LLW notes

Volume 20, Number 5 September/October 2005

Low-Level Radioactive Waste Forum, Inc.

LLW Forum Adopts Discussion Statement re Commercial Low-Level Radioactive Waste Management

On September 22, 2005, at its annual meeting in Las Vegas, Nevada, the Board of Directors of the Low-Level Radioactive Waste Forum, Inc. adopted a Discussion of Issues Statement on the management of commercial low-level radioactive waste. Following adoption of the statement, the board passed a resolution directing the Chair to formally notify other organizations with an interest in low-level radioactive waste management of its action including, but not limited to:

U.S. Army
U.S. Department of Energy
U.S. Environmental Protection Agency
U.S. Nuclear Regulatory Commission
U.S. Senate Energy Committee
U.S. Government Accountability Office
National Academies of Science
American Nuclear Society
Health Physics Society
Organization of Agreement States
Conference of Radiation Control Program Directors
Advisory Committee on Nuclear Waste
Nuclear Energy Institute

The statement, as adopted, sets forth the board's consensus views on and highlights some of the complexities associated with low-level radioactive waste management and disposal. It is intended to help frame future discussions on the issue and to guide decision-makers engaged in taking the steps necessary to serve the nation's need for services to manage low-level radioactive waste produced by industry, utilities, research institutions, medicine, and government.

A link to the full statement can be found in PDF format on the LLW Forum's website at www.llwforum.org.

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In This Issue

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As part of that mission, the LLW Forum publishes a newsletter, news flashes, and other publications on topics of interest and pertinent developments and activities in the states and compacts, federal agencies, the courts and waste management companies. These publications are available to members and to those who pay a subscription fee.

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Low-Level Radioactive Waste Forum, Inc.

LLW Notes
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Editor and Writer: Todd D. Lovinger
Layout and Design: Rita Houskie, Central Interstate Low-Level Radioactive Waste Compact

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Directors that serve on the Board of the Low-Level Radioactive Waste Forum, Inc. are appointed by governors and compact commissions. The LLW Forum, Inc. was established to facilitate state and compact implementation of 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, Inc. 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

U.S. Department of Energy	DOE
U.S. Department of Transportation	DOT
U.S. Environmental Protection Agency	EPA
U.S. Government Accountability Office	GAO
U.S. Nuclear Regulatory Commission	NRC
Naturally-occurring and accelerator-produced radioactive material	NARM
Naturally-occurring radioactive material	NORM
Code of Federal Regulations	CFR

LOW-LEVEL RADIOACTIVE WASTE FORUM, INC.
DISCUSSION OF ISSUES: Management of Commercial Low-Level Radioactive Waste

Introduction

The following statement was developed by the Low-Level Radioactive Waste Forum, Inc. (LLW Forum) to set forth its consensus views regarding several aspects of low-level radioactive waste management [1]. It is intended to guide decision-makers engaged in taking the steps necessary to serve the nation's need for services to manage low-level radioactive waste produced by industry, utilities, research institutions, medicine, and government. Through this statement, the LLW Forum highlights some of the complexities associated with addressing low-level radioactive waste management and disposal issues.

Background

The LLW Forum By its passage of the Low-Level Radioactive Waste Policy Act of 1980 and its 1985 amendments (the Act), Congress declared states responsible for the disposal of commercial low-level radioactive waste [2], and encouraged states to form interstate compacts to share this responsibility. As a result, it is states and interstate compacts that have the responsibility and authority for management of commercial low-level radioactive waste in the United States. Furthermore, in the majority of cases it is states, through agreements with the U.S. Nuclear Regulatory Commission (NRC) and independent state authority in certain cases [3], which regulate the use of radioactive materials and the low-level radioactive waste disposal sites.

The Low-Level Radioactive Waste Forum, Inc. was established in 1985 to facilitate communications and interactions among states and compacts—the parties responsible for implementing the Act. Voting members of the Board of Directors are appointed by governors or compact commissions and are authorized to speak for their states and compacts with regard to low-level radioactive waste policy. Non-voting board members include representatives of federal agencies, disposal facility operators, brokers and processors, generators, industry organizations, and other interested parties.

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[1] For purposes of this document, the term "waste management" is intended to be generic to refer to all services used for the management of commercial low-level radioactive waste, including disposal, treatment, processing, collection, packaging, consolidation, and storage. Note that the legal definition of this term varies by state and compact.
[2] The term "commercial low-level radioactive waste" includes most low-level radioactive waste produced by the federal, state, and local governments except for low-level radioactive waste generated by the U.S. Department of Energy, the U.S. Navy as a result of the decommissioning of naval vessels, and from the research, development, testing, or production of any atomic weapon.
[3] NORM/TENORM regulation is not under Agreement State authority. However, some states and compacts do regulate NORM/TENORM.

The Federal Law The Act was designed to be flexible and to allow for change in response to events and circumstances around the country. In that regard, most people did not expect that there would be a need for ten different compact sites, but rather that as site availability conditions were established, unaffiliated states would join compacts and existing compacts would merge or establish cooperative agreements. This has happened and continues to happen. Examples include the formation of the Texas Low-Level Radioactive Waste Disposal Compact by the three unaffiliated states of Texas, Maine, and Vermont, ratified by Congress in September 1998 [4]; the merger of the Northeast Interstate Compact for Low-Level Radioactive Waste Management and the State of South Carolina to create the Atlantic Interstate Low-Level Radioactive Waste Compact in July 2000; and the contract between the Rocky Mountain Low-Level Radioactive Waste Board and the Northwest Interstate Compact Committee in October 1992 to allow eleven states to use a single regional disposal facility.

Since adoption of the Act, generators have substantially reduced the volume of low-level radioactive waste being produced, which has in turn resulted in less demand for new disposal facilities.

There is the perception that no new sites have been developed since the passage of the Act. This is not accurate. The Envirocare of Utah disposal facility, which takes Class A low-level radioactive waste from all states/compacts authorizing shipment to Envirocare, became operational after passage of the Act and continues to operate under agreements negotiated with the Northwest Compact. This is a prime example of the ability of the current law to adjust to changing needs.

Currently disposal access exists for all classes of low-level radioactive waste from all states in the country. In contrast, the federal high-level radioactive waste and Greater Than Class C (GTCC) disposal programs continue to encounter obstacles, delays and uncertainty that have led to spent fuel and GTCC being stored nationally for an indefinite period of time.

Positions and Issues for Consideration

Position 1: Commercial low-level radioactive waste is currently well regulated and managed safely.

The management and disposal of low-level radioactive waste are carefully regulated by states that have regulatory agreements with the NRC to be the lead agency in protecting public health, safety and the environment. The Agreement states of Washington, South Carolina, and Utah currently host low-level waste disposal facilities. The possession, transfer and disposal of such waste require that a license be issued by a regulatory agency of jurisdiction. Such a license is issued only after strict regulatory guidelines are met and is subject to significant appellate processes. In addition, such licenses are subject to regular public review and scrutiny. Public participation is a significant component in

[4] Maine later withdrew from the Texas Compact, effective April 2004.

licensing processes involving low-level radioactive waste management and disposal. As a result, the possession, transfer and disposal of low-level radioactive waste in the United States is a highly regulated and transparent activity.

Position 2: There is not an immediate crisis. The current national waste management system affords flexibility to make adjustments as conditions across the country change; however, it is important to continue working to meet all current and future disposal needs.

Since all generators currently have the opportunity to dispose of all Class A, B, and C low-level radioactive waste, there is no immediate crisis.

Disposal capacity for most Class A low-level radioactive waste is expected to be available for all generators for the foreseeable future. Future disposal capacity for Class B and C and certain types of Class A low-level radioactive waste is less certain as South Carolina state law requires that after July 1, 2008, the Barnwell regional disposal facility be limited to waste generated within the 3-state Atlantic Compact region. [5] If this import restriction is not amended and no new disposal capacity is developed,[6] 36 states will lack disposal capacity for Class B and C low-level radioactive waste after 2008.

It is significant to note that Class B and C low-level radioactive wastes are generated in very small quantities.[7] Moreover, the U.S. Government Accountability Office determined in a June 2004 report that most generators can store Class B and C low-level radioactive waste indefinitely on site.[8] While this is not the optimal solution, especially for many academic and medical radioactive material users, it does not pose a health or safety risk. This is evidenced by the fact that many of these same generators are currently storing GTCC and spent fuel due to the unavailability of federal government disposal capacity. In addition, generators continue to reduce the quantities of Class B and C low-level radioactive waste they generate.

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[5] The Atlantic Compact (Northeast Compact) statute states that no one can ship to the regional disposal facility without approval from the Commission and the host state (South Carolina).

[6] The State of Texas is undergoing a siting process for a proposed facility that, if successful, would provide disposal for Class A, B, and C waste for the two states in the Texas Compact, Texas and Vermont. The Texas Compact law provides a discretionary option for the compact commission to contract for the disposal of waste from outside of the compact.

[7] According to Chem-Nuclear, annual B/C waste generation is steady at about 22k cubic feet per year. States that may lose B/C access after June 2008 generate about 16k cubic feet per year, with medical and non-utility waste accounting for approximately 1,500 cubic feet of that total and utilities accounting for the remaining 14,500 cubic feet.

[8] "Low-Level Radioactive Waste: Disposal Availability Adequate in the Short Term, but Oversight Needed to Identify Any Future Shortfalls," GAO-04-604, June 10, 2004.

Despite such mitigating factors, it cannot be stated with certainty that a crisis regarding disposal of Class B and C low-level radioactive wastes will not develop. It is important that decision-makers continue to work toward developing solutions to ensure that disposal options are provided for all classes of low-level radioactive waste.

Position 3: When evaluating alternatives to the current national waste management system, it is important to take into consideration political realities, economic consequences, and regulatory concerns. Proposals need to be carefully analyzed from the perspectives of all affected parties.

States and compacts agree that the ultimate goal is to provide safe, environmentally sound, reliable, and permanent access for the disposal of all commercial low-level radioactive waste generated in the nation. States and compacts must be allowed to pursue that goal unfettered, allowing them to identify solutions appropriate to the needs of their generators and their unique political situations.

Disposal of Commercial Waste in Federal Facilities The use of federal facilities for the disposal of commercial low-level radioactive waste has been suggested as an alternative or complement to the current system. In evaluating this suggestion, it is important to recognize that federal facilities are located in states. Proposals to use federal facilities will encounter the same, if not elevated, local and state concern associated with the development of new facilities at non-federal locations.

