

# *LLW Forum*

# Meeting Report

Monday, Tuesday, Wednesday  
October 20-22, 1997  
Annapolis, Maryland

*The Low-Level Radioactive Waste Forum met in Annapolis, Maryland, on October 20-22, 1997. Twenty-six Forum Participants, Alternate Forum Participants, and meeting designees representing 22 compacts and states participated.*

*Additional information was provided by 26 resource people from, variously, the States of California, Connecticut, Louisiana, and Utah; the National Governors' Association, the Environmental Council of the States, and the National Conference of State Legislatures; the Department of the Army; EPA; DOE, DOE's National Low-Level Waste Management Program, and Sandia National Laboratories; NRC; and the U.S. Congress' Congressional Research Service and General Accounting Office; Organizations United for Responsible Low-Level Radioactive Waste Solutions, and the Nuclear Energy Institute; and US Ecology, Chem-Nuclear Systems, Envirocare of Utah, and Waste Control Specialists (represented by Egan and Associates).*

*Also in attendance, as observers, were ten other state and compact officials; two DOE headquarters staff; a consultant and a staff person from DOE's National Low-Level Waste Management Program; five EPA headquarters staff; three NRC headquarters staff; and thirteen representatives of other interested parties, including a regional generators' organization, two disposal facility operators, four generators, one national anti-nuclear group, one local anti-nuclear group, and one observer from Eastern Europe.*

*A report on the meeting follows.*

# Low-Level Radioactive Waste Forum

***Low-Level Radioactive Waste Forum Meeting Report***  
***Monday, Tuesday, Wednesday—October 20-22, 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.

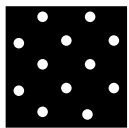
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The Low-Level Radioactive Waste Forum is an association of state and compact representatives, appointed by governors and compact commissions, established to facilitate state and compact implementation of the Low-Level Radioactive Waste Policy Act of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

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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

- efforts by and on behalf of the State of California to bring about the transfer of federal land in Ward Valley, California, to the state for use in siting a low-level radioactive waste disposal facility;
- Laidlaw Environmental Services' filing of a siting application for a low-level radioactive waste and NORM facility in the State of Utah;
- actions by the State of South Carolina concerning the low-level radioactive waste disposal facility at Barnwell;
- the Midwest Interstate Low-Level Radioactive Waste Compact Commission's decision to cease siting activities; and
- a proposal to secure additional funding for the development of a regional low-level radioactive waste disposal facility in the State of North Carolina.

## Discussion with NRC Commissioner McGaffigan

NRC Commissioner Edward McGaffigan Jr. discussed with Forum Participants items of mutual interest, including

- NRC's license termination rule;
- NRC oversight of DOE facilities;
- the planned low-level radioactive waste disposal facility in Ward Valley, California; and
- federal radiation standards.

A question-and-answer session with Forum Participants followed his presentation.

## Regulatory Issues Session

**International Atomic Energy Agency (IAEA)** Michael Bell of NRC's Division of Waste Management and Jay Rhoderick of DOE's Office of Environmental Management discussed the details of the IAEA Waste Convention, which has been signed by DOE Secretary Federico Peña and is awaiting ratification by the U.S. Senate.

**Commercial Mixed Waste Management** The following panelists made presentations:

- Don Womeldorf of the Southwestern Compact discussed the historical overview of LLW Forum activities regarding commercial mixed waste;
- Kevin McCarthy of Connecticut discussed LLW Forum interaction with DOE and the Federal Facility Compliance Act Task Force;
- Ken Henry of the National Low-Level Waste Management Program at DOE-INEEL reported on the preliminary results of the commercial mixed waste analyses; and
- Kevin McCarthy of Connecticut discussed the next steps for the LLW Forum pertaining to commercial mixed waste management.

Forum Participants then discussed the next steps for the LLW Forum pertaining to commercial mixed waste management. A resolution on the matter was adopted later in the meeting.

**Update on EPA/NRC Mixed Waste Activities** Nancy Hunt and Rajani Joglekar of EPA discussed the mixed waste activities of EPA and NRC.

