LLW notes

Volume 21, Number 1 January/February 2006

Northwest Compact/State of Utah

Envirocare, BNG America and Scientech Merge to Form Energy*Solutions*

On February 3, it was announced that BNG America, Envirocare of Utah, and Scientech D&D are merging to form Energy*Solutions*—"a national energy services company headquartered in Salt Lake City, Utah, that, when the transaction is completed, will manage over 1000 employees in 14 states with operating support facilities in Virginia, South Carolina, Massachusetts, Tennessee, Washington State, Connecticut, Idaho, and Utah." Energy*Solutions* will focus on providing a full range of services to the nuclear industry.

Envirocare's disposal site "will not be impacted by this transaction," according to a press release, and will continue to accept only Class A low-level radioactive waste. "No higher levels of radioactive waste will be handled or managed in the State of Utah." Instead, the merger is intended to transform the company "from a landfill in the west desert [of Utah] into a full-service nuclear company."

Members of the Utah delegation and the Governor's office were briefed in recent days on the transaction, which is not expected to require any major regulatory or oversight changes if the Utah operations remain unchanged.

The New Company

Effective immediately, Envirocare and Scientech D&D (which Envirocare purchased in October 2005) are operating as Energy*Solutions*. BNG America will be joined into the operation upon completion of the reported $89 million purchase in the next several weeks.

The Chief Executive Officer of Energy*Solutions* will be Steve Creamer, the current President and CEO of Envirocare. "Energy*Solutions* will maintain the highest standards of safety, environmental sensitivity and operational efficiencies throughout the company as we help provide solutions for our customers in the nuclear waste management process," said Creamer.

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In This Issue

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The Low-Level Radioactive Waste Forum, Inc. is dedicated to the goals of educating policy makers and the public about the management and disposal of low-level radioactive wastes, and fostering information sharing and the exchange of views between state and compact policy makers and other interested parties.

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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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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LLW FORUM, INC

Low-Level Radioactive Waste Forum, Inc.
1619 12th Street N.W.
Washington, DC 20009
(202) 265-7990
FAX (202) 265-7995
E-MAIL llwforuminc@aol.com

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.

LLW Forum to Meet in Austin, Texas in March 2006

The next meeting of the Low-Level Radioactive Waste Forum will be held in Austin, Texas on March 20-21. The meeting, which is being co-sponsored by the State of Texas and the Midwest Interstate Low-Level Radioactive Waste Compact, will be held at the Omni Austin Hotel Downtown. A meeting of the Executive Committee will be held on Monday, March 20, from 7:30 a.m. until 9:00 a.m.

Persons planning to attend the meeting must register in advance. The meeting is free for members; there is a $500 registration fee for non-members. A meeting bulletin and registration form can be found on the LLW Forum's web site at www.llwforum.org. A draft agenda will be available in February 2006.

The March 2006 Meeting

Location The Omni Austin Hotel Downtown is located at 700 San Jacinto Street at 8th Street, Austin, Texas 78701. The phone number for the hotel is (512) 476-3700. The toll-free number for reservations is (888) 444-OMNI (6664). The hotels website is www.omnihotels.com.

Reservations A block of 40 overnight rooms has been reserved for Sunday, March 19, 2006 and Monday, March 20, 2006 and a block of 10 overnight rooms for Tuesday, March 21, 2006 for meeting attendees at the special rate of $80.00 + tax per night for single or $110.00 for double occupancy. Non-smoking rooms are available. The Hotel offers complimentary high-speed wireless Internet access either in-room or in designated hotel areas. ***Please ask for a room in "THE LOW-LEVEL WASTE FORUM" block when making reservations.*** Reservations must be made by Friday, February 24, 2006 to obtain the special rate. Check-in time is 3:00 p.m. Check-out time is 12:00 noon.

Transportation The hotel is located approximately 11 miles from the Austin Bergstrom International Airport in the heart of downtown Austin. Super Shuttle Austin provides transportation to and from Austin Bergstrom International Airport – for reservation and questions call (800) 258-3826. All major rental car providers are located in the terminal of Austin Bergstrom International Airport. Additionally, Enterprise Rent-A-Car has an office in the Austin Centre adjoining the hotel.

Future Meeting Locations and Dates

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.

Clean Harbors and Waste Control Specialists Join the LLW Forum, Inc.

The Low-Level Radioactive Waste Forum, Inc. is pleased to welcome both Clean Harbors Environmental Services and Waste Control Specialists (WCS) as the organization's newest members. In early February, Clean Harbors—which operates the Deer Trail facility in the State of Colorado—purchased a non-federal associate membership. Shortly thereafter, WCS—which currently operates a hazardous waste disposal facility and which is seeking to license a low-level radioactive waste disposal facility in Andrews County, Texas— submitted an application form to also purchase a non-federal associate membership.

With the addition of Clean Harbors and WCS & the merger of Duratek with Enviro*Solutions,* all currently operating, designated regional low-level radioactive waste disposal facilities and all companies actively seeking to site such facilities will now be represented within the organization.

Clean Harbors

At a meeting on June 8, 2005, in response to a request from the State of Colorado, the Rocky Mountain Low-Level Radioactive Waste Board designated Clean Harbor's Deer Trail facility as a limited regional disposal facility for Radium Processing Waste subject to specified terms and conditions, including the subsequent issuance of a radioactive materials license to the facility. (See *LLW Notes,* May/June 2005, pp. 1, 7.)

On December 21, 2005, the Colorado Department of Public Health and Environment (CDPHE) issued a hazardous waste permit

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LLW Forum Members to Present at WM '06

Members of the LLW Forum will be participating in a panel presentation at the Waste Management '06 Symposium in Tucson, Arizona. The session—which is scheduled for Monday afternoon, February 27—is titled "Hot Topics and Emerging Issues in Commercial LLRW Management."

Six active members of the LLW Forum will participate in a panel discussion of current issues in commercial low-level radioactive waste management in the United States. State, compact, federal and industry views will be shared on topics such as the licensing of new disposal facilities, plans for expanding existing disposal operations, long-term storage of class B and C waste, state and compact efforts to address generator needs and concerns, and federal use of commercial disposal options.

Panelists will include Jack Spath, Program Manager, Radioactive Waste Policy and Nuclear Coordination, Energy Research and Development Authority, State of New York; Christine Gelles, Director, Office of Commercial Disposition Options, US DOE; Don Womeldorf, Executive Director, Southwestern Low-Level Radioactive Waste Compact; Steve Creamer, President and CEO, Energy*Solutions*; Larry Camper, Director, Division of Waste Management and Environmental Protection, US NRC; and Susan Jablonski, Radioactive Waste Specialist, Texas Commission on Environmental Quality. Kathryn Haynes, Executive Director of the Southeast Compact Commission for Low-Level Radioactive Waste Management, will serve as co-chair of the panel along with Jack Spath.

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The new company will integrate technologies and services focused on decommissioning and decontamination, spent fuel handling, transportation, high-level waste management and disposal of nuclear waste.

A press release on the merger states as follows:

> The combined companies have provided specialized nuclear services in the United States market for over 20 years including high consequence nuclear operations, such as high level waste management, spent fuel handling and transportation; complex D&D projects of nuclear reactors and highly radioactive nuclear facilities; high-end technical challenges such as fuel sludge treatment and high level waste treatment; and major decommissioning of both government and commercial nuclear facilities.

The Department of Energy recently identified its Savannah River site in South Carolina as a test site for the reprocessing or recylcing of spent nuclear fuel. "Energy*Solutions* looks forward to working with the government and industry," said Creamer, "to help provide the technology and expertise to help make recycling of spent fuel a reality in the United States."

Background

Envirocare of Utah A private investor group led by Lindsay, Goldberg and Bessemer purchased Envirocare from its previous owner, Khosrow Semnani, in January 2005. (See *LLW Notes*, January/February 2005, pp. 1, 5 - 7.) Other investors in the group included local Utah firms Creamer Investments and Peterson Partners. The transaction included the purchase of the Cedar Mountain Environmental facility, which is located on land adjacent to Envirocare and which was owned by former Envirocare President Charles Judd. (See *LLW Notes*, January/February 2003, p. 9.) Cedar Mountain had proposed to build a new low-level radioactive waste facility in Utah and was, at the time of the purchase, seeking the necessary permits to do so. (See *LLW Notes*, May/June 2004, pp. 11 -12.) Immediately after the purchase was completed, Envirocare's new owners withdrew the company's application to dispose of Class B and C waste in the state of Utah. The application—which had been approved by state regulators but not the legislature or Governor—was subject to considerable public opposition. Shortly thereafter, the Utah legislature passed legislation banning Class B and C waste disposal within the state. Envirocare subsequently submitted an amendment request to expand the company's operations onto the newly purchased land. The Utah Radiation Control Board unanimously granted final approval to the amendment request on January 26, 2006—despite a challenge filed by Healthy Environment Alliance of Utah (HEAL Utah)—after which Envirocare announced that it would not at this time seek the required legislative and gubernatorial approval. (See related story, this issue.)