Further, concern exists related to the timeliness of ongoing environmental remediation at some federal facilities. Until remediation is completed at federal facilities it will be difficult to convince citizens that these facilities should be allowed to develop new disposal capacity for acceptance of off-site wastes.

Development of Commercial Disposal Capacity by Private Entities There has been discussion about the possibility of changing the Act to allow private companies to develop commercial disposal facilities. As can be seen from the history of the Envirocare of Utah facility, such a change in the law is not necessary to allow private entities to develop commercial facilities. If a private company is willing to develop a disposal site, either on private, state or federally-owned land, the Act is flexible enough to accommodate such action. This is already permissible under many Compacts. Individual state law can be and has been amended in some cases, to allow private entities to develop commercial disposal facilities.

Requiring Access to New or Existing Sites There has also been discussion about requiring existing or new disposal facilities to allow access to out-of-region generators. However, pressuring states with existing sites or that are developing sites to accept waste from outside their region runs the risk of inviting new restrictions or shutting down those sites altogether. It also should not be assumed that private companies operating compact sites would support this. For example, the State of Washington and US Ecology have agreed to incorporate a clause in the new sublease for the disposal facility in Richland, Washington, allowing the state to terminate the sublease if compacts lose the

exclusionary authority provided by federal law. It is important to remember that equity in disposal burden is what originally led to the passage of the Act.

Position 4: The federal government is currently providing several forms of appropriate assistance to states and compacts related to the management of commercial low-level radioactive waste.

The LLW Forum believes that there are a number of appropriate functions for the federal government to perform in a state-federal partnership to preserve existing commercial low-level radioactive waste disposal capacity and/or to develop additional capacity. The federal government can and should continue to support state and compact activities. For example, DOE can and should maintain a national database, the "Manifest Information Management System," that provides decision-makers with current disposal information. Moreover, DOE financial support of the LLW Forum has helped to ensure that states and compacts remain aware of issues associated with the management of low-level radioactive waste throughout the nation.

Conclusions

The current system provides access for the management of Class A, B, and C low-level radioactive waste, including disposal, to all states throughout the country. Changing conditions, including the scheduled closure of the Barnwell disposal facility to out-of-region waste, may close off disposal access to Class B and C and some types of Class A low-level radioactive waste for a significant portion of the country, although other opportunities may alleviate or eliminate this problem. While the volume of Class B and C low-level radioactive waste is quite small, it remains important that disposal capacity for all classes of low-level radioactive waste be preserved and developed. Proposals for alternative approaches need to be carefully analyzed from the perspectives of all affected parties.

Waste generators can provide partial solutions through minimization and alternate procedures. This can reduce but not remove the need for reliable future disposal access.

States and compacts should continue to work with generators to ensure that disposal access remains available in the future. The LLW Forum stands ready to work with stakeholders through a collaborative process to identify a permanent solution regarding the management of all classes of commercial low-level radioactive waste. The LLW Forum is a resource for information and dialogue on national low-level radioactive waste issues.

Appendix

Statistics for the actual disposal of Class A, B, and C low-level radioactive waste over the last ten years (from MIMS)

Appendix to LLW Forum Discussion of Issues Statement:

Commercial Low-Level Radioactive Waste Disposal Summary
(Volume in million cubic feet and activity in million curies)

	Totals		Class A		Class B		Class C	
Year	**Volume**	**Activity**	**Volume**	**Activity**	**Volume**	**Activity**	**Volume**	**Activity**
1995	1.247	0.172	0.861	0.000	0.014	N/A	0.005	N/A
1996	2.174	0.456	1.961	0.000	0.021	0.001	0.007	0.000
1997	2.310	0.127	2.277	0.007	0.024	0.033	0.009	0.087
1998	1.066	0.335	1.031	0.010	0.021	0.075	0.013	0.250
1999	0.983	1.877	0.939	0.014	0.024	0.033	0.020	1.830
2000	2.939	0.782	2.909	0.015	0.019	0.067	0.012	0.700
2001	3.422	0.491	3.385	0.007	0.018	0.023	0.019	0.460
2002	2.641	0.140	2.619	0.007	0.011	0.019	0.011	0.114
2003	2.830	0.623	2.795	0.005	0.012	0.136	0.023	0.483
2004	3.864	0.338	3.833	0.007	0.015	0.026	0.017	0.304
Totals	***23.476***	***5.340***	***22.610***	***0.073***	***0.178***	***0.412***	***0.137***	***4.228***

Source of information: Manifest Information Management System (MIMS), September 2005, prepared by U.S. Department of Energy. (Note: The above data does not include any DOE waste shipped to commercial disposal.)

LLW Forum Meets in Las Vegas, Nevada

The Low-Level Radioactive Waste Forum held its fall meeting in Las Vegas, Nevada on September 22 – 23. (A meeting of the LLW Forum's Executive Committee was held on Thursday, September 22, from 8:00 a.m. until 9:30 a.m.) In addition to the meeting, most attendees participated in an optional site tour of the Yucca Mountain Project on Wednesday, September 21.

The September 2005 Meeting

The meeting was hosted by the Rocky Mountain Low-Level Radioactive Waste Board and included sessions on various topics including, among others, the following:

- recent resolutions passed and actions taken by the Central Compact,
- the Texas facility siting process,
- NRC's source tracking rulemaking,
- EPA's revised rule regarding the proposed Yucca Mountain high-level waste repository,
- DOE's efforts on the disposal of Greater than Class C waste;
- a panel discussion of the proposed Yucca Mountain facility;
- status updates on the Manifest Information Management System; and
- recent legal decisions regarding the Hanford Cleanup Priority Initiative.

The Nuclear Energy Institute (NEI), US Ecology and the Rocky Mountain Compact co-hosted a cocktail reception on Thursday evening for meeting attendees. NEI also helped organize the Yucca Mountain site tour, which was led by DOE officials and contractors.

During the course of the meeting, the LLW Forum's Board of Directors adopted a Discussion of Issues Statement on the management of commercial low-level radioactive waste. The statement, as adopted, sets forth the board's consensus views on and highlights some of the complexities associated with low-level radioactive waste management and disposal. (See related story, this issue.)

Future Meeting and Site Visit Dates

The winter 2006 meeting will be held in Austin, Texas on March 20 – 21. The Midwest Compact is co-sponsoring the Texas meeting. The fall 2006 meeting of the LLW Forum will be held at Marco Island, Florida on September 18 – 19 and is being sponsored by the Southeast Compact.

The winter 2007 meeting will be held in San Diego, California on March 19 – 20 and is being sponsored by the Southwestern Compact. The fall 2007 meeting will be in a location, to be determined, in the Central Midwest Compact region and is being sponsored by the compact.

For additional information, contact Todd D. Lovinger, the LLW Forum's Executive Director, at (202) 265-7990.

Northwest Compact/State of Utah

Appeal Filed in Opposition to Envirocare's Expansion Request

On September 23, Healthy Environment Alliance of Utah (HEAL Utah) filed a formal appeal in opposition to Envirocare of Utah's amendment request to expand its low-level radioactive waste disposal operations into section 29. In particular, HEAL Utah's appeal challenges an August 2005 decision by the Utah Division of Radiation Control to grant a preliminary license for the 536-acre expansion into adjacent land that the new owners of Envirocare purchased earlier this year from Cedar Mountain Environmental, a potential competitor headed by former-Envirocare President Charles Judd.

Envirocare unsuccessfully lobbied to have the expansion considered during a special session of the legislature in April, but received the preliminary approval anyway. The preliminary approval requires the company to provide regulators with technical data and get a final approval prior to constructing specific facilities. In addition, approval from the legislature and governor are also required under Utah law.

Jason Groenwold, Director of Heal Utah, was quoted in the local press as saying that state regulators should have required the submission and review of technical data prior to granting any approval. "Regulators are asking the Legislature to endorse a blank check," said Groenwold, "turn the other way and let state nuclear waste policy be decided at the regulatory level rather than by the Legislature and governor." Heal Utah's administrative appeal calls for more information on the quantity of waste that would be disposed in the expanded area as well as the type of waste, its origins and "the schedule for developing disposal sites, and how disposal sites will be constructed."

Dane Finerfrock, Director of the state Division of Radiation Control, disagreed, noting that regulators followed regulatory and legal requirements by allowing the company to expand its boundaries without allowing waste disposal or other facilities in the new area. "If Envirocare wants to develop new facilities, they will be required, as they have since 1988, to submit the specific detailed info that allows us to evaluate their proposal."

For additional information, contact Bill Sinclair, Deputy Director, Utah Department of Environmental Quality, at (801) 536-4405.

Schedule Set for Expedited Review of Appeal

On October 7, an emergency meeting of the Utah Radiation Control Board was held to establish a schedule for administrative proceedings relating to a formal appeal filed in opposition to Envirocare of Utah's amendment request to expand its low-level radioactive waste disposal operations. Envirocare had requested expedited consideration of the appeal and petition to intervene, which had been filed by Healthy Environment Alliance of Utah (HEAL Utah) on September 23. (See related story, this issue.)

During the course of the October 7 meeting, the Board set forth a schedule that calls for written pleadings to be concluded by October 14 in preparation for a hearing regarding "standing only" that will be held on October 19. If standing is granted to HEAL Utah, the administrative hearing process (scheduling, discovery, pleadings, hearing, etc.) will proceed. If standing is denied, that decision will constitute final agency action and the approval process for expansion will continue to be available for legislative and gubernatorial action. Under Utah law, the Governor and legislature must approve the license amendment request relating to the company's expansion plans.

Proposed Bill to Approve Envirocare Expansion Considered

On October 19th, the Natural Resources, Agriculture, and Environment Committee will consider draft legislation titled, "Resolution Approving Expansion of Commercial Radioactive and Mixed Waste Facility" by Representative James Gowans (D) of Tooele County. The legislation states, in part, as follows:

> NOW, THEREFORE, BE IT RESOLVED by the Legislature, the Governor concurring therein, that Envirocare of Utah, LLC is approved to receive, transfer, treat, store, and dispose of Class A low-level radioactive waste (as defined and provided for in 10 CFR Part 61 and equivalent Utah State laws and regulations) and mixed waste on certain lands, owned by Envirocare, which are adjacent to its existing facility at Clive in Tooele County, situated in section 29, Township 1 South, Range 11 West, Salt Lake Base and Meridian, if the conditions listed below are met:
>
> (1) before receiving, transferring, treating, storing, and disposing any Class A low-level radioactive waste or mixed waste on the adjacent lands, Envirocare of Utah, LLC shall obtain all appropriate approvals of the executive secretary of the Radiation Control Board as required by License Amendment #23 to Radioactive Material License #UT2300249; and
>
> (2) before receiving, transferring, treating, storing, and disposing of any mixed waste on the adjacent lands, Envirocare of Utah, LLC shall obtain the approval of the executive secretary of the Solid and Hazardous Waste Control Board and shall obtain all appropriate modifications to its existing hazardous waste operation plan.