**NRC's Performance Assessment Guidance** Michael Bell of NRC's Division of Waste Management discussed NRC's branch technical position on performance assessment.

**Federal Risk Harmonization Efforts** William Dornsife of Pennsylvania discussed federal risk harmonization efforts, including the activities of the Interagency Steering Committee on Radiation Standards (ISCORS).

## Executive Session

**Third Quarter 1997 Financial Report** M. A. Shaker, Forum Management Advisor, reported that the LLW Forum was slightly over budget by approximately 2.3 percent at the end of the third quarter of 1997 for a number of reasons, including a continued increased workload in the following subtasks: state liaison; federal liaison; and *LLW Notes, Summary Reports, and News Flashes*. She noted that the LLW Forum would end the year on budget.

**Executive Committee Report: Legal Issues** Forum Convenor Gregg Larson reported that the Executive Committee recommended implementing some of the fine-tuning changes in the bylaws but holding off on incorporation pending resolution of remaining issues. Forum Participants discussed the recommendation but decided to suspend all work on bylaws refinement and implementation pending a continuation of discussions on national low-level radioactive waste management at the February LLW Forum meeting.

## LLW Forum Business Session

**Executive Committee Report** Forum Convenor Gregg Larson reported that the Executive Committee has asked DOE to look again at the process for interacting with the LLW Forum on DOE assistance to states and compacts. He noted that a letter would be sent by the committee to DOE to outline concerns and to ascertain DOE's commitment to an interactive process. The committee will forward all correspondence to Forum Participants and will report back at the February LLW Forum meeting.

Larson also reported that the committee will ask DOE to revisit the LLW Forum's request of earlier in the year to reprint the materials required for the LLW Forum Outreach Project.

**Contractor Report** LLW Forum staff reported on upcoming LLW Forum meetings in 1998, the current distribution numbers for the Outreach Project, and the LLW Forum web site. M. A. Shaker reported that the Executive Committee had approved the addition of contact information for Forum Participants and Alternate Forum Participants to the web site.

## DOE National LLRW Program

**DOE Headquarters Program** Terry Plummer of DOE's Office of Environmental Management discussed the department's FY '98 budget and the return of outstanding surcharge rebates as a result of the recent appellate court decision in *Appalachian States Low-Level Radioactive Waste Commission v. O'Leary*.

**DOE Center for Excellence on Low-Level and Mixed Radioactive Waste** Gregory Duggan of DOE's Office of Waste Management gave a presentation on the department's newly organized Center for Excellence, reviewing the distribution of responsibilities within the center, missions and goals, activities, and program functions. Duggan also introduced Mike LaFreniere, the new Program Manager for the Idaho Operations Office's National Low-Level Waste Program. Duggan concluded by responding to several inquiries from Forum Participants and Alternate Participants regarding recent Requests for Proposals, a preliminary injunction recently issued in litigation against the department, and issues involving the disposal of greater-than-Class C waste.

**Current and Ongoing Technical Assistance Projects** Forum Participants and Alternate Forum Participants from Texas, Connecticut, and the Southwestern Compact gave brief presentations on current and ongoing technical assistance projects, including workshops, presentations to citizens' groups, transportation risk assessment and analysis of life-cycle costs studies, audit review, and the assured storage/isolation cost study. In addition, Terry Plummer provided information on the Barnwell cost studies.

**FY '98 Technical Assistance** Forum Participants and Alternate Forum Participants from Pennsylvania, New Jersey, and California gave brief presentations on proposed and planned FY '98 technical assistance projects including input into life-cycle risk assessment; an assured storage/isolation working group to look at various issues, including regulatory requirements; and requests related to Ward Valley.

**Prioritization of 1998 Projects to Assist States and Compacts** Ken Henry of DOE's National Low-Level Waste Management Program explained the planning process for FY '98 and the process for setting priorities. Gregg Larson summarized the LLW Forum Executive Committee's discussion on prioritization from the previous evening.

## Transportation of Radioactive Waste

James McClure of Sandia National Laboratories gave a slide presentation on radioactive waste transport experience in general in the United States, followed by a more detailed description of the low-level radioactive waste transport experience. The presentation touched upon a broad array of topics, including the history of low-level radioactive waste accidents, packaging certification tests, and reporting requirements.