BNG America Since 1990, BNG America has operated as a U.S. environmental cleanup company that works on large-scale projects throughout the DOE complex and at commercial nuclear utility sites. It is being sold by its parent company, UK based British Nuclear Fuels. The sale includes BNG America's wholly-owned subsidiaries Manufacturing Services Corporation, BNG Fuel Solutions, and BNG America Savannah River Corporation. The company has its headquarters in Arlington, Virginia and has operations in Richland, Washington; Idaho Falls, Idaho; and Oak Ridge, Tennessee.

Scientech D&D Formerly NES, Scientech D&D is a consulting and engineering firm offering a broad spectrum of services designed to assist clients in the management of both hazardous and radioactive materials. The company, which is based in Milford, Connecticut, advertises that it "applies good business management techniques, driven by risk potential, to select the best available technology while assuring compliance with federal, state and local regulations." Services offered by the company range from initial consultation to project management and execution of facility decontamination and decommissioning projects.

Duratek Announces Merger with Energy*Solutions*

On February 6, Duratek and Energy*Solutions*—a self-described "national energy services company" comprised of businesses formerly operated as Envirocare of Utah, BNG America, and Scientech D&D—executed a $396 million definitive merger agreement. Under the terms of the agreement, Energy*Solutions* "will acquire all of the outstanding shares of Duratek for $22 per share, in cash, which represents a premium of 25.7% over the closing price of Duratek's stock on February 6, 2006." The transaction has been approved by both company's board of directors and is subject to approval by Duratek's stockholders, regulatory approval, and other customary closing conditions contained in the merger agreement.

Background

Duratek is a provider of services in environmental remediation and radioactive materials disposition for commercial and government customers. Services offered by the company—which is based in Columbia, Maryland—include radioactive waste disposal, emergency response, engineering, fuel pool processing, instrumentation, liquid treatment, radiological services and D&D.

Chem-Nuclear Systems, L.L.C., a wholly-owned subsidiary of Duratek, Inc., operates a commercial low-level radioactive waste disposal facility located on 235 acres in Barnwell County, South Carolina.

Statements

Duratek In regard to the merger, Duratek CEO Dr. Robert Prince stated as follows:

> Duratek is known as a leader in protecting people and the environment from the effects of radiation and radioactive materials. Over the past 20 years, we have achieved this position of leadership by combining our proven technologies and services capabilities with innovation, thereby providing integrated solutions that address our customers' needs in the areas of nuclear materials management and radioactive waste disposition. Yet, changing domestic and international markets for our services present opportunities for future growth, but not without challenges for us and for our investors. The acquisition by Energy*Solutions* not only provides very significant current value for our stockholders, but it enables Duratek to become an even more significant service provider in its markets. We will be able to invest more aggressively in many of the innovative technologies and capabilities for which we are known, providing a stronger future for our employees, and enhance our service offerings to benefit both our customers and the environment.

Energy*Solutions* Steve Creamer, CEO of Energy*Solutions*, added the following:

> The addition of Duratek is an important milestone in the execution of Energy*Solutions* evolving growth strategy. Duratek will become an integral part of our new company, which will be a major international nuclear service supplier committed to meeting the needs of government and the nuclear industry. With the addition of Duratek, Energy*Solutions* will be well positioned to help solve its customers' most difficult nuclear materials management and waste disposition challenges. We are pleased to welcome the employees of Duratek and look forward to working with them to deliver innovation and value to our combined customers and partners.

Envirocare Suspends Expansion Plans After Utah Provides Final Approval

On January 26, the Utah Radiation Control Board unanimously granted final approval to an amendment request filed by Envirocare of Utah to expand the company's low-level radioactive waste disposal operations onto 536-acres of adjacent land that the new owners of Envirocare purchased last year from Cedar Mountain Environmental. In so doing, the board rejected an appeal challenging the expansion that was previously filed by Healthy Environment Alliance of Utah (HEAL Utah).

Shortly after the board's decision, Envirocare announced that it is suspending the expansion plans. "In this instance," said the company in a statement, "we feel it is in everyone's best interest to announce that we will not pursue legislative approval for ... [the new section] at this time." Under current state law, legislative and gubernatorial approval are required before the amendment can go into effect.

The Board's Decision

The board's decision follows a January 6 hearing on the amendment request and HEAL Utah's appeal. During the course of the hearing, board members considered four motions relating to the appeal, including a motion to disqualify and a motion for judgment on the pleadings. According to local press articles, board members appeared poised to approve the expansion request but did not do so due to confusion over the state's authority to regulate waste on the additional 536 acres of land. Envirocare contends that the board is only expanding the site's boundary, not the company's ability to take, bury or treat waste in the new area. But Dianne Nielson, Director of the Utah Department of Environmental Quality, expressed concern whether "[t]hat has the potential of being a regulatory quagmire" and whether such an interpretation would have the impact of barring Envirocare from handling waste inside the new boundary, including hauling it across the newly added acreage as has been past practice. Accordingly, the board referred the matter to agency lawyers and technical staff for clarification.

Approval of the Amendment Request The January 26 Proposed Order and Findings of Fact and Conclusions, as approved, state as follows:

> This License Amendment does not confer a right or authorize nor does it create an expectation of a right or authorization to Envirocare to store, treat, dispose of or otherwise manage waste on ... [the new acreage], or to construct significant new facilities related to the storage, treatment, management or disposal of waste on ... [the new acreage] unless Envirocare submits and obtains approval for such license amendment application(s).

The language underscores the board's intent that the approval is for a boundary change only, not for waste disposal on the new acreage which could require additional safety and engineering reviews that have not been conducted.

Rejection of HEAL Utah's Challenge The board's decision specifically rejects HEAL Utah's challenge and grants Envirocare's Motion for Judgement on the Pleadings. In so doing, the board held that "[t]he process is allowed by the applicable regulations and is consistent with the past practices of the Division of Radiation Control."

Jason Groenewold, HEAL Utah's Executive Director, was quoted in the local press as stating that they would appeal the board's decision. "We are absolutely looking forward to getting this into a real court," said Groenewold, "before a real judge."

Background

The Envirocare facility was established in 1988. Every five years, the company is required to renew its license. The pending change would be the 23rd since the last renewal.

Basis for the Appeal 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. In particular, the 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." HEAL Utah contends that the new acreage has not been fully and appropriately analyzed for its suitability to hold waste.

Preliminary and Required Approvals
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.

Governor's Expressed Opposition In mid-November, Utah Governor Jon Huntsman, Jr. told local press that he will not approve Envirocare of Utah's amendment request to expand the site. (See *LLW Notes*, November/December 2005, pp. 1, 7-8.) The announcement, which came as a surprise to most (including Envirocare officials), followed the transmittal of opposition letters from Citizen's Against Radioactive Waste to the Governor and Utah's 104 legislators that calls on them to reject the expansion plans. Mike Mower, the Governor's Deputy Chief of Staff, was quoted in the local press as saying that Governor Huntsman was clear when running for office "that Utah shouldn't become a dumping ground." Indeed, the Governor opposed Envirocare's earlier efforts to accept Class B and C low-level radioactive waste, lobbied the federal government to move the Atlas Corporation uranium mill tailings from the Colorado River's edge, and continues to fight plans by Private Fuel Storage, LLC to store spent fuel on the Skull Valley Band of Goshute Indians Reservation.

Next Step

Local press are reporting that Representative James Gowans (D) of Tooele County has pre-filed legislation regarding validation of the expansion plans. The bill is not numbered, however, and it is not yet clear whether the legislation will actually surface during the 2006 legislative session. (Gowans had previously planned to present legislation at an October 19, 2004 meeting of the Natural Resources, Agriculture, and Environment interim committee, but withdrew it due to the ongoing deliberations of the Radiation Control Board on standing in HEAL Utah's appeal that were occurring at the same time.)