The interim committee will review the legislation and decide whether or not to give it a "favorable recommendation" for the upcoming 2006 Utah Legislative Session.

For additional information, please contact Dane Finerfrock of the Utah Division of Radiation Control at (801) 536-4257 or William Sinclair of the Utah Department of Environmental Quality at (801) 536-4405.

Tooele County Approves Temporary Moratorium on Waste Applications

At a special meeting on Monday, September 26, commissioners of Tooele County approved a temporary moratorium on accepting new applications from companies to process low-level radioactive and hazardous waste. The action, which is similar to that taken by the county last year, gives the county up to six months to "study the future of waste in Tooele County," said Commissioner Matt Lawrence. According to Lawrence, the county had already determined to shrink the zone in which waste processing and disposal is allowed. The temporary moratorium, said Lawrence, simply gives the county time to create a plan and the content of potential regulatory codes.

Former President of Envirocare of Utah Charles Judd, however, contends that the county is playing favorites. Judd had previously attempted to get a license to open a competing facility on land owned by Cedar Mountain Environmental. When he was unable to do so, Judd sold the land to Envirocare. When Envirocare officials later announced plans to expand the company's operations onto the land purchased from Cedar Mountain Environmental, Judd filed a lawsuit.

The temporary moratorium will not affect Envirocare's application to reconfigure its operations on the property purchased from Cedar

Mountain Environmental. County officials were quoted in the local press, however, as saying that the expansion plans are intended to improve operations at Envirocare and that local citizens do not support the granting of licenses to new waste companies in the county.

Envirocare Acquires Scientech's Decontamination and Decommissioning Division

On October 9, Envirocare of Utah announced that it has completed the acquisition of the Decontamination and Decommissioning (D&D) Division of Scientech, LLC. The transaction also includes an NRC-issued mobile license, which will be transferred to Envirocare, that allows for decontamination and decommissioning services to be conducted nationwide.

"We are pleased with the acquisition of Scientech's D&D Division," said Stever Creamer, President and Chief Executive Officer of Envirocare. "This acquisition will greatly enhance Envirocare's project management capabilities. We are particularly pleased with the high quality of individuals who will be joining the Envirocare team. The D&D Division enhances our high standard of services we provide to all of our customers."

The D&D Division manages decommissioning sites nationwide to government agencies, academia and commercial projects. It offers a variety of services ranging from initial consultation to project management and execution of facility decontamination and decommissioning projects. In addition, the D&D Division offers radiation safety programs and procedures.

The D&D Division will continue to be headquartered in New Milford, Connecticut with additional offices in Greenville, South Carolina.

Envirocare Receives Safety Award

For the second consecutive year, Envirocare of Utah has received an Award of Merit from the Utah Safety Council. The award was presented to Envirocare for remaining below the national industry average for OSHA reportable and lost time accidents.

"Credit for this Award of Merit goes to the hard working employees of Envirocare," said Steve Creamer, President and Chief Executive Officer of the company. "Our employees take great pride in the work that they accomplish and place safety as the number one priority at our facility. They take their jobs seriously and do everything they can to ensure the safety of all who work and visit our site."

According to Creamer, Envirocare has a well-established safety and health program with mandatory employee participation which directly impacts and continues to improve and reduce the number of OSHA reportable and lost time accidents.

Southeast Compact

Southeast Compact Releases Post-2008 Study Findings

The Southeast Compact Commission for Low-Level Radioactive Waste Management recently released a report prepared by its Policy and Planning Committee on the potential impacts to regional waste generators of the planned July 2008 closure of the Barnwell disposal facility to out-of-region waste. The report was prepared in response to a January 2005 request from the Southeast Commission. Findings and recommended action items included in the report are based on a review of historical data pertaining to the disposal of low-level radioactive waste by regional generators, information gathered by commissioners and staff from meetings with regional generators, and information gathered and presented by commission staff.

Nature and Scope of the Problem

The report concludes that "[t]he effect of losing access to the Barnwell facility after July 2008 will be limited in scope." In support of this finding, the report notes that (1) the Envirocare of Utah facility provides disposal access for most types of Class A waste and is seeking to accept additional Class A streams, (2) the facility in Richland, Washington provides disposal access for limited types and quantities of NARM waste, and, (3) the Texas Compact is seeking to site a facility that would be open at the earliest in December 2008 (although it is not yet known whether said facility will accept waste from outside of the Texas Compact). Accordingly, the report notes that even if South Carolina law remains unchanged, disposal facilities will continue to be available to accept most Class A waste from generators in the Southeast Compact region, by volume and activity. Disposal access will only be lacking for certain types of Class A waste, including sealed sources and medical waste, and all Class B and C waste. As a result, some generators will experience no impact whatsoever from the loss of access to Barnwell, while others will be impacted only minimally.

Analysis of Alternative Solutions

Despite the limited impact, the report concludes that "the problem is serious enough to warrant action by the Commission" because permanent disposal is preferable to storage and the development of additional storage capacity could be costly. The committee therefore considered numerous actions that the commission could take to alleviate the problem. Each alternative solution and the committee's views thereon are briefly summarized below. Persons interested in more detailed information are directed to the report itself.

Site a Regional Disposal Facility The committee determined that siting a regional facility would be impractical at this time. Based on the Texas experience, such action would likely take a minimum of six years. Moreover, it would be difficult to enforce designation of a host state until the current lawsuit against North Carolina is resolved. And, the cost of disposal at a new facility would likely be at least twice the current costs due to the high fixed costs of site development.

Site or Encourage Development of a Storage Facility Likewise, the committee determined that it would be impractical to site a centralized storage facility at this time due to difficulty in designating a host state and economics. However, the committee cautioned that private efforts to develop a storage facility should not be discouraged since some storage may become necessary. "It is up to each state regulatory agency to consider whether to change its rules regarding storage."

Negotiate for Access to Existing or Developing Disposal Sites The committee determined that the commission should continue to monitor and begin to make preparations for possible opportunities to negotiate access to existing or developing disposal sites by working with regional generators to determine acceptable conditions therefore. In this

regard, the committee noted that both Atlantic Compact and Texas Compact law allow for states outside the compact to obtain access by contract. Factors to be considered in evaluating such potential options would include the amount and types of waste to be accepted, restrictions and/or minimum/maximum requirements on the types and/or amounts of waste disposed, whether all the region's waste would be required to go to one facility, the degree to which disposal costs are controlled, the extent to which long-term access could be guaranteed, the duration of the access period, and the effect the arrangement would have on other waste management services.

Lobby for Congressional Action The committee determined that it would be inappropriate for the commission to seek congressional action regarding access to disposal at this time, as all viable actions for commission action have not been exhausted and a lobbying effort of substantial magnitude (including most waste generators nationwide and considerable expenditures) would be necessary to convince Congress to take such action.

Encourage More Market Competition in Waste Disposal The Committee determined that there are no actions available to it to encourage more market competition. "Waste management companies are not developing new disposal facilities because current volumes of commercial low-level radioactive waste are insufficient to provide a profit and recover the development costs in a reasonable period of time."

Protect the Status Quo and Support Other Siting Efforts (Continue Current Course) The committee expressed a strong belief that the commission should continue on its current course to support and obtain access and maintain the flow of waste across state and compact borders for purposes of waste management. Such an approach does not interfere with public or private efforts to continue or expand disposal access, does not commit the expenditure of additional commission funds, and does not impact the cost of disposal or restrict waste management choices of Southeast Compact generators.

Promote Regulatory Change The committee cautioned that proposed regulatory alternatives—such as EPA's proposal to allow certain low-activity radioactive and mixed wastes to be disposed at RCRA-Subtitle C facilities and NRC's proposal to allow the release of solid materials with very low or no radioactivity—may create new problems by reducing the volumes of waste for processing and for disposal at conventional disposal facilities even more, thereby driving up costs. "Dwindling waste volumes affect the ability of brokers, processors, and disposers to recover costs and make a profit."

Recommendations

After reviewing the problem and alternative solutions, the committee recommended that the commission take the following actions:

1. Continue its efforts to facilitate access to all low-level radioactive waste management services and to minimize the cost of these services.
2. Continue to actively monitor licensing and policy development activities in South Carolina and Texas with an eye toward potential opportunities for future access.
3. Advise waste generators in the Southeast Compact region to make the necessary spatial, budgetary, human resource and regulatory arrangements for an uncertain period of on-site storage for Class B, Class C, and certain Class A wastes.
4. Proceed cautiously with regard to regulatory changes to allow for "alternative approaches," as these may negatively impact the economic viability of existing services to manage commercial low-level radioactive waste.

For additional information, contact Ted Buckner of the Southeast Compact at (919) 821-0500. A copy of the report, dated July 2005, can be found on the Southeast Compact's website at http://www.secompact.org/.

Southwestern Compact

Southwestern Commission Weighs in on Proposed Source Tracking Rule

On October 3, Don Womeldorf, Executive Secretary of the Southwestern Low-Level Radioactive Waste Commission, sent a letter of comment to the U.S. Nuclear Regulatory Commission in regard to the agency's proposal to amend its regulations to implement a National Source Tracking System for certain sealed sources. (See related story, this issue.) The comment arises from the NRC discussion in the supplementary information section of the notice announcing the proposal (70 *Federal Register* 144 July 28, 2005) dealing with access to the information. In this section, NRC proposes that Agreement State staff would have access to information on the licensees possessing Category 1 and Category 2 sources in their state, but does not propose similar access for compacts.

