Participants requested clarification of the process for selecting technical assistance projects.

Life Spans of Nuclear Power Reactors: Effects on LLRW

Big Rock Point's Early Shutdown and Dismantlement Robert Wills of Consumers Energy discussed the decommissioning of the Big Rock Point nuclear reactor. His presentation included a review of the history of the boiling water reactor, factors evaluated in the decision to shut down early, decommissioning priorities identified, a decommissioning time line, decommissioning cost estimate comparison, actions taken to date and next steps, material to be removed from Big Rock Point, and the impact of waste disposal availability on decommissioning decisions. Wills concluded with a detailed discussion of the keys to a successful decommissioning.

Effects of Life-Span Decisions on Low-Level Radioactive Waste Michael Weber of NRC discussed the effects of life-span decisions on low-level radioactive waste. His presentation included, among other things, a review of the history of commercial low-level radioactive waste disposal in the United States, estimated low-level radioactive waste disposal capacity by compacts and unaffiliated states, projected reactor decommissioning waste generation, and factors affecting decommissioning waste projections.

Discussion Forum Participants and Alternate Forum Participants asked questions on a variety of topics including the projected volumes of decommissioning wastes to be sent to Envirocare and Barnwell, the importance of plant age in the decision to proceed with early shutdown, and the impact of relicensing on waste generation.

LLW Forum February 1999 Agenda Planning

Cynthia Norris, Forum Program Director, announced the results of the voting on agenda topics for the February 1999 LLW Forum meeting.

Meeting Materials

Document Distribution Key	
<p>^P Forum Participants</p> <p>^A Alternate Forum Participants</p> <p>^E Forum Federal Liaisons</p> <p>^L Forum Federal Alternates</p>	<p>^D LLW Forum Document Recipients</p> <p>^N <i>LLW Notes</i> and <i>Meeting Report</i> Recipients</p> <p>^M Meeting Packet Recipients</p>

LLW Forum

^{DM} Meeting Packet: LLW Forum meeting, September 28-30, 1998.

LLW Forum Meeting Agenda. Afton Associates, Inc. September 1998.

LLW Forum Schedule-at-a-Glance. Afton Associates, Inc. September 1998.

LLW Forum Meeting Preattendance List. Afton Associates, Inc. September 1998.

Status of Technical Assistance. DOE's National Low-Level Waste Management Program. September 1998.

"The Clash of Purposes: Environmental Justice and Risk Assessment." *Inside Washington's Risk Policy Report 5* (March 20, 1998): pp. 34-37. Christopher H. Foreman Jr., Senior Fellow, Governmental Studies, Brookings Institution.

Current Low-Level Radioactive Waste Status in South Carolina: Report to the LLW Forum. September 28, 1998. Virgil Autry, Director, Division of Radioactive Waste Management, State of South Carolina.

U.S. Commercial Radioactive Waste Classification. Chart. Afton Associates, Inc. for the LLW Forum, July 1994.

A Summary of "Takings" Law Relating to LLRW Siting. Frank Santoro, Legal Counsel, Connecticut Hazardous Waste Management Service.

"Regulatory References" and "Comparison of NORM Rules by State." Reprinted by permission from *The Norm Report*, Winter 1998. Peter Gray.

^{DM} Session Packet: Since *New York v. U.S.*: Continuing Rights and Obligations of States and Compacts LLW Forum meeting, September 29, 1998.

Public Law 96-573, Low-Level Radioactive Waste Policy Act of 1980. December 22, 1980.

Public Law 99-240, Low-Level Radioactive Waste Policy Amendments Act of 1985. January 15, 1986.

Waste Wars: 'Take Title' May Survive In Compact States. June 29, 1992. Dan Berkovitz, Deputy Assistant Secretary for Planning, Policy and Budget, Office of Strategic Planning, U.S. Department of Energy.

Perspective on Low-Level Radioactive Waste: Choices, Obligations and Responsibilities for Disposal. January 1998. James Payne, Jr., Assistant Attorney General, Environmental Enforcement Section, State of Ohio and William Newberry, Project Engineer, Lockheed Martin Idaho Technologies Company,

U.S. Department of Energy's Idaho National Engineering and Environmental Laboratories.