For additional information, contact Bill Sinclair, Deputy Director, Utah Department of Environmental Quality, at (801) 536-4405 or Tye Rogers, Vice President of Compliance and Permitting, Envirocare of Utah, at (801) 532-1330.

Bill Seeks to Override Governor's Objections to Envirocare Expansion

On January 18, 2006, Utah State Senator Howard Stephenson (R) introduced SB 70—a bill that would effectively allow the legislature (with a two-thirds vote) to override objections of Governor Jon Huntsman, Jr. to Envirocare's proposal to expand its low-level radioactive waste disposal operations. The Governor strongly opposes the legislation, which was heard on January 23 in the Senate Natural Resources, Agriculture, and Environment Committee and passed out with a favorable recommendation 3 - 2 to the full Senate.

A 1990 state law requires that all applicants seeking to license a new hazardous or waste disposal facility in Utah (or to renew or amend an existing application) must receive approval from political leaders (including the legislature and the Governor) in addition to regulators. Stephenson's bill, however, would allow the legislature to override a Governor's objection with a two-thirds vote.

Stephenson—who serves as president and a registered lobbyist of the Utah Taxpayers Association, a non-profit business group of which Envirocare is a member— insists his bill is not "a reaction to anything" other than "superior authority" provided to the executive branch under current law. SB 70 would, according to Stephenson, "address an imbalance in political power."

Local press articles, nonetheless, indicate that several state leaders have expressed doubt about the legislature's ability to reduce the Governor's authority over Envirocare's expansion plans. And, Envirocare officials contend that the company is "neutral on it" and that the company did not ask Stephenson to introduce the bill.

Impact of Envirocare's Announcement Local press quoted Stephenson as saying that Envirocare's decision to suspend the company's expansion plans will not affect his bill. "My effort at reinstating the constitutional prerogative of the Legislature to override the governor's veto by a two-thirds majority" is not aimed at assisting Envirocare, said Stephenson.

Statements by Past Governors Former Utah Governor Olene Walker, who spent two decades as a lawmaker and in the governor's office, recently came out against Stephenson's bill. "The Legislature should not be involved in individual licensing because that is the executive's role," said Walker. She added, however, that "the Legislature has every right to make policy." Norm Bangerter, who was governor when the current law providing for gubernatorial vetoes related to waste applications was passed, agrees with Walker. Lawmakers should set the policies, said Bangerter, and then allow the state's chief executive to administer those laws.

PFS Proposal Faces Additional Hurdles

In early December, Private Fuel Storage, LLC—a consortium of eight nuclear utilities—encountered two additional hurdles to its proposal to create a temporary spent fuel storage facility on the reservation of the Skull Valley Band of Goshute Indians in Utah: one partner announced plans to drop out of the group and another formalized a decision not to provide any additional funding to the project.

New Hurdles

The developments—announced by vocal project opponent Senator Orin Hatch (R-UT)—were contained in two separate letters released by Hatch's office. In one, an Alabama-based nuclear utility wrote that "[a]fter a great deal of consideration and internal review, Southern Company has determined that Private Fuel Storage, LLC (PFS) cannot successfully be developed as a spent fuel repository in a time frame to meet Southern's needs. Therefore, Southern will no longer support PFS." In the other letter, Minnesota-based Excel Energy affirmed that it no longer needed the storage and would halt its financial support. Excel Energy is the largest partner in the consortium, reportedly being responsible for about 34 percent of the company's budget.

While Hatch characterized the announcements as "a sure sign that the PFS partnership is crumbling," consortium spokesperson Sue Martin asserted that they do not amount to major setbacks. "Individual utilities' needs change over time and they have to make a business decision based on what their needs are at the time," said Martin. She noted that other operators may want to contract with PFS for waste storage. Mike Lee, Utah Governor Jon Huntsman, Jr.'s legal counsel, agreed that the announcements do not "sound the immediate death knell for PFS." Lee stated that "[t]his is an early Christmas gift, but it doesn't mean that it's over."

Although NRC voted in September 2005 to issue PFS a license, the company is required to have commitments for the cost of constructing and decommissioning the site before work can begin. Martin would not say if PFS has any signed contracts at this time. "I will say that we're optimistic that there is an existing, immediate need for safe, economic, temporary storage and that that need is going to increase in the future," she said.

Other Obstacles

Besides the financial hurdles, the PFS proposal continues to face several other obstacles. For one thing, the Bureau of Land Management must approve a revision of the land resource management plan to allow PFS to build a railroad spur to the proposed repository site. Recently, however, a BLM official sent a letter stating that he cannot approve the revision due to a Congressional moratorium on land-use planning. (See LLW Forum News Flash titled, "PFS Proposal Encounters New Hurdle," November 2005.)

Separate from the BLM's approval of the land resource management plan, the Bureau of Indian Affairs must issue final approval of the lease between the company and the Skull Valley Band of Goshute Indians. In addition, NRC must still issue the final license to construct and operate the facility.

Background

PFS submitted its application for a license to construct and operate a spent fuel storage facility to the NRC in June 1997. The NRC issued its final Environmental Impact Statement in January 2002 and a Consolidated Safety Evaluation Report in March 2002. On September 9, 2005, NRC

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Rocky Mountain Compact/State of Colorado

Clean Harbors Receives Limited Radioactive Waste Materials License

On December 21, the Colorado Department of Public Health and Environment's (CDPHE) Hazardous Materials and Waste Management Division issued a hazardous waste permit renewal and radioactive materials license to the Clean Harbor's Deer Trail Facility. The permit allows the facility to accept limited types of naturally occurring radioactive waste (NORM) or such waste that has been modified in industrial processes … such as from municipal drinking water treatment plants. It prohibits the acceptance of artificial or artificially altered radioactive material from research, medicine, weapons, nuclear power plants or other operations.

The Rocky Mountain Low-Level Radioactive Waste Board had previously designated Deer Trail as a limited regional disposal facility for Radium Processing Waste subject to specified terms and conditions, including the subsequent issuance of a radioactive materials license by CDPHE.

Background

In January 2005, the State of Colorado received from Clean Harbors a radioactive materials license application that proposes the disposal of Naturally Occurring Radioactive Materials (NORM) and Technologically Enhanced Naturally Occurring Radioactive Materials (TENORM) at the company's Deer Trail Facility. CDPHE accepted public comment on the radioactive materials license application during a 60-day period.

In early May 2005, the State of Colorado submitted an application to the Rocky Mountain Board for the designation of the Clean Harbors Deer Trail facility as a limited regional low-level radioactive waste disposal facility. The application submitted to the board was limited to wastes from mining, milling, smelting or similar processing of ores and mineral-bearing material primarily for radium. The Rocky Mountain Board began consideration of the application, which can be viewed on the Board's web page at www.rmllwb.us, at a meeting on May 27, 2005. The meeting was open to members of the public and other interested parties. At a meeting on June 8, the Rocky Mountain Board designated the Clean Harbors Deer Trail Facility as a limited regional disposal facility—subject to specified terms and conditions. (See *LLW Notes*, May/June 2005, pp. 1, 7.)

On October 26, the Adams County Colorado Board of County Commissioners ("Adams County") submitted comments and supporting materials through a law firm in response to a Notice of Public Comment issued by the CDPHE on August 26, 2005. The notice which is the subject of the letter refers to CDPHE's proposal to renew the hazardous waste treatment, storage and disposal permit of the Clean Harbors Deer Trail Facility and to issue the facility a limited radioactive materials license that would authorize it to accept at least 16,000 cubic yards of radium processing wastes. Adams County opposed the issuance of a final permit and final radiation materials license on the terms and conditions outlined in draft documents earlier released by CDPHE. (See *LLW Notes*, November/December 2005, pp. 10, 11.)

Issuance of the Requested Permit/License

According to a press release, the final permitting decision was made after a significant community involvement process, 60-day comment period and public hearing. A written decision analysis for the license, and response to comments for the permit, were prepared in response to public comments received over the past year and are available on-line at http://www.cdphe.state.co.us/hm/hwy36.htm.

Hazardous Waste Permit The permit renewal authorizes the continued hazardous waste treatment, storage and disposal at the facility for another five years with two additions—(1) polychlorinated biphenyl (PCB) wastes from remediation and cleanup projects and (2) wastes contaminated with limited concentrations of naturally occurring radioactive materials (NORM).

The renewed permit becomes effective 30 days after the date of issuance and regulations allow 30 days after the effective date for any appeal of the permit decision.