In the letter, the Southwestern Commission asserts that compact commissions "should have unqualified access to information on licensees possessing such sources" within their respective regions. As explanation for this position, the letter states as follows:

> The Southwestern Compact, established by Public Law 100-712, is obligated by law to ensure that low-level radioactive wastes are safely disposed of and managed within the region. There is currently no low-level waste disposal facility in Arizona, California, North Dakota or South Dakota, the states that compromise our region. Therefore, the Southwestern Compact plays a major role in exporting low-level waste out of our region. Each licensee in our region is required by law to petition the Southwestern Compact for exportation authorization. Each petition must identify a description of the waste to be exported including disposal volume and characterization. The Southwestern Compact's access to information on the licensees possessing Category 1 and Category 2 sources would facilitate the exportation of such devices for disposal. In addition, the records maintained by the Southwestern Compact in this regard would confirm the transaction occurrence. Finally, access to the information would facilitate determining future regional needs for disposal of sources.

For the above-cited reasons, the Southwestern Commission requests that NRC provide unqualified access to National Source Tracking information related to their regions.

The proposed rule is available on the NRC's rulemaking website at http://ruleforum.llnl.gov.

Texas Compact/State of Texas

TCEQ Issues First Notice of Technical Deficiency to WCS

On September 16, 2005, the Texas Commission on Environmental Quality (TCEQ) sent a certified letter to Waste Control Specialists, LLC itemizing various technical deficiencies contained in the company's application to license a low-level radioactive waste disposal facility in Andrews County. The noted deficiencies were provided in twelve attachments to the letter that are correlated with designated sections of the license application. Additional information is being requested from the company in order to address the noted deficiencies. In addition, two additional attachments were sent to the company under separate cover and labeled "confidential." They request additional information to resolve noted deficiencies regarding financial information that was previously identified as confidential by WCS.

First Notice of Technical Deficiency

The twelve attachments, each which identifies deficiencies and which correlate to designated sections of the application, are labeled as follows: (1) general information, (2) site characteristics, (3) design, (4) construction, (5) operation, (6) closure, (7) post-closure and institutional care, (8) performance assessment, (9) quality assurance and quality control, (10) personnel, (11) environmental report and alternative management techniques, and (12) financial qualifications and financial assurance.

In regard to WCS' response, the letter states as follows:

> "Due to the number and significance of the noted deficiencies, the TCEQ realizes that a great deal of effort will be required to respond. Please provide relevant information or revised data as amended application materials to address all questions raised in the attachments, or provide clear justification for not providing information or revised data to address each question. Although we expect extensive revisions to the application, the TCEQ is committed to continuing the level of effort to ensure the timely completion of the review. Please submit your responses to the noted deficiencies within seventy-five (75) days of the date of this letter.

A copy of the letter of deficiency and attachments can be found at http://www.tceq.state.tx.us/assets/public/permitting/waste/rad/wcs/TNOD1.pdf.

Background

Waste Control Specialists submitted a license application to TCEQ on August 4, 2004. Thereafter, there were three rounds of administrative notice of deficiencies that spanned 225 days, as built into the statutory timeline for license review. On February 18, 2005, TCEQ issued a Notice of Administrative Completeness.

On March 31, 2005, a public meeting was held in Andrews County, Texas to accept formal public comment on the administratively complete application. In addition, written comments were accepted by the TCEQ up to the public meeting to be included in the written evaluation, and at any time during the application review process.

On May 1, 2005, the TCEQ Executive Director evaluated the staff's written evaluation based on statutory tiered criteria and the administratively complete application materials. The criteria are as follows:

Tier 1 Criteria: site characteristics and financial assurance requirements
Tier 2 Criteria: engineering and design
Tier 3 Criteria: technical qualifications and facility operations
Tier 4 Criteria: land use compatibility and socioeconomic effect

Over the last five months, TCEQ has implemented a detailed technical review of the license application, culminating in the First Notice of Technical Deficiency being issued on September 16. The statute allows for a maximum of two such notices to be issued, with the draft license and hearing notice scheduled for publication in July 2006. Thereafter, administrative hearings are expected to be held in September 2006, with a proposal for licensing decision expected in September 2007. By statute, TCEQ Commissioners would then issue a license or denial 90 days later -- in December 2007.

HPS Issues Position Statement Calling for "A Complete and Coordinated Overhaul" of LLRW Management

In mid-September, the Health Physics Society (HPS) released a new position statement on low-level radioactive waste titled "Low-Level Radioactive Waste Management Needs a Complete and Coordinated Overhaul" and an extensive "Background Information" document. The documents represent a complete revision of the organization's previous position statement on low-level radioactive waste, which had been issued in 1999.

The new position statement calls for a complete overhaul of the framework for managing low-level radioactive waste. It contains three specific positions and five specific recommendations, including a call to amend or replace the Low-Level Radioactive Waste Policy Act of 1980 and its 1985 amendments ("the Act").

The Position Statement

The position statement argues that deadlines established for the development of new sites under the Act have passed with no new sites being opened. It contends that "[p]olitical, judicial, and administrative obstacles have blocked the development of new sites and have limited the disposal options for higher-activity classes of waste within existing sites." It points out that disposal options for Class B and C waste are currently limited and may not be available for generators in a majority of states after 2008. The current regulatory framework, according to the statement, "results in excessive and overly restrictive requirements for disposal of the lowest-activity class of waste."

The statement contends that "[t]he effect of these obstacles and restrictions is to interfere with optimal use of radioactive materials in medicine, research, energy production, and technology." As a result, HPS argues that all available options—including private, commercial and federal facilities—should be used for the disposal of low-level radioactive waste.

Positions The policy statement identifies the following five items as positions of the Health Physics Society. (Your attention is directed by the LLW Forum to item 3(c), in particular.)

1. The goal of managing LLRW is to ensure the safety of workers and the public and to protect the environment. To achieve this goal, disposal, not long-term storage, is the best and safest long-term approach.

2. The Health Physics Society believes that lack of competition in LLRW disposal options results in excessively high costs to waste generators, which impede the use of nuclear technologies that provide significant benefits to society.

3. The Health Physics Society believes that the regulatory framework for management and disposal of LLRW needs a complete and coordinated overhaul.

The fundamental changes needed to LLRW management include the following:

a. Waste classification and disposal requirements for any type of radioactive waste should be based on its potential risk to the public health and safety, not on its origin or legislative stature.

b. Risk-informed waste-disposal requirements for radioactive materials should be consistent and integrated with waste disposal for nonradioactive hazardous waste.

c. The LLRW Policy Act should be amended or replaced to:

i. allow non-Department of Energy (DOE) waste generators access to all existing licensed and permitted disposal facilities.

ii. allow non-DOE waste generators access to disposal facilities owned and operated by the DOE.

iii. provide a new waste-disposal capacity for all LLRW at a facility currently operated by DOE or by private industry on land owned by the federal government.

Recommendations Based on the above-identified positions, the policy statement contains the following recommendations by the Health Physics Society. (Your attention is directed by the LLW Forum to item 5 in particular.)

1. Based on Positions 3.a and 3.b, we endorse the approach for a waste disposal classification system proposed by the National Council on Radiation Protection and Measurements (NCRP 2002).

2. Based on Position 3.b, we strongly support the Environmental Protection Agency efforts to move forward with a rulemaking to promulgate regulations allowing disposal of low-activity radioactive waste (LARW) and low-activity mixed waste (LAMW) at Resource Conservation and Recovery Act (RCRA) Subtitle C sites.

3. Based on Position 3.b, we support the use of uranium mill-tailing sites regulated under the Uranium Mill Tailings Radiation Control Act (UMTRCA) for disposal of radioactive materials that are appropriate for these sites. Examples of potentially appropriate materials are certain non-11e.(2) byproduct material such as the LARW and LAMW noted in 2 above; technologically enhanced naturally occurring radioactive materials (TENORM); high-volume, low-activity waste from reactor decommissioning; and certain low-activity resins from operating reactors.

4. Based on Position 3.c, we strongly support DOE efforts to prepare an Environmental Impact Statement under the National Environmental Policy Act to evaluate additional alternatives for disposal of greater-than-Class C wastes. These include deep geological disposal facilities, existing LLRW disposal facilities (both commercial and federal), and new facilities (both commercial and federal) at federal sites or on private land.

5. Based on Position 3.c, we urge Congress to direct federal action to ensure that disposal options and capacity for Class B and Class C waste will exist for all states in the future. This can be achieved by use of commercial or private facilities on federal or private lands to mitigate significant adverse consequences to generators of these wastes.

The Background Information Document

The background information document is intended as an adjunct to the position statement—not a stand alone document. It was approved by the Scientific and Public Issues Committee and drafted with assistance from the Legislation and Regulation Committee. It provides a history of position statements issued by HPS on low-level radioactive waste, the first of which was adopted in October 1993. It also provides a brief overview of recent activities affecting low-level waste management that have recently been taken or are being undertaken by a variety of entities including the Senate Energy and Natural Resources Committee (oversight hearings), the U.S. Environmental Protection Agency (ANPR on low-activity waste), the U.S. Nuclear Regulatory Commission (disposition of solid materials) and the U.S. Congress (classification of NARM as byproduct material).

The background information document provides additional explanation of each position and recommendation contained in the official position statement. A brief synopsis can be found below. Your attention is directed by the LLW Forum to the discussion under Recommendation 5 in particular. Persons interested in more detailed information are directed to the background information document itself.

Position 1: The position, according to HPS, addresses the concern that a lack of disposal options results in temporary storage of waste in thousands of sites nationwide. "Clearly, the final disposal of waste in centralized, properly designed and secured disposal facilities is safer and presents a

higher level of security than thousands of temporary, widely distributed storage facilities." In addition, temporary storage is costly and increases the likelihood of loss of control if a facility closes or goes out of business.

Position 2: HPS asserts that lack of competition in disposal options results in excessively high costs to waste generators and impedes the beneficial uses of nuclear technologies. In support of this position, HPS compares commercial versus federal disposal costs and cites a 2001 National Research Council report that, while recognizing that commercial disposal capacity for biomedical waste is sufficient for the next several decades, concluded that the cost of such disposal is a central issue. In addition, the HPS background information document cites concerns provided to the EPA and GAO by biomedical institutions and others.

Position 3.a: In support of this position, HPS cites a finding by the National Academies of Sciences that, "Regulations focused on [low-level radioactive] waste's origins have led to inconsistencies relative to their likely radiological risks." Such inconsistencies in regulations, contends HPS, "result in a fractioned, complicated, and inefficient regulatory framework that has contributed to the high cost of waste disposal without increasing the protection of public health and safety."

Position 3.b: HPS asserts that the "fractioned" regulatory scheme for radioactive materials has resulted in inconsistency, inefficiency, and unnecessarily expensive public health protection policies. Instead, the HPS "believes that appropriate rulemaking by the EPA and NRC applying a classification framework based on the potential risk to public health and safety will achieve equitable protection from the hazards of radioactive and chemical waste, while at the same time moving toward a more efficient framework of regulatory control over radiation exposure in this country."