Following his presentation, McClure answered a variety of questions about different issues, including real release risks, real accident risks, and testing methodologies.

## Environmental Equity: Title VI

**Case Study: The Proposed Shintech Facility** James Friloux of Louisiana discussed how environmental justice was raised during the state permitting process for a proposed facility located in Louisiana.

**EPA's Office of Civil Rights** Michael Mattheisen of EPA's Office of Civil Rights discussed the role of the Office of Civil Rights and EPA's activities pertaining to environmental justice and Title VI of the Civil Rights Act.

**Recent National Governors' Association Workshop** Pete Baldrige of California and Michael Hogan of New Jersey discussed the recent National Governors' Association (NGA) workshop on environmental justice.

**Activities of the Environmental Council of the States** Christine Parker of the Environmental Council of the States (ECOS) described ECOS activities pertaining to environmental justice.

Following the presentations, Forum Participants and panelists discussed environmental equity and Title VI of the Civil Rights Act.

## Congressional Studies on Ward Valley Site

**General Accounting Office Report on the Land Transfer Process** Dwayne Weigel of the General Accounting Office (GAO) gave a brief presentation on a recent report entitled *Radioactive Waste: Interior's Review of the Proposed Ward Valley Waste Site*. Weigel explained to Forum Participants and Alternate Participants about the methodology used to conduct the study, the issues addressed, and the key factors leading to the conclusions of the report. He discussed who requested the report, the assumptions made before doing the report, and how to obtain copies of the report. In conclusion, Weigel announced that GAO is currently working on another report about Ward Valley, requested by Senator Barbara Boxer (D-CA) and Representative George Miller (D-CA), regarding a wide variety of questions on low-level radioactive waste and related issues.

**Congressional Research Service Memo on Projected Radioactivity** Mark Holt of the Congressional Research Service (CRS) gave a brief presentation on the statistics and conclusions contained in a memorandum that he prepared, at the request of Senator Boxer, concerning the projected waste stream for the planned Ward Valley facility.

### Implementation of DOE's Strategy for Waste Management

#### Issuance of DOE's Final PEIS on Waste Management

Mark Frei, DOE's Acting Deputy Assistant Secretary for Waste Management, described DOE's draft Programmatic Environmental Impact Statement (PEIS) process. The PEIS will be completed for comment by the end of calendar year 1997.

**Plans for Managing and Disposing of DOE's LLRW and Mixed LLRW** Frei discussed in detail four aspects of DOE's radioactive waste management strategy that are of mutual interest to DOE and Forum Participants:

- treatment of mixed low-level radioactive waste;
- disposal of mixed low-level radioactive waste;
- treatment of low-level radioactive waste; and
- disposal of low-level radioactive waste.

**Interaction with States and Compacts** Frei discussed how states and compacts can participate in the PEIS process and encouraged states and compacts to share their views with DOE.

Following the presentation, Forum Participants discussed issues of mutual interest to DOE and the LLW Forum.

### Relicensing Envirocare

William Sinclair of Utah provided a detailed explanation of the state's process for relicensing the disposal facility operated by Envirocare of Utah, Inc. His presentation included information on the state's strategic approach, current status of the project with respect to major milestones, public involvement, significant changes proposed by the licensee, and a range of potential outcomes for the licensing process.

Sinclair also mentioned two other major initiatives in Utah concerning radioactive waste: Laidlaw's siting application and an application received by NRC from Private Fuel Storage to allow construction of an above-ground facility for temporary storage of spent nuclear fuel on a Native American reservation in northwestern Utah. (See *LLWNotes*, July 1997, p. 33.)

### Draft Agreement on Uniform Application of Manifesting Procedures

Todd Lovinger, the LLW Forum's Legal Clearinghouse Director, reviewed with Forum Participants and Alternate Forum Participants the details of the draft Interstate Agreement for the Uniform Application of Manifesting Procedures. Following discussion about certain portions of the agreement, including the disposal of sealed sources, the group decided to revisit the agreement at a future meeting.