The facility was first issued a hazardous waste permit in April 1987, with a permit renewal effective in March 1998.

Radioactive Materials License The license authorizes the receipt, possession, processing and disposal of naturally occurring radioactive material. It sets operational procedures for the management of the radioactive materials that ensure safe handling, safe disposal and minimal worker exposure, and sets clear limits as to the types and concentrations of radioactive materials that can be accepted at the facility. The license is effective on the date of issuance.

The types of waste to be accepted include (1) contaminated soils and debris containing naturally occurring radioactive materials (NORM) from clean-up projects, and (2) industrial by-products that contain technologically enhanced naturally occurring radioactive materials (TENORM). The specific radionuclides allowed are limited to Potassium-40 (K-40) and all the radionuclides in the decay series for Uranium (U-238, U-235 and Thorium-232). The summed activity of all these radionuclides contained in waste materials is limited to 2,000 pico curies (pCi) per gram. According to CDPHE, "wastes in these concentrations are similar in radioactivity to the uranium mill tailings that have been cleaned up around homes and businesses in Grand Junction and other western communities for the past 25 years."

In addition, the Radium-226 activity is not to exceed 400 pCi/g. The facility will not be allowed to dispose of radionuclides that have been artificially altered (man-made), such as those used in research, medicine, weapons or nuclear power plants.

For additional information, contact Joe Schieffelin, Steve Tarlton or Jeannine Natterman of the CDPHE at (888) 569-1831 or Phil Retallick of Clean Harbors at (803) 691-3427.

Southeast Compact

Southeast Compact Adopts LLRW Policy Statement

On November 30, 2005, the Southeast Interstate Low-Level Radioactive Waste Management Compact adopted a policy statement on the management of commercial low-level radioactive waste. The Southeast Compact Commission developed the statement "partly in response to policy statements by other organizations and partly to aid the Commission's officers and liaisons in accurately and concisely conveying the Commission's position" on the issue.

The Policy Statement

Some highlights of the statement are as follows:

Preferred Course of Action: "The Southeast Compact believes that permanent disposal of low-level radioactive waste is preferable."

Impact of Potential Loss of Access for B & C Waste: The compact commission agrees with the findings in the June 2004 report by the U.S. Government Accountability Office that the potential loss of access for B & C waste does not pose any health or safety crisis in the near term, although the commission cautions that states, compacts and the federal government should closely monitor the situation. "This waste is regulated and has been and can be safely stored temporarily at the site of generation, pending the availability of permanent disposal." The commission acknowledges that some generators have altered their practices due to potential disposal problems, but has not to date seen any evidence that lack of disposal capacity will impede research, medical, industrial, or other beneficial uses of radioactive materials in the region.

Cautionary Note Regarding Future Decisions and Alternative Proposals: The compact commission cautions that "decisions should be made in the light of full understanding of all the

factors, including political and economic realities" in order to avoid unintended consequences.

Existing Facilities and the LLWPA: Any effort to improve facility access, according to the compact commission, must support and uphold the rights of compacts to control the flow of waste into waste processing or disposal facilities located within their borders. Threats to these controls, including amendment or repeal of the Low-Level Radioactive Waste Policy Act, run the risk of impeding the continued operation of existing facilities or leading to their closure. The compact commission points out that "[s]uch a threat is what led to the development of the current compact system."

Use of DOE Sites or Land: The compact commission cautions that the use of DOE sites for the disposal of commercial waste or of federal land for siting commercial facilities will likely meet the same local and statewide political opposition as siting efforts under the LLW Policy Act because DOE sites and federal land are located in states. The resistance may actually be compounded by existing public opposition and conflicts associated with DOE sites. Furthermore, the federal government may be no better equipped to deal with public opposition than are state governments. And, since DOE facilities were not sited under 10 CFR Part 61 and did not go through the stringent siting requirements associated therewith, acceptance of commercial waste at DOE facilities would require a new regulatory framework.

Economics of Siting New Facilities: "It is economics – not the existence of interstate compacts – that makes development of new disposal sites unattractive to commercial companies," according to the compact commission. "In actuality, siting new facilities could drastically increase the cost of disposal. The cost of licensing and construction of a new disposal site is estimated to be at least $100 million. At today's disposal volumes, even if all the Class A, B and C wastes from the 36 non-sited states were disposed at the new facility, it would not be possible to recover the development costs unless fees were considerably higher and/or the federal government subsidized the cost. Without the prospect of cost recovery in the near term and significant profit in the foreseeable future, no commercial company will be interested in siting a facility."

Other Economic Factors: The compact commission cautions that other factors, such as the trend in declining disposal volumes and continued efforts in waste minimization, will further impact the economics of disposal for Class B & C waste. "In addition, if the efforts of the NRC, EPA, and others are successful to allow exemption of waste streams from disposal requirements and to allow disposal of certain waste streams at facilities for hazardous or solid waste, this will further impact the economic viability of facilities managing low-level radioactive waste."

In its policy statement, the compact commission applauds efforts to bring the issue of low-level radioactive waste management into the light of public debate. However, the commission urges decision-makers to study the potential impacts to waste brokers, processors, and disposal facilities before proceeding with regulatory changes. The commission finds that certainty in waste management is needed and desirable and states that it "is open to any option, including options that would disband compacts, if such options hold a better promise for providing a reliable, permanent solution for managing the waste of our region and the nation in a safe and cost-effective manner."

Background on the Southeast Compact

The Southeast Compact was enacted by its party states in 1983 and ratified by Congress in 1985. Party states currently include Alabama, Florida, Georgia, Mississippi, Tennessee, and Virginia. The compact does not currently exercise export restrictions.

The compact describes its mission as "to ensure that adequate, reliable, and appropriate services are available, now and in the foreseeable future, such that low-level radioactive waste generated in the Southeast Region can be safely managed in an efficient, equitable, economical, and environmentally responsible manner in order that each party state may meet its responsibility for

providing for the availability of capacity either within or outside the State for disposal of low-level radioactive waste generated within its borders."

For the complete text of the Southeast Compact Commission's Policy Statement on the Management of Low-Level Radioactive Waste, please go to www.secompact.org. For additional information, contact Kathryn Haynes, the compact's Executive Director, at (919) 821-0500.

SE Compact to Present Hodes Award to Cal Rad

The Southeast Compact Commission for Low-Level Radioactive Waste Management will present the California Radioactive Materials Management Forum (Cal Rad) with the 2005 Richard S. Hodes, M.D. Honor Lecture Award—a program that recognizes an individual, company, or organization that contributed in a significant way to improving the technology, policy, or practices of low-level radioactive waste management in the United States. Alan Pasternk, Technical Director of Cal Rad, will accept the award on the organization's behalf at the 2006 Waste Management Symposium in Tucson, Arizona and provide a lecture at the awards ceremony.

"The Commission is pleased to recognize Cal Rad for the role it has played in working to solve low-level radioactive waste management problems in the Southwestern Compact region and the U.S. through legislative and regulatory programs, public involvement and education, and the creation of a cooperative partnership among organizations that use radioactive materials in the public and private sectors, government agencies, and the public," said Michael Mobley, Chair of the Commission. "The Commission commends the Cal Rad Forum. The organization's efforts clearly exemplify the qualities that the Hodes Award is intended to recognize."

Dr. Richard S. Hodes was a distinguished statesman and a lifetime scholar. He was one of the negotiators of the Southeast Compact law, in itself an innovative approach to public policy in waste management. He then served as the chair of the Southeast Compact Commission for Low-Level Radioactive Waste Management from its inception in 1983 until his death in 2002. Throughout his career, Dr. Hodes developed and supported innovation in medicine, law, public policy, and technology.

The Richard S. Hodes, M.D. Honor Lecture Award was established in 2003 to honor the memory of Dr. Hodes and his achievements in the field of low-level radioactive waste management. In that year, the Southeast Compact Commission chose W.H. "Bud" Arrowsmith as the winner of the first Hodes Award. The Texas A & M University Student Chapter of Advocates for Responsible Disposal in Texas (ARDT) was also chosen in 2003 for special recognition as an Honorable Mention in the Hodes Award program for its innovation in educational activities related to low-level radioactive waste management. William Dornsife of Waste Control Specialists, LLC was chosen as the second Hodes Award recipient in 2004.

The Southeast Compact Commission is soliciting nominations for the 2007 Hodes Award. To nominate yourself or another individual, company, or organization for this distinguished award, please contact:

Ted Buckner, Associate Director
Southeast Compact Commission
21 Glenwood Avenue, Suite 207
Raleigh, NC 27603
919.821.0500
tedb@secompact.org

or visit the Southeast Compact Commission's website at www.secompact.org.