Position 3c: This position was first adopted by the HPS in the 1999 revision of its position statement on low-level radioactive waste. In the background information document, HPS argues that the Act "now unnecessarily restricts access to available disposal sites and impedes open commercial development of additional facilities." HPS goes on to state as follows:

> Present knowledge and technology are sufficient to allow safe disposal of radioactive waste. Comprehensive regulations and practices are in place for the design, operation, and closure of LLRW disposal sites. The use of all available options, including federal and private commercial facilities on federal or private land, can facilitate the orderly, safe, and efficient disposal of radioactive waste.

Recommendation 1: HPS argues that the framework laid out in the National Council of Radiation Protection and Measurements (NCRP) Report No. 139 titled, "Risk-Based Classification of Radioactive and Hazardous Chemical Wastes," is an appropriate basis for implementing position statements 3.a and 3.b. The report, according to HPS, incorporates the following principles:

The classification system is generally applicable to any waste that contains radionuclides, hazardous chemicals, or mixtures of the two.

Wastes that contain hazardous substances are classified based on consideration of health risks to the public that arise from waste disposal.

The waste classification system includes an exempt class of waste.

Recommendation 2: HPS encourages EPA, NRC and state agencies to work closely to move EPA's rulemaking forward in a coordinated manner. "The regulatory control required under RCRA is expected to provide adequate levels of protection, subject to an appropriate environmental impact analysis.

Recommendation 3: HPS supports efforts by the National Mining Association and the Fuel Cycle Facility Forum to allow low-levels of candidate materials at uranium mill tailing sites regulated under UMTRCA. HPS argues that "current restrictions on disposal of non-11e.(2) byproduct

material in UMTRCA-licensed facilities is another manifestation of waste management based on the origin of the waste and not the relative risk it presents to human health, the environment, or national security." Liberalizing 11(e).2 disposal in such facilities would, according to HPS, create an alternative disposal outlet for vast quantities of Class A waste. A detailed analysis of this recommendation can be found in the background information document.

Recommendation 4: HPS strongly supports the evaluation of all alternatives to GTCC disposal including the use of the Waste Isolation Pilot Project (WIPP) in Carlsbad, New Mexico. In this regard, the background information document states as follows:

> We are very sensitive to the fact that the WIPP was initially approved with a clear understanding it would not be made available for non-defense-related waste and that a reversal of that promise to the people of New Mexico should not be done lightly. However, the great national need for a safe and timely disposal option for this most highly radioactive category of LLRW calls for an evaluation of all options. Therefore, we recommend stakeholder involvement in the decision-making process to consider allowing disposal of waste streams not originally destined for WIPP under the National Environmental Policy Act of 1969.

Recommendation 5: In the background information document, HPS states that the organization believes that use of the Waste Control Specialists (WCS) site in Texas offers significant potential for the disposal of Class B and C waste, but expresses concern that Texas may not enter into the necessary bilateral agreements to allow access to non-compact member states. In this regard, HPS states as follows: "Should Texas opt to prohibit access to the WCS site to any nonmember state as allowed under the LLRW Policy Act, then congressional action in changing the LLRW Policy Act may be necessary to prevent significant adverse consequences to generators of Class B and C wastes, as well as the biomedical community for disposal of tissue wastes containing radioactive material."

In addition, HPS asserts that consideration should be given to the following two alternatives to authorize:

1. access to both compact and noncompact states for disposal of low-level radioactive waste at a facility operated by DOE, or

2. commercial construction and operation of a low-level radioactive waste disposal facility, including construction on land owned by the federal government if privately owned sites cannot be identified or approved by the states. Under this approach, congressional action may be necessary to construct a facility that could be operated by private industry and licensed by the NRC.

HPS states that congressional action may be needed under either of these approaches to remove statutory impediments prohibiting access for disposal of low-level radioactive waste to compact and non-compact states alike.

The Health Physics Society

The Health Physics Society—which includes approximately 6,000 scientists, physicians, engineers, lawyers, and other professionals representing academia, industry, government, national laboratories, the Department of Defense, and other organizations—was established in 1956. It is a nonprofit scientific professional organization whose mission is to promote the practice of radiation safety. HPS activities include encouraging research in radiation science, developing standards, and disseminating radiation safety information. Official HPS position statements are prepared and adopted in accordance with standard HPS' policies and procedures.

For additional information, there is a short news item on the HPS Web site at http://hps.org/newsandevents/

societynews.html#508. In addition, the site contains links to the position statement, http://hps.org/documents/llrw.2005.pdf, and to the background document, http://hps.org/documents/LLRW.2005Bkgd.pdf.

NEI Reorganizes to Provide Greater Focus on Policy Development

In late September, the Nuclear Energy Institute announced an organizational restructuring that is intended to provide greater focus on issues of key policy development. "This restructuring will enhance NEI's effectiveness in our key areas through better alignment of responsibility across the NEI divisions," said Frank L. Bowman, President and Chief Executive Officer of NEI. "The new alignment strengthens our organization and provides better definition for the roles of our senior management team."

A task force comprised of members of the NEI Programs and Resource Committee aided in NEI's review of staffing levels and expertise, and validated the proposed reorganization. The restructuring includes some moving around of key management personnel and integration of offices. For instance, the Governmental Affairs Division will be restructured to integrate federal, state and local government affairs and coalition-building under a single senior executive. Also, the senior officer previously responsible for member relations and external affairs will now be a Vice President in the Office of the President to more fully focus on NEI coordination with affiliated industry organizations, other Washington-based associations, and NEI's international members. The NEI alignment also includes a new position of Vice President for Used Nuclear Fuel Management in an effort to increase the industry's effectiveness in implementing policy in the myriad issues related to used nuclear fuel management.

"I have spent my first seven months at NEI closely assessing the Institute's organizational structure to determine strengths of the organization and how those strengths could be fully utilized for the industry," said Bowman. "We've involved key industry stakeholders throughout this process so that we are best prepared to meet the industry's policy needs and the country's energy challenges in the coming years."

A news release on the restructuring and chart outlining the new organizational structure can be found on NEI's web site at http://www.nei.org.

U.S. Government Accountability Office

GAO Releases Report re Sealed Sources Recovery

On September 22, the U.S. Government Accountability Office released a report titled "DOE Needs Better Information to Guide its Expanded Recovery of Sealed Radiological Sources." The emphasis of the report shifted somewhat from the initial examination of measures to enhance security of sealed radiological sources to an assessment of what information the U.S. Department of Energy needs to assist its source recovery and disposal efforts.

Reason for the Study

GAO undertook the study on behalf of the Senate Committee on Energy and Natural Resources in response to concerns over the control of sealed radiological sources that are widely used in many industrial and medical devices and applications. While states have responsibility to ensure disposal availability for sources that contain Class A, B and C low-level radioactive waste, DOE must ensure disposal availability for those sources containing greater-than-class C (GTCC) radioactive waste. DOE collaborates with the U.S. Nuclear Regulatory Commission to identify and recover unwanted sources that are not safe or secure.

In the study, GAO examined DOE's (1) efforts to recover unwanted sources and develop a GTCC waste disposal option, (2) actions to recover and dispose of non-GTCC source waste; and (3) ability to identify sources for recovery and disposal.

Study Findings

GAO notes that DOE transferred project responsibilities to another office that has given it a higher priority and accelerated the department's recovery efforts thereby increasing DOE's emphasis on its source recovery project. The department has begun the process of identifying disposal options for GTCC waste by issuing a notice to prepare an environmental statement to assess GTCC waste disposal options; however, DOE has not yet established a timeline for making disposal available. DOE exceeded an earlier goal for recovering sources and has now collected over 10,800 of them. This recovery has been facilitated by additional project funding support and DOE's resolving a shortage of storage space for certain sources.

The scope of the department's recovery effort has been expanded to include non-GTCC waste from sealed radiological sources—a move that GAO notes could increase DOE expenditures. The department recovered and commercially disposed of 443 of these sources from a bankrupt firm at a total cost of about $581,000. GAO points out that "[g]iven that unwanted sources in storage present higher vulnerabilities, DOE might need to recover more of them in the future if the commercial disposal site that currently accepts this non-GTCC waste from most states ceases to do so as planned in 2008." The department plans to store this waste, rather than disposing of it at DOE sites, if no commercial disposal option is available because, among other reasons, it does not want to undermine the responsibility Congress gave to the states to provide disposal availability for non-GTCC waste.

GAO acknowledges that DOE has useful information on the sources in its possession, but contends that the department lacks information that would assist its efforts to identify and recover unwanted sealed radiological sources that may pose a safety and security risk. DOE, according to GAO, does not know how many sources might need recovery and how much disposal capacity is needed for GTCC waste. Although NRC is developing a national source tracking system, GAO finds that it would not be useful for DOE's source recovery efforts because it is only designed to track individual sources with high radioactivity. Nearly all of the sites where DOE has recovered sources to date contained individual sources with lesser radioactivity than would be tracked by NRC, although their combined radioactivity posed enough

of a risk to warrant their recovery by the department.

Study Recommendations

GAO's report recommends that DOE and NRC evaluate and report on the cost implications of DOE's recovery and disposal of non-GTCC waste, options to recoup these DOE costs from licensees, the feasibility of using DOE disposal sites, and how a national source tracking system can be designed to improve DOE's recovery and disposal efforts. DOE generally supported GAO's recommendations, whereas NRC neither agreed nor disagreed with them. Both agencies comments are included in the report.

A copy of the report, GAO-05-967, can be found at www.gao.gov.

U.S. Congressional Legislation

Energy Bill Provides Enhanced Security Says NRC

According to the U.S. Nuclear Regulatory Commission, the Energy Bill signed into law by President Bush on August 8 contains provisions long sought by the agency to enhance security at nuclear power plants and other facilities, including authorization for licensee security guards to use more powerful weaponry and more extensive background checks for personnel with access to nuclear materials or safeguards information.

"This wide-ranging legislation enhances our ability to ensure the protection of public health, safety and the common defense," said NRC Chair Nils Diaz. "These provisions will make an industry that is already well protected even safer from the threats of terrorism and radiological sabotage."