### CRCPD Report

Bill Dornsife gave a brief report on the activities of the Conference of Radiation Control Program Directors, including perspectives on the standard for possession of naturally occurring radioactive material (NORM), a strategy for sealed source management, and other relevant issues.

## Future of LLRW Management Panel

**Generators' Perspectives** Robert Carretta of Organizations United for Responsible Low-Level Radioactive Waste Solutions, Paul Genoa of the Nuclear Energy Institute, and Stephen Mapley of the Army discussed the impact of current low-level radioactive waste disposal options on their activities and described their perspectives on how to assure future disposal capacity.

**Operators' Perspectives** George Antonucci of Chem-Nuclear Systems, Kenneth Alkema of Envirocare, Rich Paton of US Ecology, and Joe Egan, representing Waste Control Specialists, discussed the current system for commercial radioactive waste management and described their respective companies' long-term plans for providing waste management services.

**Future Roles of State Organizations** Tom Curtis of the National Governors' Association (NGA) summarized NGA's policy on low-level radioactive waste disposal and explained the Governors' goals in this area.

Cheryl Runyon of the National Conference of State Legislatures (NCSL) then apprised Forum Participants of the agenda for the NCSL Low-Level Radioactive Waste Working Group meeting scheduled for November 5, 1997, and of NCSL's intent to re-examine its policy on radioactive waste management.

**Roundtable Discussion: Balancing Cost, Safety, and Equity in Decisions about the Future of LLRW Management** Forum Participants and Alternate Forum Participants, James Kennedy of NRC, Jay Rhoderick of DOE, and all previous panelists were designated discussants for a structured examination of significant low-level radioactive waste policy issues. Discussants exchanged views on

- the relative importance of waste volumes and radioactive characteristics, including curie content, in making waste management decisions;
- how best to assure adequate disposal access, and the relative advantages of private-sector and government action in providing such access;
- what constitutes equity in waste disposal and how meritorious a goal it is;
- what the role of the compact system should be; and
- factors and circumstances that contribute to successful development of disposal capacity.

## Agenda Planning: February 1998

Cynthia Norris of the LLW Forum/Afton Associates announced the results of the voting for the February 1998 meeting topics and confirmed Forum Participants' desire to discuss a number of broad issues that had been raised during the October 1997 meeting. Forum Participants then provided comments and suggestions on the format for the February 1998 sessions.

**Request for Commercial Mixed Waste Analyses  
(Number 97.10.1)**

Adopted on October 21, 1997

**Resolved, That the LLW Forum request that the U.S. Department of Energy direct its National Low-Level Waste Management Program to, in cooperation with Forum Participants and Alternate Forum Participants, refine the current commercial mixed radioactive waste data, by whatever means, to remove uncertainties, thereby keeping the pilot project on hold for now.**

**Resolved, That the LLW Forum request that the U.S. Department of Energy direct its National Low-Level Waste Management Program to report back concerning the data to the LLW Forum at its February 1998 meeting.**

**Recognition of the Contributions of the Forum Participant and the  
Alternate Forum Participant from Ohio**

Adopted on October 21, 1997

**Following a recommendation by the Forum Executive Committee, the LLW Forum unanimously recognized the contributions to the work of the LLW Forum made by**

**Roger Suppes, during his tenure as Forum Participant representing Ohio, and**

**Jane Harf, during her term as Alternate Forum Participant representing Ohio.**



*Low-Level Radioactive Waste Forum Meeting • October 20-22, 1997 • Annapolis, Maryland*