Nominations must be received by June 30, 2006.

Texas Compact/State of Texas

TCEQ Issues Second Notice of Technical Deficiency to WCS

On January 30, 2006, the Texas Commission on Environmental Quality (TCEQ) issued a second and final Technical Notice of Deficiency to Waste Control Specialists, LLC regarding its license application for near-surface disposal of low-level radioactive waste at a proposed site in West Texas. 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.

Second Notice of Technical Deficiency

TCEQ has been conducting a detailed technical review of WCS license application for the past seven months. During the last 60 days, that review has centered upon consideration of the company's responses to the first notice of technical deficiency—which was issued on September 16, 2005 and to which WCS replied on November 30, 2005. According to the TCEQ, review of the responses "has revealed that many technical deficiencies continue to be unresolved."

TCEQ has separated the noted deficiencies into 12 attachments. 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 the number and significance of the outstanding deficiencies, TCEQ states as follows:

> The number and nature of the unresolved deficiencies in the license application are significant at this late point in the technical review. It is important to the outcome of technical recommendations that these issues be satisfactorily resolved in a timely manner. 'If the necessary information is not received by the executive director prior to the end of the response period, the executive director may return the application to the applicant,' (30 TAC s281.19(c)).

A copy of the letter of deficiency and attachments can be found at http://www.tceq.state.tx.us/permitting/waste_permits/rad_waste/wcs_license_app.html.

Next Step

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, it is anticipated that administrative hearings will 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.

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

On September 16, 2005, TCEQ sent a certified letter to WCS itemizing the first round of various technical deficiencies contained in the company's license application. WCS responded by letter dated November 30, 2005.

Dials Leaves WCS; Baltzer Named as New President

On February 7, Waste Control Specialists, LLC announced that Rodney A. Baltzer has been named as the company's new President. Baltzer succeeds George E. Dials, who left to become President and General Manager of the BWXT Y-12 facility, effective February 20. According to a WCS press release, "[a]ll other members of the WCS operating management and technical teams will remain unchanged."

Baltzer's Appointment

Baltzer is a member of the management group of Valhi, Inc., WCS's parent company, and has been involved with WCS since 1998 in various capacities including his previous position as its Chief Financial Officer. In announcing Baltzer's appointment, Steven L. Watson, President of Valhi. and Vice-Chair of WCS, stated as follows:

> Rod's background and involvement with WCS over the past eight years make him a great fit for this position. He understands the business and our licensing efforts and has proven his abilities in this unique business. WCS has strong operating management and technical teams that we are confident will be successful in our efforts to develop WCS' business and complete the licensing process to establish a low-level radioactive disposal facility in Andrews County, Texas.

Dials' New Position

Dials, an executive with experience in both energy and waste management, will succeed Steve Liedle who has been acting general manager at Y-12 since last fall when Dennis Ruddy was relieved of his duties reportedly as a result of security-related issues. He will hold the title of President and General Manager at BWXT, the company that has managed Y-12 for the past five years. "George brings the experience necessary to manage and operate this nuclear weapons complex," said John Fees, President and Chief Operating Officer for BWX Technologies, which is based in Lynchburg, Virginia.

Prior to running WCS, Dials served as general manager for TRW Environmental Safety Systems and was involved in operations at the Yucca Mountain Project—the proposed high-level waste nuclear repository in Nevada. He also worked for the U.S. Department of Energy as a manager of the office overseeing operations at the Waste Isolation Pilot Plant in New Mexico. He has a master's degree in nuclear engineering from the Massachusetts Institute of Technology and an engineering degree from the U.S. Military Academy at West Point.

About WCS

WCS is seeking to license a low-level radioactive waste disposal facility in Andrews County,

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(Continued from page 5)

renewal and radioactive materials license to the Clean Harbor's Deer Trail facility. (See related story, this issue.) The permit and license allow the facility to, among other things, accept limited types of naturally occurring radioactive waste (NORM) or such waste that has been modified in industrial processes … such as from municipal drinking water treatment plants. It prohibits the acceptance of artificial or artificially altered radioactive material from research, medicine, weapons, nuclear power plants or other operations.

Shortly thereaftter, on January 20, the Adams County Board of Commissioners ("Adams County") filed two lawsuits against CDPHE challenging both the hazardous waste permit renewal and the radioactive materials license. (See related story, this issue.)

Waste Control Specialists

WCS' Andrews County facility is currently licensed for the processing, storage and disposal of a broad range of hazardous, toxic and certain types of low-level and mixed low-level radioactive waste. WCS is a subsidiary of Valhi, Inc.—a multinational company serving customers in over 100 countries located in North American, Europe and Asia. Valhi has operations in chemicals, titanium metals, component products and waste management industries.

WCS is seeking to license a low-level radioactive waste disposal facility in Andrews County, Texas that will accept commercial waste from the Texas Low-Level Radioactive Waste Disposal Compact and federal waste from the U.S. Department of Energy. The Texas Commission on Environmental Quality is currently reviewing the application. (See related story, this issue.)

(Continued from page 11)

denied the final appeals of the State of Utah in adjudication of PFS' application. In so ruling, NRC upheld a February 24 decision by the Atomic Safety and Licensing Board (ASLB) that rejected 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. By a 3 to 1 vote, the Commission authorized staff to issue PFS a license once the requisite findings are made under NRC regulations. (See *LLW Notes*, September/October 2005, p. 25-26.)

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.

(Continued from page 17)

Texas. The company's Andrews County facility is currently licensed for the processing, storage and disposal of a broad range of hazardous, toxic and certain types of low-level and mixed low-level radioactive waste. WCS is a subsidiary of Valhi, Inc.—a multinational company serving customers in over 100 countries located in North American, Europe and Asia. Valhi has operations in chemicals, titanium metals, component products and waste management industries.

Board of County Commissioners of the County of Adams v. Colorado Department of Public Health and Environment

Adams County Sues Colorado re Deer Trail

Hazardous Waste Permit and Radioactive Materials License

On January 20, the Adams County Board of Commissioners ("Adams County") filed two lawsuits against the Colorado Department of Public Health and Environment (CDPHE). One suit—which was filed in the District Court of Adams County—challenges the December 21, 2005 renewal of a hazardous waste permit for the Clean Harbor's Deer Trail Facility. The other suit—which was filed in the District Court for the City and County of Denver—challenges the issuance of a radioactive materials license for the facility on the same date. The radioactive materials license allows the facility to accept limited types of naturally occurring radioactive waste (NORM) or such waste that has been modified in industrial processes … such as from municipal drinking water treatment plants. It prohibits the acceptance of artificial or artificially altered radioactive material from research, medicine, weapons, nuclear power plants or other operations.

Background

In January 2005, the State of Colorado received from Clean Harbors a radioactive materials license application that proposes the disposal of Naturally Occurring Radioactive Materials (NORM) and Technologically Enhanced Naturally Occurring Radioactive Materials (TENORM) at the company's Deer Trail facility. CDPHE accepted public comment on the radioactive materials license application during a 60-day period.

In early May 2005, the State of Colorado submitted an application to the Rocky Mountain Board for the designation of the Deer Trail facility as a limited regional low-level radioactive waste disposal facility. The application submitted to the board was limited to wastes from mining, milling, smelting or similar processing of ores and mineral-bearing material primarily for radium. At a meeting on June 8, the Rocky Mountain Board designated the facility as a limited regional disposal facility for radium processing waste subject to specified terms and conditions, including the subsequent issuance of a radioactive materials license by CDPHE. (See *LLW Notes*, May/June 2005, pp. 1, 7.)

On October 26, Adams County submitted comments and supporting materials in response to an August 2005 CDPHE notice proposing to renew the Deer Trail facility's hazardous waste treatment, storage and disposal permit and to issue the facility a limited radioactive materials license. Adams County opposed the issuance of a final permit and final radiation materials license on the terms and conditions outlined in draft documents earlier released by CDPHE. (See *LLW Notes*, November/December 2005, pp. 10, 11.)

On December 21, CDPHE issued the requested hazardous waste permit renewal and radioactive materials license to the Deer Trail facility.

For information on the details of the permit or license, contact Joe Schieffelin, Steve Tarlton or Jeannine Natterman of the CDPHE at (888) 569-1831 or Phil Retallick of Clean Harbors at (803) 691-3427.