Among the bills provisions highlighted by NRC are the following:

- security-related requirements that in large degree address measures already initiated by the NRC (such as revisions to the agency's design basis threat through rulemaking and establishment of a national tracking system for radioactive sources);

- the provision of regulatory authority to the NRC over additional radioactive materials, including certain sources of radium-226 and materials produced in accelerators rather than in reactors; and,

- the expansion of criminal penalties for anyone bringing in unauthorized weapons or explosives or committing sabotage at nuclear power plants and other licensee facilities designated by the NRC.

Other provisions in the bill will facilitate NRC's recruitment of engineers, scientists, security experts and other professionals at a time when the agency anticipates a greatly increased workload due to potential applications for new commercial power reactors and the proposed Yucca Mountain waste repository. The NRC is now authorized to support university programs for academic fields critical to the agency's regulatory activities and to establish partnership programs with minority institutions of higher learning. NRC may also award financial assistance to undergraduate and graduate students in return for subsequent employment with the NRC.

U.S. Nuclear Regulatory Commission

NRC Authorizes License for PFS Storage Facility

On September 9, the U.S. Nuclear Regulatory Commission denied the final appeals of the State of Utah in adjudication of an application by Private Fuel Storage, LLC—a consortium of nuclear utilities—to construct and operate an independent spent nuclear fuel storage facility on the reservation of the Skull Valley Band of Goshute Indian Tribe. By a 3 to 1 vote, the Commission authorized staff to issue PFS a license once the requisite findings are made under NRC regulations.

In response, Utah Governor Jon M. Huntsman, Jr. immediately issued a press release expressing his disappointment at the NRC decision to deny what he labeled the state's "safety-related objections" to the plan while affirming his commitment to utilize "all means at his disposal" to stop the project from moving forward.

The Decision

On February 24, the Atomic Safety and Licensing Board (ASLB) issued a decision that rejected the State of Utah's contention that the license application should be denied because there is too high a probability of a radiation release resulting from an accidental crash of one of 7,000 flights over the Skull Valley each year by F-16 single-engine jets from Hill Air Force Base. The state subsequently petitioned for Commission review of the ASLB finding. Today's memorandum and order by the Commission upholds the ASLB finding. In addition, it dismisses as moot petitions by PFS and the NRC staff for review of portions of an earlier ASLB ruling.

In announcing the decision, NRC stated as follows:

> Our decision today concludes this protracted adjudication, which has generated more than 40 published Board decisions and more than 30 published Commission decisions ... The adjudicatory effort, plus our staff's separate safety and environmental reviews, gives us reasonable assurance that PFS's proposed [storage facility] can be constructed and operated safely.
>
> There are no remaining adjudication issues to resolve. Accordingly, once it has made the requisite findings pursuant to 10 CFR 72.40, the staff is authorized to issue PFS a license to construct and operate its proposed [facility].

The State's Response

Governor Huntsman acknowledged that the decision represents a setback in the state's efforts to block the facility, but vowed that "[i]t does not mean that spent nuclear fuel will be shipped to Utah any time soon." He went on to state that " [t]his is a battle that will take several years to fight to completion, but it is also a battle that I intend to win."

Huntsman's press release further states as follows:

> The State's efforts to oppose the PFS plan will be carried out on several fronts. For example, the NRC's licensing decisions will be challenged in the courts. The State is also attempting to persuade Congress to thwart the plan through federal legislation. In addition, the State hopes to persuade two other federal agencies -- the Bureau of Indian Affairs and the Bureau of Land Management -- to kill the plan by withholding necessary regulatory approval.

Background

PFS submitted its application for the license in June 1997. The NRC issued its final Environmental Impact Statement in January 2002 and a Consolidated Safety Evaluation Report in March 2002.

PFS seeks to locate its facility on the reservation of the Skull Valley Band of Goshute Indians—about 50 miles southwest of Salt Lake City. The proposed above-ground facility would use up to 4,000 NRC-approved Holtec International HI-STORM 100 storage casks, each of which can hold up to 10 tons of spent fuel. The HI-STORM cask consists of a steel canister in which the fuel is stored and a steel and concrete overpack. To shield the spent fuel, the canister is welded closed and then placed in the overpack of two steel shells encasing a wall of concrete more than two feet thick. The concrete provides additional shielding from radiation during storage. The cask weighs 180 tons when full.

Next Steps

Separate from the NRC's actions, the Bureau of Indian Affairs must issue final approval of the lease between the company and the Skull Valley Band of Goshute Indians. Also, the Bureau of Land Management must approve a revision of the land resource management plan for Skull Valley to permit PFS to construct and operate a rail line on a right-of-way through BLM land to connect the PFS site and the Union Pacific Railroad main line.

NRC Proposed to Amend Yucca Regs

The U.S. Nuclear Regulatory Commission is proposing to amend its regulations to govern the U.S. Department of Energy's proposed high-level radioactive waste disposal facility at Yucca Mountain, Nevada. The amendments would adopt the U.S. Environmental Protection Agency's recently proposed revisions to its standards for radiation doses that could occur more than 10,000 years after waste disposal. Doing so would satisfy the Energy Policy Act, which requires that NRC's regulations be consistent with EPA's standards.

The new EPA standards, published August 22, would leave in place the current standard of a peak dose of 15 millirems for the first 10,000 years following disposal. After 10,000 years, the standard would be 350 millirems. (See *LLW Notes*, July/August 2005, pp. 1, 13-14.) These same EPA values would be contained in the revised NRC regulations.

The proposed NRC regulations also indicate that, in demonstrating compliance with the radiation dose standards, DOE must assess the effects of climate changes more than 10,000 years after disposal. The proposal specifies a range of values that DOE should draw from when representing these changes. The climate change analysis would be limited to the effects of increased water flow to the repository as a result of the change (up to approximately 6 times greater than would be expected today), and any resulting release of radioactive materials to the environment. In addition, the proposed NRC changes specify that DOE should calculate radiation doses to workers at the Yucca Mountain facility using current scientific methods, in the same way that EPA is proposing for calculating doses for members of the public.

Interested persons may submit comments on the proposed NRC regulations within 60 days of publication of NRC's proposed rule in the *Federal Register*.

ACNW Meets in Vegas to Discuss HLW/LLW Issues

On September 20 – 22, the U.S. Nuclear Regulatory Commission's Advisory Committee on Nuclear Waste met in Las Vegas, Nevada, to be briefed on recent developments related to the proposed high-level nuclear waste repository at Yucca Mountain. Committee members were also be briefed on the NRC's plans for reviewing the U.S. Department of Energy license application for Yucca Mountain and heard the views of experts on such issues as the evolution of climate around the proposed site. In addition to the briefings—all of which were open to the public—the ACNW set aside the evening of September 21 to hear from those interested in the issue. And, on September 22, the committee conducted a planning meeting to discuss future agenda items that would form the basis for ACNW briefings over the next year. Those portions of the planning meeting addressing personnel matters were closed to the public.

The ACNW reports to and advises the Commission on all aspects of nuclear waste management. The committee is developing a proposed white paper on low-level radioactive waste management issues that was discussed briefly during the course of the meeting. Over the course of the coming months, the committee plans to review the background section of the white paper and develop a new draft for further consideration.

NRC Hosts Source Tracking Meetings

The U.S. Nuclear Regulatory Commission held public meetings August 29 in Rockville, Maryland and September 20 in Houston, Texas to discuss the agency's proposed national tracking system for certain radioactive materials used for academic, medical and industrial purposes. Under the proposal, which was announced in the *Federal Register* on July 28 (Volume 70, Number 144), NRC would amend its regulations to require licensees to report information on the manufacture, transfer, receipt or disposal of certain radioactive materials and sources of interest to the automated tracking system. The sources are considered to be "sealed sources" because they are encased in a capsule designed to prevent leakage or escape of the material.

The NRC worked extensively with other agencies and the international community to reach agreement on which radioactive sources should be tracked including, but not limited to, certain amounts of Cobalt-60, Stronium-90, Cesium-137, Iridium-192 and Americium-241. Licensees would have to report their initial inventory of these sources and annually verify and reconcile the information in the system with the licensee's actual inventory. In addition, under the proposal, manufacturers would be required to assign a unique serial number to each nationally tracked source.

Written comments on the proposed rule were due to NRC by October 11. At least one compact, the Southwestern Low-Level Radioactive Waste Commission, submitted comments requesting that compacts "should have unqualified access to information on licensees possessing such sources" within their regions. (See related story, this issue.)

The proposed rule is available on the NRC's rulemaking website at http://ruleforum.llnl.gov.

License Renewals Continue to Move Forward

On August 30, the U.S. Nuclear Regulatory Commission announced that it has renewed the operating licenses of the Donald C. Cook Nuclear Plant, Units 1 and 2, for an additional 20 years. Earlier in the month, NRC issued a final environmental impact statement on the proposed renewal of the operating licenses for the Point Beach Nuclear Plant, Units 1 and 2. NRC also held a public meeting on the application to renew the operating license for the Oyster Creek Generating Station and announced the opportunity to request a hearing thereon.

Donald C. Cook Plant

The D.C. Cook Plant—which is located near Benton Harbor, Michigan—is operated by Indian Michigan Power Company. The operating license for Unit 1 is set to expire on October 25, 2014, and for Unit 2 on December 23, 2017. A license renewal application for the plant was submitted to the NRC on November 3, 2003. NRC staff held public meetings on March 8th in Bridgman, Michigan, on the environmental review of the license renewal application. NRC staff conducted two additional public meetings on November 9 in Bridgman, Michigan, to receive public input on the environmental review related to the plant extension application. The agency's final EIS on the plant, which was issued on May 3, concludes that there are no environmental impacts that would preclude license renewal for an additional 20 years of operation. In addition, on July 18, the Advisory Committee on Reactor Safeguards issued its recommendation that the D.C. Cook Plant's operating license be renewed.

Copies of the reports relating to the D.C. Cook license renewal are available at http://www.nrc.gov/reactors/operating/licensing/renewal/applications/cook.html.

Point Beach Plant

The current operating licenses for Point Beach will expire on October 5, 2010 and March 8, 2013, respectively. Nuclear Management Company submitted its application for license renewal on February 26, 2004. Members of the public were invited to attend and to provide comment at two public meetings on March 3 on the NRC's draft document on the environmental impact of the proposed license renewal. The meetings were held in Mishicot, Wisconsin. In its final Environmental Impact Statement, issued in mid-August, the NRC staff concluded that there are no environmental impacts that would preclude renewal of the operating licenses for the two units.

A copy of the Point Beach final Environmental Impact Statement is available at http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1437/supplement23/index.html.