Low-Level Radioactive Waste Policy Act: Summary and Current Status. January 1998. Prepared by William Newberry for the National Conference of State Legislatures' Low-Level Radioactive Waste Working Group's April 3, 1998 Panel Discussion.

Section 1 TENRAC Report: Authority of the State of Texas to Establish an In-State-Only Low-Level Nuclear Waste Disposal Facility. Gary Hamilton, TENRAC Policy Analysis Section and Charles Mueller, TENRAC General Counsel.

"Glowing Their Own Way: State Embargoes and Exclusive Waste-Disposal Sites Under the Low-Level Radioactive Waste Policy Act of 1980." *The George Washington Law Review*, March-May 1985, Vol. 53:654. James Conrad, Jr.

Draft: Assured Isolation Legal Study. Summer 1998. Prepared for the State of Connecticut.

New York v. United States. Supreme Court of the United States. June 19, 1992.

Appalachian States Low-Level Radioactive Waste Commission v. Federico Peña. United States Court of Appeals for the Third Circuit. September 18, 1997.

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The Central Interstate Low-Level Radioactive Waste Commission v. Federico Peña and Commonwealth Edison Company and Illinois Power Company v. Federico Peña. United States Court of Appeals for the Seventh Circuit. April 4, 1997.

Commonwealth of Massachusetts Low-Level Radioactive Waste Management Board v. Hazel O'Leary. United States District Court, District of Massachusetts. March 29, 1996.

Midwest Interstate Low-Level Radioactive Waste Commission v. Hazel O'Leary. United States District Court, District of Minnesota, Fourth Division. May 28, 1996.

^{PA} Materials Distributed at the LLW Forum meeting September 28-30, 1998.

Central States Compact Report. Prepared by A. Eugene Crump, Executive Director, Central Interstate Low-Level Radioactive Waste Commission, for the LLW Forum meeting in Annapolis, Maryland, September 1998. Outlines the status of activities in the Central Compact.

The Northwest Compact's Three-Year Review of Its 1995 Amended Resolution and Order. Prepared by Michael Garner, Executive Director, Northwest Interstate Compact on Low-Level Radioactive Waste Management for discussion at the LLW Forum meeting in Annapolis, Maryland, September 28, 1998. Describes actions taken by the committee in its triennial review of its access policy for the Envirocare of Utah facility.

After New York v. United States: Continuing Legal Rights and Obligations of States and Compacts. Prepared by J. Raymond Miyares, Legal Counsel, Massachusetts Low-Level Radioactive Waste Management Board for discussion at the LLW Forum meeting in Annapolis, Maryland. September 28, 1998.

Summary of States' Amicus Brief and Court Decision in New York v. U.S., 505 U.S. 144 (1992). September 1998. Prepared by Jim Payne, Assistant Attorney General, State of Ohio.

Safe From Start To Finish. Fact sheet containing information regarding the decommissioning of the Yankee Rowe nuclear power plant.

Materials Distributed with the LLW Forum Meeting Report September 28-30, 1998.

^{DM} *The Barnwell Initiative.* Hard copies of slides presented by George Antonucci, Director, New Site Development, Chem-Nuclear Systems, at the LLW Forum meeting in Annapolis, Maryland, September 28, 1998. Outlines the Barnwell Initiative, including implementation and benefits.

^{DM} *Pending Decisions for the Disposal of LLW & MLLW.* Hard copies of slides presented by Karen Guevara, Manager, Office of Waste Management, DOE, at the LLW Forum meeting in Annapolis, Maryland, September 30, 1998. Contains a summary of DOE's current low-level radioactive waste and mixed waste disposal options as well as treatment and disposal alternatives.