Issues

Adams County contends CDPHE's issuance of a radioactive materials license to the Deer Trail facility "was in excess of its statutory jurisdiction, authority, purposes and limitations, was arbitrary and capricious, was an abuse of discretion, was unsupported by substantial evidence, was a denial

of a statutory right, was contrary to the Radiation Control Act and its regulations, and otherwise contrary to law" due to the following:

(1) Clean Harbors did not obtain a certificate of designation from Adams County for the operation of a radioactive waste disposal facility prior to issuing the license;

(2) the facility can not be properly designated as a regional facility by the Rocky Mountain Board without a valid certificate of designation from Adams County;

(3) CDPHE improperly exempted and waived numerous requirements of the Radiation Control Act, the Low-Level Radioactive Waste Act and regulations promulgated thereunder including requirements for financial assurance warranties, decommissioning warranties, long-term care warranties, and technical information and analyses;

(4) CDPHE violated the provisions of the Radiation Control Act by authorizing the commingling of hazardous waste and radioactive waste in one facility;

(5) CDPHE improperly exempted Clean Harbors from the requirement that all radioactive waste disposal facilities be owned by the state;

(6) the radioactive materials license and hazardous waste permit are internally inconsistent and ambiguous with respect to the types of radioactive materials to be disposed, violate public notice requirements, and purport to allow expansion and modification without the need to follow the required procedural, regulatory, and statutory procedures;

(7) CDPHE unlawfully created a new class of "regulated waste;"

(8) CDPHE improperly deemed the hazardous waste plans and analyses to be sufficient to comply with requirements and regulations pertaining to a radioactive materials license;

(9) CDPHE failed to comply with the public comment, public hearing, legislative and gubernatorial requirements of the Radiation Control Act and improperly denied Adam County's requests for an extension to provide comments and for meaningful public hearings;

(10) the radioactive materials license is vague, ambiguous, and internally inconsistent in that it purports to allow the facility to accept radioactive wastes in excess of 2,000 pCi/g; and

(11)CDPHE has improperly circumvented and preempted Adams County's control of land use decision-making.

Adams County contends that CDPHE's renewal of the Deer Trail facility's hazardous waste permit "was in excess of its statutory jurisdiction, authority, purposes and limitations, was arbitrary and capricious, was an abuse of discretion, was unsupported by substantial evidence, was a denial of a statutory right, was contrary to the Hazardous Waste Act and its regulations, and was otherwise contrary to law" for many of the same reasons identified above. In addition, Adams County contends that the renewal permit was improperly processed with the PCB modification as a Class 2 permit modification when it should have been a Class 3 permit modification and that CDPHE improperly failed to consider Clean Harbors' previous operating history and permit violations. The county also asserts that CDPHE improperly waived public notice and hearing requirements related to the processing of the renewal application.

Requested Relief

Adams County claims that it is entitled to judicial review of, and an order vacating, both the hazardous waste permit renewal and the radioactive materials license recently granted to Clean Harbors.

In addition, the county claims that its residents will suffer immediate and irreparable harm to

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Advisory Committee on Nuclear Waste

ACNW Presents LLRW White Paper to NRC Commissioners

The Advisory Committee on Nuclear Waste (ACNW) met January 10 - 12 in Rockville, Maryland. On the 11th, the committee met with the NRC Chair and Commissioners to discuss recent and planned activities, including the committee's low-level radioactive waste white paper.

During the course of the regular meeting, ACNW members continued to discuss, among other things, several items related to the transportation of radioactive waste—including a study on the impact of a tunnel fire on transportation casks and a study by the Federal Railroad Administration on the use of dedicated trains to transport radioactive waste to the proposed Yucca Mountain project.

The White Paper

According to the ACNW, the white paper "provides a thorough, though not exhaustive, examination of the history and status of NRC's LLW regulatory program, based on a review of the available literature." In transmitting the paper, the committee wrote as follows:

> The Committee believes that current regulations are fully protective of the public health and safety and fully protective of worker health and safety. The Committee also believes that this white paper provides a framework to identify opportunities to better risk-inform and improve the effectiveness of LLW management and regulation. The Committee believes the white paper will contribute to future work with staff and stakeholders. In its FY 2006-2007 Action Plan, the Committee recommends working group meetings to address specific LLW activities. The Committee also believes that where possible the improvements in risk-informing LLW regulations should be accomplished through licensing actions and regulatory guidance.

In its work, the committee attempted to identify a preliminary list of areas where Part 61 might be better risk-informed. The committee noted, however, that it is "important to identify and evaluate any unintended consequences from recommended changes." The following were identified as opportunities for risk-informing LLW regulation. The list is not intended to be exhaustive or to reflect any ranking or priority.

(1) Part 61 intruder scenarios are not risk-informed and are based on bounding or extremely conservative assumptions and conditions.
(2) Part 20 has been updated to incorporate recent recommendations of the International Commission on Radiological Protection (ICRP), but section 61.41 relies on older ICRP dosimetry models … which can cause confusion.
(3) A more quantitative and risk-informed or performance-based approach to siting criteria might be helpful in developing new sites.
(4) Updates to decommissioning guidance might provide insights into the institutional control and financial assurance requirements for LLW sites.
(5) Environmental monitoring data that is collected during the operational and institutional control periods could be used to increase confidence in long-term predictions of performance of LLW facilities.
(6) Consideration should be given to providing credit for engineered barriers for waste form, waste packaging, disposal site design, and cover design in Part 61.

The white paper was forwarded to the Commission as a draft final version, subject to limited peer review, and will be issued as a

NUREG report. ACNW plans to sponsor a working group meeting later in the year with NMSS to solicit stakeholder views on what changes to the regulatory framework for managing LLW should be recommended for Commission consideration.

Background

"The Advisory Committee on Nuclear Waste (ACNW) was established by the Commission in June 1988 to provide independent technical advice on agency activities, programs, and key technical issues associated with regulation, management, and safe disposal of radioactive waste. The ACNW interacts with representatives of the NRC; the Advisory Committee on Reactor Safeguards; other Federal, State, and local agencies; Indian tribes; the public; and other stakeholders, as appropriate, to fulfill its responsibilities. The bases for the committee's advice include the regulations governing high-level waste disposal, low-level waste disposal, and other applicable regulations and legislative mandates. The ACNW examines and reports on areas of concern as requested by the Commission and may undertake studies and activities on its own initiative, as appropriate. The ACNW is independent of the NRC staff and reports directly to the Commission, which appoints its members. The operational practices of the ACNW are governed by the provisions of the Federal Advisory Committee Act (FACA). Advisory committees are structured to provide a forum where experts representing many technical perspectives can provide independent advice that is factored into the Commission's decisionmaking process."

For additional information on the meeting, contact Sharon Steele, at 301-415-6805 or Michael Lee at 301-415-6887.

A complete agenda is available on the NRC's Web site at: http://www.nrc.gov/reading-rm/doc-collections/acnw/agenda/2006/.

U.S. Nuclear Regulatory Commission

License Renewals Continue to Move Forward

On January 26, U.S. Nuclear Regulatory Commission staff held a public meeting with management officials from the Nine Mile Point Nuclear Power Plant to discuss a recent inspection of the aging management program for Units 1 and 2 that was conducted as part of the agency's ongoing review of the plant's license renewal.

Late last year, NRC renewed the operating licenses of the Point Beach Nuclear Plant, Units 1 and 2, as well as the Millstone Power Station, Units 2 and 3, for an additional 20 years each.

Nine Mile Plant

The Nine Mile Nuclear Power Plant is located in Scriba, New York. Constellation Nuclear submitted a license renewal application for the two units on May 27. The current operating licenses for Units 1 and 2 expire on August 22, 2009 and October 31, 2026, respectively. A draft Supplemental Environmental Impact Statement on relicensing of the plant was issued on September 30, 2005. The draft report contains NRC staff's preliminary recommendation that the Commission determine that the adverse environmental impacts of license renewal are not so great that preserving the option of license renewal for energy planning decision-makers would be unreasonable. NRC accepted comments on the draft report until December 22, 2005.

One important aspect of the NRC license renewal process is to ensure that a plant manages the effects of aging equipment through an effective monitoring and maintenance program. Such a program is necessary to permit safe operation for an additional 20 years beyond its initial license period of 40 years. The January 26 meeting

provided members of the public with an opportunity to pose questions to NRC officials after the business portion of the meeting.