Oyster Creek Nuclear Generating Station

On July 28, NRC announced that an application for a 20-year renewal of the operating license for the Oyster Creek Nuclear Station is available for public review. The Oyster Creek plant is located approximately nine miles south of Toms River, New Jersey. Its current operating license expires on April 9, 2009. The licensee, AmerGen Energy Company, submitted a renewal application on July 22. Subsequently, NRC held a public meeting in late August to discuss how the agency will review the application. In September, NRC staff determined that the application has sufficient information for the agency to formally "docket," or file, it and begin its technical review. On September 12, NRC announced the opportunity to request a hearing on the application.

A copy of the renewal application is available on the NRC's web site at http://www.nrc.gov/reactors/operating/licensing/renewal/applications.html.

NRC Regulations/Status of Renewals

Under NRC regulations, a nuclear power plant's original operating license may last up to 40 years.

License renewal may then be granted for up to an additional 20 years, if NRC requirements are met. To date, NRC has approved license extension requests for 35 reactor units. In addition, NRC is currently processing license renewal requests for several other reactors.

For a complete listing of completed renewal applications and those currently under review, go to http://www.nrc.gov/reactors/operating/licensing/renewal/applications.html

ESP Review Schedule Revised

The U.S. Nuclear Regulatory Commission is extending the review schedule for the three Early Site Permit applications received in late 2003. Given the unexpected volume of comments received on Environmental Impact Statements (EIS) and other factors, the NRC staff plans to finalize its review of the North Anna site (near Louisa, Va.) by late December—about four months later than originally scheduled. The review of the Grand Gulf site (near Vicksburg, Miss.) should be finalized by mid-April 2006—also about four months later than originally planned. And, the review of the Clinton site (near Clinton, Ill.) should be finalized by late July 2006—about nine months later than originally planned. The staff's draft safety evaluation reports and draft EIS on all three ESP applications were issued in accordance with the originally established schedule.

The ESP process allows an applicant to address site-related issues, such as environmental impacts, for possible future construction and operation of a nuclear power plant at the site. If a permit is granted, the applicant has up to 20 years to decide whether to build a new nuclear unit on the site and to file an application with the NRC for approval to begin construction.

Safety Evaluation Issued on Clinton

NRC staff has updated its draft safety evaluation report (SER) for an Early Site Permit (ESP) for the Clinton site, which is located about six miles east of Clinton, Ill. The Clinton application was filed on September 25, 2003, by Exelon Generation Company, LLC. The SER update summarizes the NRC staff's technical evaluation of the Clinton site's suitability in terms of seismology and geology. The original draft SER, issued in February, did not include these areas because Exelon used a new method for determining the site's largest earthquake the plant could withstand and still shut down safely. The staff has completed reviewing the methodology and will finish evaluating the site once Exelon submits additional information.

A copy of the revised draft SER can be found at http://www.nrc.gov/reactors/new-licensing/esp/Clinton.html.

Increased Control Over Rad Materials Sought

The U.S. Nuclear Regulatory Commission and the 33 Agreement States are coordinating efforts to increase the control of radioactive materials that could potentially be of use to terrorists. Agreement States regulate approximately 17,000 materials licensees, of which an estimated 1,650 will be affected by the new requirements. About 550 of the 5,000 NRC licensees in the remaining 17 states, the District of Columbia and Puerto Rico also will be affected.

"We believe we have been successful in establishing an approach that achieves the common objective of the NRC and the Agreement States of enhancing controls over certain radioactive materials and enhancing the protection of public health and safety," NRC Chair Nils Diaz said. "This approach will leverage federal and state resources most effectively to increase protection and accountability of these materials."

From approximately September through November, affected NRC licensees will receive Orders from the agency spelling out increased controls for certain radioactive materials. Over the same period, individual Agreement States will issue their licensees legally binding requirements essentially identical to the NRC's Orders. Materials covered by these requirements will be consistent with the International Atomic Energy Agency's Code of Conduct for the Safety and Security of Radioactive Materials, which is the internationally recognized standard for categorizing and protecting radioactive materials.

NRC Raises Security Design

The U.S. Nuclear Regulatory Commission is modifying its approach to regulating advanced nuclear power plants to explicitly encourage consideration of security earlier in reactor designs and license applications. As such, the agency is developing proposed revisions to its policy statement on advanced reactors, as well as revisions to security-related aspects of the agency's regulations for licensing new reactors. The aim of the process is to have applicants submit security assessments early, so that plant designers establish security features well before construction is planned. The NRC will notify the public about opportunities to comment on the proposed changes.

"We're looking to take advantage of the opportunities for early consideration of security, as well as safety, to be incorporated into reactor designs," said David Matthews, Director of the Division of Regulatory Improvement Programs in the NRC's Office of Nuclear Reactor Regulation. "Accordingly, security design expectations should be considered as early as possible in the design and licensing of new reactors."

The NRC staff will also work on setting standards for future reactor designs so that security is integral to the design process. The staff's discussion of the topic will be available from the NRC's electronic document database, ADAMS, by entering accession number ML051100233 at http://adamswebsearch.nrc.gov/dologin.htm.

NRC Revises Procedures re Safety Issues

The U.S. Nuclear Regulatory Commission is simplifying its procedures for considering if a potential safety issue is "generic," in that it applies to a wide range of licensees such as nuclear power plant operators. NRC works with its licensees to ensure that generic safety issues are appropriately resolved. The revisions are reflected in, among others, an NRC management directive on the agency's Generic Issues Program.

"These changes will make the program easier to use, encouraging more participation by NRC staff and interested stakeholders," said Carl Paperiello, Director of the NRC's Office of Nuclear Regulatory Research. "The improved program will help to further ensure lessons learned from events at our licensees' facilities are properly incorporated into the NRC's oversight program."

Changes to the program include (1) requiring NRC staff to obtain endorsements from the agency's relevant independent advisory committee before advancing a generic issue through the process or closing out an issue, and (2) providing NRC offices more flexibility, based on an issue's safety significance and other factors, in determining a target completion date for resolving the issue.

Plants Affected by Hurricane Monitored

The U.S. Nuclear Regulatory Commission worked closely with operators at three nuclear plants affected by Hurricane Katrina to ensure continued safe and secure operations.

As a precautionary measure, the Waterford 3 nuclear plant near Taft, La. Shut down when the hurricane warning was issued. It went into in an unusual event, the lowest of four emergency action levels. NRC staff independently verified that key plant systems and structures are undamaged and able to support current plant operations. The plant needed NRC approval before it could be restarted.

The Grand Gulf nuclear plant near Port Gibson, Miss., and the River Bend Nuclear Station near Baton Rouge, La., both operated through the storm but voluntarily reduced power generation to assist in restoring stability to the electrical grid when a drop in energy consumption caused grid voltage to fluctuate.

NRC Holds Meeting on Land Release

On September 28, NRC staff met with the public in Ontario, New York to obtain comments on a proposal to release part of the R.E. Ginna nuclear power plant for unrestricted use. Constellation Nuclear, which operates Ginna, sent the NRC a letter on May 20 requesting the release of a part of the site for unrestricted use. (The document is available at http://www.nrc.gov/reading-rm/adams/web-based.html using accession number ML051530448.) Before approving the proposed partial site release, the NRC must determine that the company has met the criteria for such a release. The 15-acre tract of land consists of two adjacent parcels on the western edge of the site boundary. It's entirely outside of the exclusion area.

Documents related to this action, including the application and supporting documentation, are accessible electronically at www.nrc.gov/reading-rm/adams.html.

NRC Issues Draft EIS on Enrichment Plant

The U.S. Nuclear Regulatory Commission has issued its draft environmental impact statement (EIS) on a proposed gas centrifuge uranium enrichment plant in Piketon, Ohio concluding there would be small to moderate impacts on traffic, air pollution and the local economy.

The draft EIS categorizes potential impacts of the plant in three ways: "small" impacts are not detectable or are so minor that they would neither destabilize nor noticeably alter the environment, "moderate" impacts are sufficient to noticeably alter but not destabilize a resource, and "large" impacts are clearly noticeable and sufficient to destabilize a resource.

The draft EIS describes small to moderate socioeconomic impacts of the proposed plant, including the creation of an estimated 3,362 full-time jobs during construction and 1,500 jobs during operation. The study also notes moderate socio-economic impacts to Paducah, Kentucky, where USEC is expected to terminate its operations at its gaseous diffusion enrichment plant once the Piketon centrifuge plant begins production. And, the study notes small to moderate impacts on traffic along two main roads in the Piketon area. Affects on air quality, geology, water resources, noise and public occupational health and safety, among others, are also discussed.

USEC submitted its application to construct and operate the American Centrifuge Plant in August

2004. The plant would be located on land leased from the U.S. Department of Energy at DOE's Portsmouth Gaseous Diffusion Plant site in Piketon.

NRC Issues Mid-Cycle Assessments

The U.S. Nuclear Regulatory Commission has issued mid-cycle assessment letters for 103 operating nuclear plants and posted them to its web site. The letters show that U.S. commercial nuclear power plants continue to operate safely. Every six months each plant receives either a mid-cycle review letter or an annual assessment letter along with an NRC inspection plan. Updated information on plant performance is posted to the NRC web site every quarter. The next annual assessment letters will be issued in March 2006.

The assessment letters for each plant are available on the NRC web site at http://www.nrc.gov/NRR/OVERSIGHT/ASSESS/listofasmrpt.html.

NRC Updates Aging Management Doc

The U.S. Nuclear Regulatory Commission has issued the first revision of its Generic Aging Lessons Learned (GALL) Report—a key document in the agency's process for reviewing applications to renew reactor operating licenses.

The report's revisions stem from lessons learned during more than 15 license renewal reviews, which covered more than 30 reactors, conducted by the agency since 1998. The original report, issued in July 2001, included 48 examples of aging management programs. Almost all of the 48 examples are updated in the revised report and nine more programs have been added. The revised GALL Report also includes a new chapter on standardized aging-management terminology.

"The revised GALL Report gives us even more information to use in determining whether reactors can be operated safely beyond their original 40-year license," said Pao-Tsin Kuo, Director of License Renewal and Environmental Impacts in the NRC's Office of Nuclear Reactor Regulation. "We will continue learning from current reviews and consider further GALL enhancements as necessary."