^{PA} *DOE-ID Update, and Response to Forum Comments on Proposed Technical Assistance Projects.* Hard copies of slides presented by Terry Plummer, Manager of DOE's National Low-Level Waste Program, at the LLW Forum meeting in Annapolis, Maryland, September 30, 1998. Includes a budget profile for the NLLWP and a list of proposed technical assistance projects.

^{DM} *Effects of Reactor Decommissioning Decision on LLRW.* Hard copies of slides presented by Michael Weber, Deputy Director, Division of Waste Management, Office of Nuclear Material Safety and Safeguards, NRC, at the LLW Forum meeting in Annapolis, Maryland, September 30, 1998.

^{DM} *Big Rock Point Restoration Project, the Road to Decommissioning.* Hard copies of slides presented by Robert Wills, Radioactive Waste Superintendent, Consumers Energy, at the LLW Forum meeting in Annapolis, Maryland, September 30, 1998. Includes the factors that helped influence Consumers Energy to take Big Rock Point off line, a decommissioning time line, and a list of materials to be transported for disposal at the Barnwell and Envirocare facilities.

-RTG

Low-Level Radioactive Waste Forum Meeting • September 28–30, 1998 • Annapolis, Maryland

Attendance

LLW Forum Participants, Alternate Participants and Meeting Designees

Appalachian Compact

Marc Tenan Participant, Appalachian Compact
Executive Director, Appalachian States Low-Level
Radioactive Waste Commission

Pennsylvania

Richard Janati Participant, Pennsylvania
Chief of Nuclear Safety
Bureau of Radiation Protection
Department of Environmental Protection
State of Pennsylvania

Nebraska

Steve Moeller Alternate 2, Nebraska
Senior Policy Analyst
Governor's Policy Research Office
State of Nebraska

Central Midwest Compact

Edward Ford Participant, Central Midwest Compact
Chair
Commissioner for Kentucky
Central Midwest Interstate Low-Level Radioactive
Waste Commission
Deputy Secretary Executive Cabinet
State of Kentucky

Central Midwest Compact

Marcia Marr Alternate 1, Central Midwest Compact
Executive Director
Central Midwest Interstate Low-Level Radioactive
Waste Commission
Policy Analyst
Division of Low-Level Radioactive Waste
Management
Department of Nuclear Safety
State of Illinois

Illinois

Michael Klebe Alternate 1, Illinois
Chief
Division of Low-Level Waste Management
Department of Nuclear Safety
State of Illinois

Midwest Compact

Stanley York Participant, Midwest Compact
Commissioner for Wisconsin
Chair
Midwest Interstate Low-Level Radioactive Waste
Compact Commission

Northeast Compact

Richard Sullivan Alternate 2, Northeast Compact
Commissioner for New Jersey
Northeast Interstate Low-Level Radioactive Waste
Commission
President
New Jersey First Corporation

Northeast Compact

Janice Deshais Participant, Northeast Compact
Alternate Convenor
Executive Director
Northeast Interstate Low-Level Radioactive Waste
Commission

Connecticut

Kevin McCarthy Participant, Connecticut
Alternate 1, Northeast Compact
Chair
Commissioner for Connecticut
Northeast Interstate Low-Level Radioactive Waste
Commission

Ronald Gingerich Alternate 1, Connecticut
Director
Low-Level Radioactive Waste Program
Connecticut Hazardous Waste Management
Service
State of Connecticut

New Jersey

Michael Hogan Participant, New Jersey
Counselor to the Commissioner
Department of Environmental Protection
State of New Jersey

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Low-Level Radioactive Waste Forum Meeting Report *continued*

LLW Forum Participants, Alternate Participants and Meeting Designees (continued)

Northwest Compact

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Executive Director
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Low-Level Radioactive Waste Forum Meeting Report *continued*

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Low-Level Radioactive Waste Forum Meeting Report *continued*

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Low-Level Radioactive Waste Forum Meeting Report *continued*

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Appalachian Compact Users of Radioactive
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Director
Environmental Coalition on Nuclear Power