The Nine Mile renewal application can be found at http://www.nrc.gov/reactors/operating/licensing/renewal/applications/nine-mile-pt.html.

Point Beach Plant

The current operating licenses for Point Beach will expire on October 5, 2010 and March 8, 2013, respectively. The plant is located in Two Rivers, Wisconsin. 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, 2005 on the NRC's draft document on the environmental impact of the proposed license renewal. 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 final Safety Evaluation Report on the license renewal was issued in December 2005, after which time NRC renewed the licenses.

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.

Millstone Station

The Millstone Station is located in Waterford, Connecticut. The current operating licenses for Units 2 and 3 expire on July 31, 2015 and November 25, 2015, respectively. Dominion Nuclear Connecticut, Inc. submitted a license renewal application on January 22, 2004. On March 12, NRC announced the opportunity to request a hearing on the application. The Connecticut Coalition Against Millstone submitted a request for a hearing and a petition to intervene in the hearing. In mid-May, NRC held two public meetings to obtain input on the environmental impact statement prepared for the license application.

NRC issued an environmental impact statement in July 2005 on the application finding that there are no environmental impacts that would preclude license renewal. Then, in October 2005, NRC staff met with Dominion Nuclear officials to discuss the results of the agency's inspections of the company's license renewal program for the plant.

A copy of the Millstone final environmental impact statement is available at http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1437/supplement22/index.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 39 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

North Anna ESP Review Delayed

Late last year, Dominion Nuclear North Anna, LLC informed the U.S. Nuclear Regulatory Commission that it intended to supplement its application in January 2006 to modify the proposed cooling method for a potential third reactor at the North Anna site. As a result of this late change, NRC staff determined not to issue a final environmental impact statement (EIS) on December 23 as initially scheduled. Though NRC suspended work on the affected portions of the EIS, staff continue working on the rest of the statement.

The ESP process allows an applicant to resolve certain safety and environmental issues related to siting prior to submitting an application to build a new nuclear power plant. An ESP denotes a site's suitability for construction and operation of a nuclear plant.

The North Anna site is located in Louisa County, Virginia—about 40 miles northwest of Richmond. Dominion filed the North Anna application on September 25, 2003. If approved, the permit would allow Dominion to reserve the site for up to 20 years. A future application for a construction permit or combined license at the North Anna site could then reference the ESP.

The staff must complete its final Safety Evaluation Report and the EIS, the NRC's independent Advisory Committee on Reactor Safeguards must issue a report on the ESP application, and an NRC Atomic Safety and Licensing Board Panel must conclude a hearing on the application before the Commission can reach a final conclusion on issuing the ESP.

NRC to Consider Certification of GE's ESBWR

U.S. Nuclear Regulatory Commission staff has accepted an application from the General Electric Company to certify the Economic Simplified Boiling Water Reactor (ESBWR) advanced nuclear power plant design, after determining the application has sufficient information to be formally "docketed" and reviewed. The ESBWR is a nuclear power plant capable of producing approximately 1,550 megawatts of electricity. The plant features enhanced safety systems that rely on gravity and natural processes to safely shut down the reactor or mitigate the effects of an accident. It is designed for a 60-year operating life.

If certification is granted, a company that wishes to build and operate a new nuclear power plant could choose to use the design and reference it in a license application. Safety issues resolved within the scope of the design certification are not subject to litigation with respect to an individual license application, but site-specific design information and environmental impacts associated with building and operating the plant at a particular location could be litigated. The NRC has certified four other standard reactor designs.

General Electric submitted its application in August 2005 and provided supplemental information several times in September and October. The application is available at http://www.nrc.gov/reactors/new-licensing/design-cert/esbwr.html.

During the staff's review of the ESBWR, they will continue to request additional information, if necessary, to properly analyze the design, and then issue an initial Safety Evaluation Report, which would identify remaining technical and safety questions to be resolved. A supplemental Safety Evaluation Report will be issued when all technical and safety issues with the design have been resolved.

Once the design has passed staff review it can then be certified through NRC's rulemaking process, which is open to public participation. The certification process is described in Title 10 of the Code of Federal Regulations, Part 52, Subpart B. The design certification process normally lasts between 42 and 60 months.

(See related story in this issue on NRC's vote to approve a final design certification rule for Westinghouse Electric Company's AP1000 advanced reactor design.)

NRC Considers Changes to Regs re Possession and Use of Rad Materials

The U.S. Nuclear Regulatory Commission is considering amending its regulations to improve, update and clarify its requirements for the possession and use of products containing radioactive material. The changes would better ensure future protection of public health and safety, make licensing more effective and efficient and reduce unnecessary regulatory burden.

The Commission has authority under the Atomic Energy Act to issue both general and specific licenses for the use of byproduct material. Exemptions from licensing may be issued for beneficial uses of licensed material, where the exemption will not constitute an unreasonable risk. Commission regulations currently have 15 exemptions from licensing for byproduct material for items such as watches and smoke detectors containing certain amounts of radioactive material.

The proposed improvements and updates to the exemptions include the following changes:

(1) Transfers of products and materials to persons exempt from licensing would have to be reported by the next January 31 date. Currently such reports are required only once every five years.
(2) Exempt amounts of radioactive material could not be bundled together into one product if it would create a radiation level above what was anticipated in authorizing the exempt use.
(3) Extraneous provisions of the regulations would be removed by deleting exemptions for products that are no longer being distributed. These products include automobile lock illuminators, balances of precision, automobile shift quadrants, marine compasses, thermostat dials and pointers, spark gap irradiators and resins containing scandium-46 for sand consolidation in oil wells. However, in the unlikely event that someone still possesses any of these products, the rule would not change the regulatory status of any such products previously distributed under the regulations in effect at that time.
(4) The proposed rule would establish a specific exemption from licensing requirements for smoke detectors containing only specified small amounts of americium-241. This would help reduce the regulatory burden and fees for persons applying for licenses to distribute smoke detectors.

In addition to these changes for exempt distribution licenses, the NRC proposes to make two changes to the requirements involving general licenses. A general license grants authority to a person for certain activities involving nuclear material and is effective without the filing of an application with the NRC or the issuance of a license to a particular person.

Under the proposed changes, general licensees with devices containing certain types and amounts

of radioactive material would no longer have to notify the NRC immediately in case of loss or theft. However, they would have to notify the NRC within 30 days, unless the device has been recovered. The devices covered by this change present limited risk. The proposed changes would also clarify the steps general licensees must take if they wish to transfer a product to a specifically licensed status.

The proposed rule was published in the *Federal Register*. Interested persons may provide comments by March 20. The comments should be mailed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attn: Rulemakings and Adjudications Staff, or emailed to SECY@nrc.gov.

NRC and States Increase Rad Materials Controls

The U.S. Nuclear Regulatory Commission and state regulators have issued legally binding requirements to licensees to implement increased controls over radioactive materials in certain "quantities of concern." The requirements are the first part of a cooperative effort, announced in September 2005, between the NRC and the 33 Agreement States to enhance controls of radioactive materials that could potentially be of use to terrorists. The effort is 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.

The NRC's Order to its licensees was published December 1 in the *Federal Register*. As of December 2, the Agreement States have issued the increased controls to their licensees. Approximately 2,200 licensees nationwide have received the requirements. "This effort demonstrates close cooperation between federal and state agencies toward the common goal of protecting public health and safety in the productive use of radioactive materials," said Jack Strosnider Jr., director of the NRC's Office of Nuclear Materials Safety and Safeguards.

"The 33 Agreement States have done a tremendous job in rapidly issuing increased controls that were essentially identical to NRC's requirements," said Janet Schlueter, director of the NRC's Office of State and Tribal Programs. "Like the NRC, the states recognize the critical importance of enhancing control of certain radioactive materials." Agreement States are those that regulate the medical, industrial and academic uses of radioactive materials under agreements with the NRC.

Licensees must complete the implementation of the required measures within 180 days of receiving them, or the first day they possess quantities of concern, whichever is later.

Additional information about the increased controls, including guidance to licensees, is available from the NRC's electronic documents database, ADAMS, by entering ML053130241 at this address on the agency's Web site: http://www.nrc.gov/reading-rm/adams/web-based.html.