## *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***

Steve Moeller, Alternate 2, Nebraska

#### ***Central Midwest Compact***

Edward Ford, Participant, Central Midwest Compact

#### ***Illinois***

Michael Klebe, Alternate 1, Illinois  
Alternate 1, Central Midwest Compact

#### ***Illinois***

Tom Carlisle, meeting designee

#### ***Midwest Compact***

Stanley York, Alternate 1, Midwest Compact

#### ***Midwest Compact***

Gregg Larson, Participant, Midwest Compact  
*Forum Convenor*

#### ***Northeast Compact***

Richard Sullivan, Alternate 2, Northeast Compact

#### ***Northeast Compact***

Janice Deshais, Participant, Northeast Compact

#### ***Connecticut***

Kevin McCarthy, Participant, Connecticut  
Alternate 1, Northeast Compact

#### ***New Jersey***

Michael Hogan, Participant, New Jersey

#### ***New Jersey***

John Weingart, meeting designee

#### ***Northwest Compact***

Michael Garner, Participant, Northwest Compact

#### ***Rocky Mountain Compact***

Leonard Slosky, Participant,  
Rocky Mountain Compact

#### ***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***

Phillip Sumner, Alternate 1, District of Columbia

#### ***Massachusetts***

Carol Amick, Alternate 1, Massachusetts

#### ***Michigan***

Thor Strong, Participant, Michigan

#### ***New York***

Jack Spath, meeting designee

#### ***Rhode Island***

Terrence Tehan, Participant, Rhode Island

#### ***South Carolina***

Virgil Autry, Alternate 1, South Carolina

**Resource Persons**

*Envirocare of Utah, Inc.*  
Kenneth Alkema

*Chem-Nuclear Systems, L.L.C.*  
George Antonucci

*State of California*  
Pete Baldrige

*U.S. Nuclear Regulatory Commission*  
Michael Bell

*State of Connecticut*  
R. Christopher Blake

*Organizations United for Responsible Low-Level  
Radioactive Waste Solutions*  
Robert Carretta

*National Governors' Association*  
Tom Curtis

*U.S. Department of Energy*  
Gregory Duggan

*Waste Control Specialists*  
Joe Egan (Egan and Associates)

*U.S. Department of Energy*  
Mark Frei

*State of Louisiana*  
James Friloux

*Nuclear Energy Institute*  
Paul Genoa

*Idaho National Engineering and Environmental  
Laboratory*  
Ken Henry

*Congressional Research Service*  
Mark Holt

*U.S. Environmental Protection Agency*  
Nancy Hunt

*U.S. Environmental Protection Agency*  
Rajani Joglekar

*U.S. Nuclear Regulatory Commission*  
James Kennedy

*U.S. Department of the Army*  
Stephen Mapley

*U.S. Environmental Protection Agency*  
Mike Mattheisen

*Sandia National Laboratories*  
James McClure

*U.S. Nuclear Regulatory Commission*  
Edward McGaffigan, Jr.

*Environmental Council of the States*  
Tina Parker

*U.S. Ecology*  
Rich Paton

*U.S. Department of Energy*  
Terry Plummer

*U.S. Department of Energy*  
Jay Rhoderick

*National Conference of State Legislatures*  
Cheryl Runyon

*State of Utah*  
William Sinclair

*U.S. General Accounting Office*  
Dwayne Weigel

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

***Appalachian Compact***

Jerry Gietka, Maryland  
Nan Lyon, Maryland

***Nebraska***

Paul Nelson  
Gerald Reiman

***New Jersey***

Paul Wyszowski

***North Carolina***

George Givens  
Steven Rose

***Texas Compact***

Peter Wiley (Maine)  
Dale Randall (Maine)  
Uldis Vanags (Maine)