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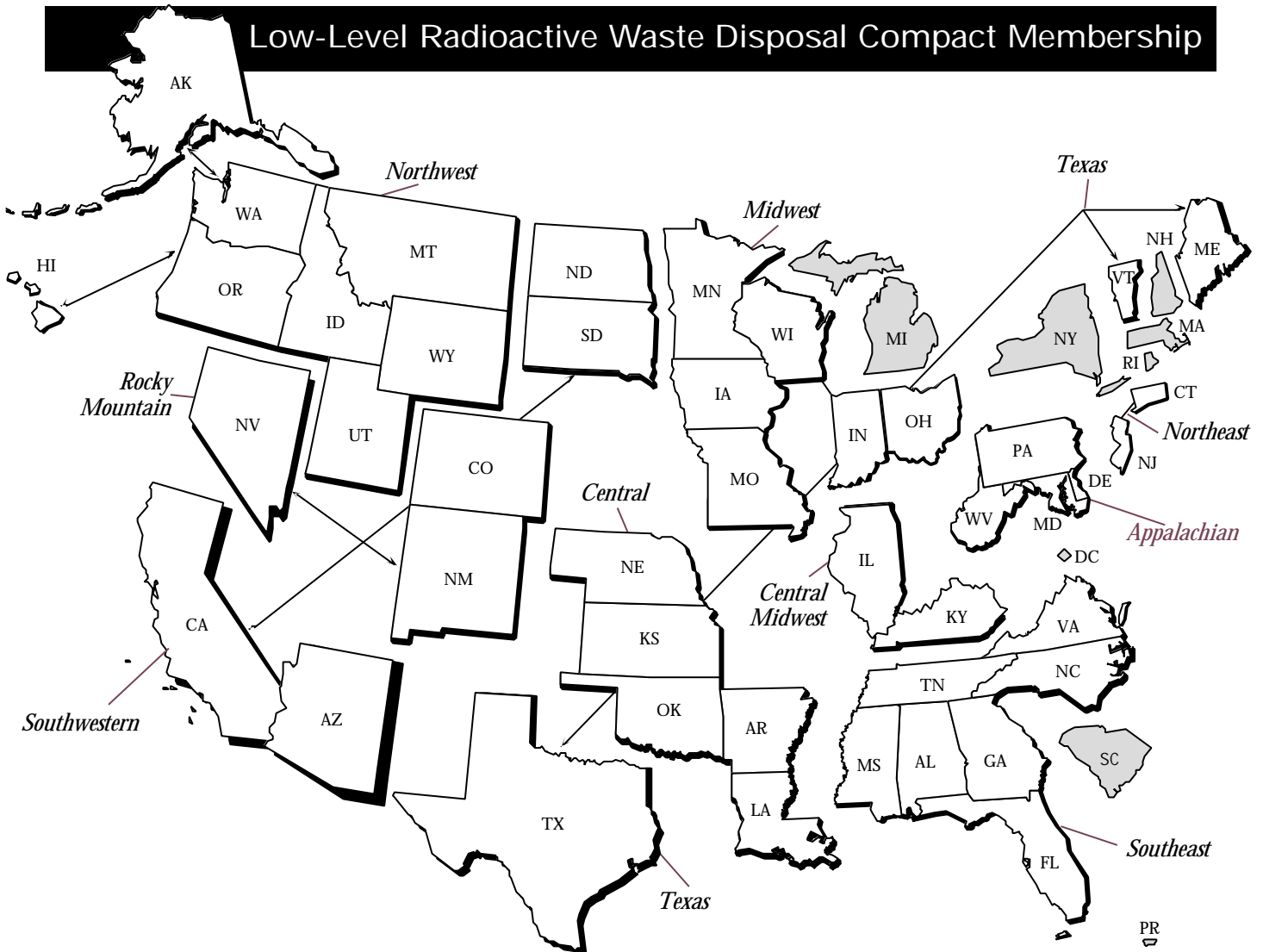
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Todd Lovinger
Legal Clearinghouse Director and Congressional
Liaison

Cynthia Norris
State/Compact Liaison and Program Director
Associate Director for Publications and State
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M. A. Shaker
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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

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.