The GALL Report catalogs the structures and components found in a nuclear power plant. NRC reviewers use the report's matrix of materials and environmentalists, as well as aging effects and mechanisms, to judge whether a plant's aging management program is acceptable. The NRC staff asked for public input during the revision process and considered these comments in the final report. As part of this process, the NRC also revised its Standard Review Plan for license renewal applications, as well as the standard format and content requirements for license renewal applications, based on the GALL Report revisions and lessons learned during the previous license renewals.

The revised GALL Report's two volumes are available on-line from the NRC's electronic document database, ADAMS. Volume 1 can be retrieved by entering ML052110005, and Volume 2 by entering ML052110006, in the ADAMS search engine at http://adamswebsearch.nrc.gov/dologin.htm. The Standard Review Plan and application format/content guide can be retrieved by entereing ML052110007 and ML051920430, respectively.

NRC Names New Managers, Reorganizes

The U.S. Nuclear Regulatory Commission has named Rebecca L. Schmidt as Director of the Office of Congressional Affairs and Betsy J. Keeling as Associate Director of that office. Schmidt comes to NRC from the Office of the Under Secretary of Defense (Comptroller) where she served six years as Associate Director for Budget Presentation and Congressional Liaison. Keeling has worked for NRC for 22 years where she most recently worked as a Congressional Affairs Officer.

In addition, NRC recently announced the appointment of Janet R. Schlueter as Director of the agency's Office of State and Tribal Programs. Schlueter, who succeeds Paul Lohaus upon his retirement in October, has worked for NRC since 1989. She most recently served as the head of the High-Level Waste Branch of NMSS.

NRC also recently announced the reorganization of its Office of Nuclear Reactor Regulation (NRR) in order to better position the office to address changes in the commercial nuclear power industry as utilities move toward building new reactors. The reorganization streamlines the NRR organization by realigning major work functions among a greater number of smaller divisions and eliminating a layer of Senior Executive Service managers. It also consolidates risk assessment activities into one division. (See "Proposed Reorganization of the Office of Nuclear Reactor Regulation," at http://www.nrc.gov/reading-rm/doc-collections/commission/recent/2005/.

NRC Receives Award for Excellence

For the fourth consecutive year, the U.S. Nuclear Regulatory Commission received a prestigious award recognizing the quality of its annual performance and accountability reporting. The Association of Government Accountants (AGA) awarded the NRC the Certificate of Excellence in Accountability Reporting for its outstanding efforts in preparing the agency's Performance and Accountability Report for FY 04. The certificate is the highest form of recognition in federal government management reporting. It rewards excellence in a federal agency's annual illustration and assessment of agency performance and the cost of that performance.

"We are very honored to receive this award," said NRC's Chief Financial Officer Jesse Funches. "For the fourth year in a row, we have shown that the NRC consistently provides the public clear, timely, and reliable information about our performance and how we run our programs. Thanks to the hard work of our staff, the NRC continues to demonstrate its commitment to excellence, openness and service."

The certificate was presented to NRC at an awards ceremony on September 14.

NRC to Hire 350 in 2006

The U.S. Nuclear Regulatory Commission plans to substantially increase its recruiting efforts to hire approximately 350 new entry-level and experienced employees by the end of next year. This enhanced recruiting activity is designed to offset expected retirements and to increase staffing levels in anticipation of potential new reactor license applications in 2007 and 2008. The NRC is particularly seeking individuals with scientific and engineering skills, such as health physicists and mechanical engineers.

NRC will conduct more than 40 recruiting events at colleges and universities over the next year. In addition, to strengthen the diversity of its workforce, NRC plans to reach out to specific student groups, participate in recruitment events focusing on minorities and people with disabilities, and bolster relationships with Historically Black Colleges and Universities and other schools with high minority populations.

NRC employment information and links to the NRCareers job application system can be found at http://www.nrc.gov/who-we-are/employment.html.

To Obtain Federal Government Information

by telephone

- DOE Public Affairs/Press Office .....(202) 586-5806
- DOE Distribution Center .....(202) 586-9642
- DOE's National Low-Level Waste Management Program Document Center .....(208) 526-6927
- EPA Information Resources Center .....(202) 260-5922
- GAO Document Room .....(202) 512-6000
- Government Printing Office (to order entire *Federal Register* notices) .....(202) 512-1800
- NRC Public Document Room .....(202) 634-3273
- Legislative Resource Center (to order U.S. House of Representatives documents) .....(202) 226-5200
- U.S. Senate Document Room .....(202) 224-7860

by internet

- NRC Reference Library (NRC regulations, technical reports, information digests, and regulatory guides). .....**www.nrc.gov/NRC/reference**

- EPA Listserve Network • Contact Lockheed Martin EPA Technical Support at (800) 334-2405 or e-mail (leave subject blank and type help in body of message). .....**listserver@unixmail.rtpnc.epa.gov**

- EPA • (for program information, publications, laws and regulations) ..... **http://www.epa.gov/**

- U.S. Government Printing Office (GPO) (for the Congressional Record, *Federal Register*, congressional bills and other documents, and access to more than 70 government databases). .....**www.access.gpo.gov**

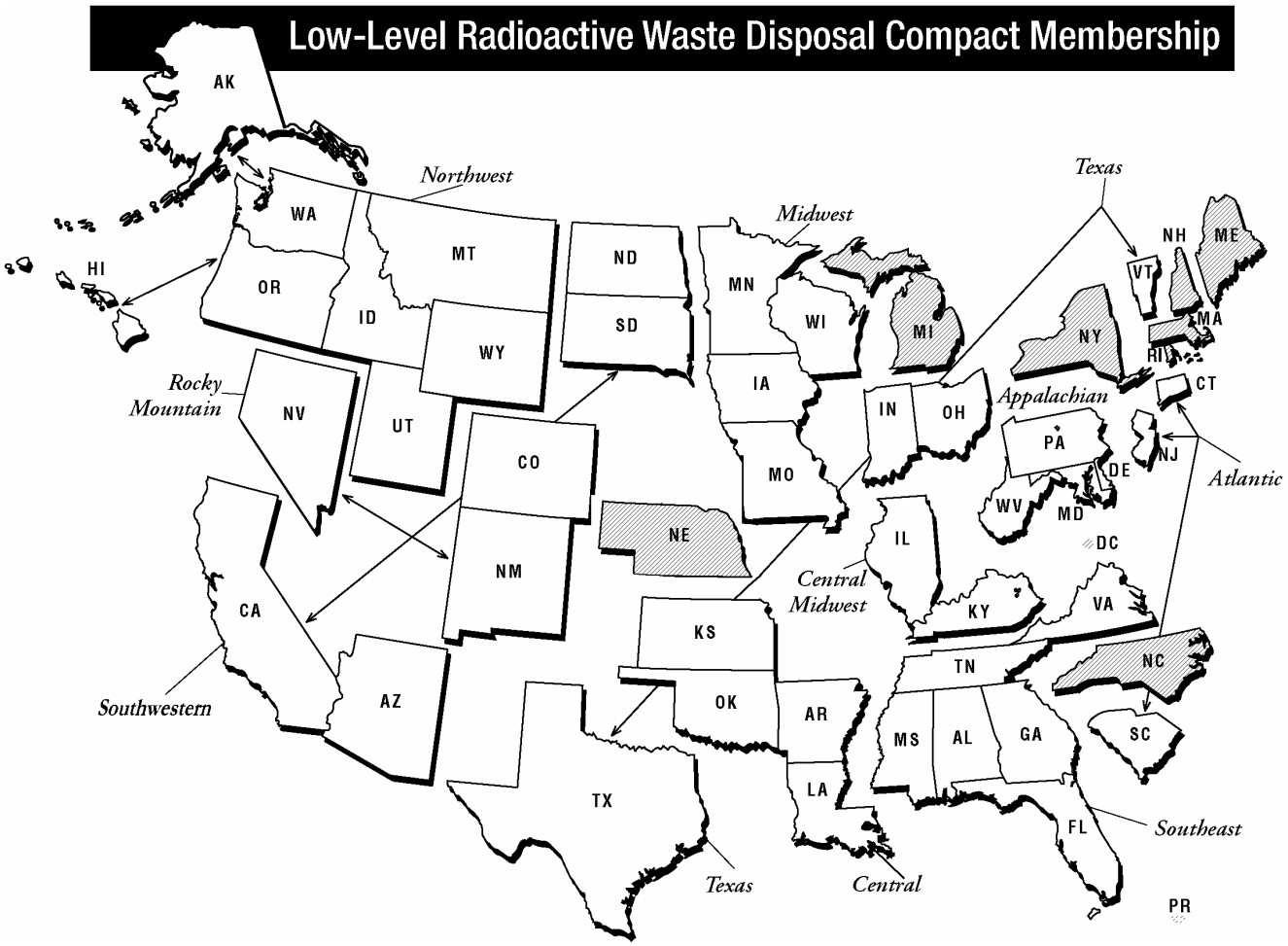
- GAO homepage (access to reports and testimony) .....**www.gao.gov**

To access a variety of documents through numerous links, visit the web site for the LLW Forum, Inc. at www.llwforum.org

Accessing LLW Forum, Inc. Documents on the Web

LLW Notes, LLW Forum Meeting Reports and the *Summary Report: Low-Level Radioactive Waste Management Activities in the States and Compacts* are distributed to the Board of Directors of the LLW Forum, Inc. As of March 1998, *LLW Notes* and LLW Forum Meeting Reports are also available on the LLW Forum web site at www.llwforum.org. The *Summary Report* and accompanying Development Chart, as well as LLW Forum News Flashes, have been available on the LLW Forum web site since January 1997.

As of March 1996, back issues of these publications are available from the National Technical



Appalachian Compact
Delaware
Maryland
Pennsylvania
West Virginia

Atlantic Compact
Connecticut
New Jersey
South Carolina

Central Compact
Arkansas
Kansas
Louisiana
Oklahoma

Central Midwest Compact
Illinois
Kentucky

Northwest Compact
Alaska
Hawaii
Idaho
Montana
Oregon
Utah
Washington
Wyoming

Midwest Compact
Indiana
Iowa
Minnesota
Missouri
Ohio
Wisconsin

Rocky Mountain Compact
Colorado
Nevada
New Mexico

Nothwest accepts Rocky Mountain waste as agreed between compacts

Southeast Compact
Alabama
Florida
Georgia
Mississippi
Tennessee
Virginia

Southwestern Compact
Arizona
California
North Dakota
South Dakota

Texas Compact
Texas
Vermont

Unaffiliated States
District of Columbia
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New York
North Carolina
Puerto Rico
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