**Federal Agency and Commission Officials**

***DOE***

Mary Jane Wisenbaker

***DOE/ID***

Mike LaFreniere

***DOE/INEEL***

H. Elliot Chakoff  
William Newberry

***EPA***

Adam Klinger  
Grace Ordaz  
Mary St. Peter  
Chris Rhyne

***NRC***

Janet Schlueter  
Tim Harris

**Other Interested Parties**

***Appalachian Compact Users of Radioactive Isotopes***  
John Vincenti

***Chem-Nuclear Systems***

Paul Corpstein  
Dale Swinford

***Egan & Associates***

Martin Malsch

***Envirocare of Utah***

Jon Carter  
Al Rafati

***Environmental Coalition on Nuclear Power (Pennsylvania)***

Judith Johnsrud

***Northern States Power Company***

John Closs

***Nuclear Information and Resource Service***

Diane D'Arrigo

***PECO Nuclear***

Kevin Borton

***Rogers & Associates Engineering***

Floyd Galpin

***Yankee Atomic Electric Company***

William Riethle

***Private Citizen, Bulgaria***

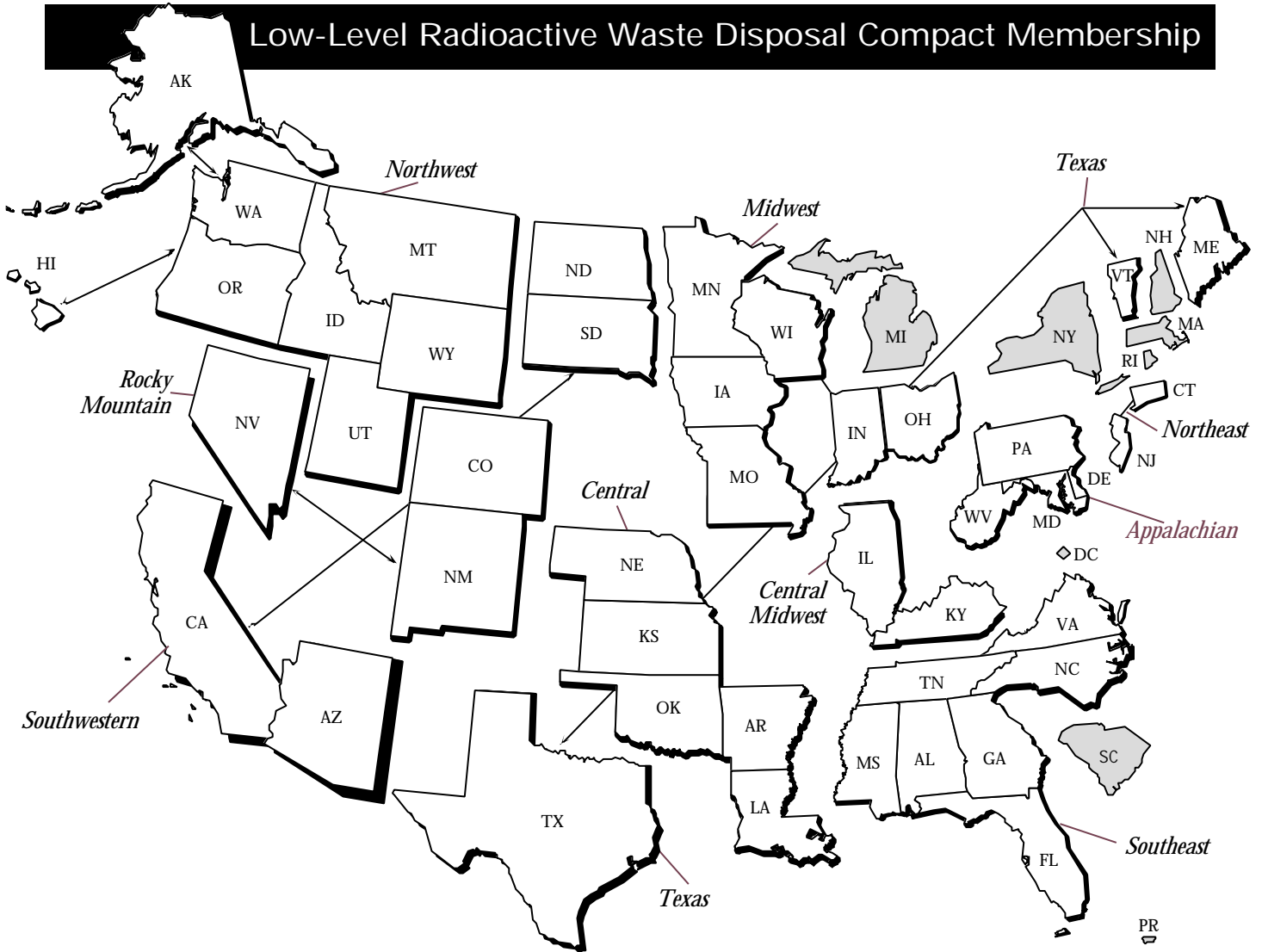
Ognian Eneu

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Laura Scheele  
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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

*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.