NRC Seeks Comment re Radiation Source Protection and Security

The U.S. Nuclear Regulatory Commission is requesting public comment on several issues concerning the protection and security of radiation sources as part of the agency's requirements under the Energy Policy Act of 2005. That legislation established the Radiation Source Protection and Security Task Force, with

the NRC as its chair, to evaluate and provide recommendations relating to the security of radiation sources in the United States from potential criminal or terrorist threats, including acts of sabotage, theft or use of a radiation source in a radiological dispersal device ("dirty bomb"). The task force is comprised of representatives from NRC; the departments of Homeland Security, Defense, Energy, Transportation, Justice, State and Health and Human Services; the Director of National Intelligence; the Central Intelligence Agency; the Federal Bureau of Investigation; the Environmental Protection Agency; the Federal Emergency Management Agency; and the Office of Science and Technology Policy.

Details on the task force and the request for comment are available in a *Federal Register* notice that was published on January 11. The task force's efforts are concerned primarily with Category 1 and Category 2 sources as defined by the IAEA's Code of Conduct on the Safety and Security of Radioactive Sources. (These are considered sources of greatest concern from a security standpoint; examples include but are not limited to sources used in irradiators, radiography and certain radiation cancer treatments.) Spent nuclear fuel and special nuclear materials (plutonium and uranium isotopes) are excluded.

The topics on which the NRC is seeking comment include: (1) the list of sources requiring security because of their public health risk or potential attractiveness to terrorists; (2) the national system for recovery of lost or stolen radiation sources; (3) safe and secure storage of radiation sources when not in use; (4) the national source tracking system for radiation sources; (5) a national system for proper disposal of radiation sources; (6) import and export controls; (7) procedures for improving security and control for use and storage of radiation sources; (8) procedures for improving the security of transportation of sources; (9) background checks for individuals with access to sources; and, (10) alternative technologies that could perform all or some of the functions that use radiation sources.

NRC to Hold 18th Annual Regulatory Conference

On March 7 – 9, the U.S. Nuclear Regulatory Commission will host the 18th Annual Regulatory Information Conference (RIC) in Rockville, Maryland. More than 1,000 persons are expected to attend the conference, which will include representatives from more than 20 foreign countries and Congressional staff members. The RIC is a joint presentation of the NRC's Offices of Nuclear Reactor Regulation and Nuclear Regulatory Research.

Speakers at the conference—which is free and open to the public—will include NRC Chair Nils Diaz and Commissioners Edward McGaffigan, Jeffrey Merrifield, Gregory Jaczko and Peter Lyons. The conference is intended to bring together NRC staff, regulated utilities and other interested stakeholders to meet and discuss nuclear safety topics and regulatory trends. Topics at this year's RIC include licensing new nuclear power plants, emergency preparedness lessons from Hurricanes Katrina and Rita, and the proposed national high-level radioactive waste repository at Yucca Mountain.

The conference agenda is available at http://www.nrc.gov/public-involve/conference-symmposia/ric/. Registration can be done on NRC's web site or on-site.

NRC's ACRS Elects New Leaders

The U.S. Nuclear Regulatory Commission's Advisory Committee on Reactor Safeguards (ACRS) has re-elected Dr. Graham Wallis as Chair, Dr. William Shack as Vice-Chair, and John Sieber as Member-at-Large. The ACRS advises the Commission independently from NRC staff on the safety and safeguards aspects of nuclear facilities and the adequacy of safety standards.

Wallis, who is the emeritus Sherman Fairchild Professor of Engineering at the Thayer School of Engineering at Dartmouth College, was appointed to the ACRS in 1998. Shack is currently the Associate Director of the Energy Technology Division at the Argonne National Laboratory. He was appointed to ACRS in 1993. Sieber was appointed to ACRS in 1999 and currently serves as the President of Northmont Consulting, Inc.

NRC Proposes Electronic Submissions

The U.S. Nuclear Regulatory Commission is seeking public comment on a proposed rule that would require electronic submissions for all agency hearings. Presently, electronic submissions are required only with respect to an application for a high-level radioactive waste repository. If the proposal becomes a final rule, the Commission expects NRC adjudicatory proceedings will be expedited and the cost reduced.

Under the proposed rule, electronic submissions would need to be made to all of the NRC's adjudicatory boards and to other parties in the proceedings. Under the proposed rule, exceptions would be made to allow paper filings only in limited circumstances.

The proposed rule builds on developments in the federal courts as well as previous NRC rules and creates a uniform system for electronic submissions. Since 2001, the NRC has encouraged power reactor licensees to submit documents either through an electronic information exchange system or on CD-Rom. In 2003, the NRC issued a final rule that allowed licensees, vendors, applicants and members of the public to submit documents, including Freedom of Information Act requests, in an electronic format. Almost all parties in adjudicatory proceedings currently file electronic mail, although they are not required to do so.

A public meeting was held on January 10 to demonstrate electronic filings and answer questions. In addition, NRC accepted comment on the proposed rule and related draft guidance for 75 days after their publication in the *Federal Register*.

Lopatto Named NRC's Federal/Int'l Assistant

In mid-January, NRC Chair Nils Diaz appointed Jeanne Lopatto—a veteran with 22 years federal government experience—to the newly created position of Special Assistant for Federal and International Programs. Lopatto, whose most recent government position was as Director of Public Affairs for the U.S. Department of Energy, will report directly to Diaz.

"I'm pleased to have someone with Ms. Lopatto's breadth of experience on my office staff," said Diaz. "Her background will enable the NRC to have a more cohesive federal and international liaison effort."

Lopatto has previously served as a member of official delegations to a variety of international conferences on topics including nuclear power and nuclear non-proliferation programs and

technology development. She has organized a number of media events at meetings of the International Atomic Energy Agency, international energy forums, meetings of the G-8 energy ministers and U.S.-Russia Commercial Energy Summits. She previously worked on Capitol Hill, including serving as press secretary for the U.S. Senate Judiciary Committee under Chair Orrin Hatch (R-UT). She holds a B.A. in American Studies from Dickinson College in Carlisle, Pa.

(Continued from page 20)

their health, safety and welfare if Clean Harbors is allowed to begin accepting radioactive materials during the pendency of the court's review. Accordingly, the county is requesting that the court postpone the effective date of the radioactive materials license.

And, finally, the county contends that state law requires that the contested provisions of the hazardous waste permit renewal, and those provisions which are not severable therefrom, must be stayed during the pendency of the judicial review. The contested provisions, according to the county, include "any provisions related in any way to the acceptance, inspection, analysis, handling, management, treatment, storage, or disposal of radioactive wastes and PCBs in excess of 50 mg/kg or mg/l ..."

Next Steps

CDPHE's responses to both lawsuits are due in mid-February, 20 days after the date of filing of the complaints.

For information on the Deer Trail facility, please contact Phil Retallick of Clean Harbors at (803) 691-3427. For information on Adams County's complaints, please contact Howard Kennison of Lindquist and Vennum at (303) 573-5900.

BNFL Sells Westinghouse to Toshiba

On February 6, Toshiba Corporation announced that it has entered into a definitive agreement with British Nuclear Fuels to acquire BNFL USA Group, Inc. and Westinghouse Electric UK, Ltd. (collectively hereinafter referred to as "Westinghouse") for $5.4 billion dollars. Minority investors are expected to participate in the transaction, but Toshiba intends to retain more than 51% capital interest and remain the majority and controlling shareholder. According to a company press release, the acquisition "substantially expands the scale of Toshiba's nuclear systems business, positioning the company as a global competitor with world-class capabilities in the two most important standards for nuclear power systems: the BWR (Boiling Water Reactor) and the PWR (Pressurized Water Reactor)."

Future Outlook

The acquisition is intended to create a global nuclear power business that can deliver "world-class" nuclear power generation systems and services along with cutting-edge technology, reliability and efficiency by drawing upon Toshiba's strong presence in the Japanese market with its BWR technology and Westinghouse's strong position in the world market with its PWR nuclear systems and its nuclear fuel businesses. The merged companies intend to leverage capabilities in manufacturing, sales and marketing, engineering and R&D to enter new business areas where the two companies have found it difficult to operate individually in the past. Toshiba predicts that its nuclear power business will expand to three times the current level by 2015 as a result of operational and technological synergies.

Next Steps

The acquisition is subject to the completion of all necessary procedures, including regulatory

approvals. After it has been finalized, Westinghouse will continue to operate from its headquarters in Pittsburgh, Pennsylvania and will retain its current intellectual property, equipment and employees. Development and marketing efforts for the AP1000 business will continue with a focus on obtaining new orders in the U.S., China and elsewhere. Westinghouse will also continue to renovate commissioned nuclear power plants and to promote its nuclear fuel processing business.

Background

Westinghouse Westinghouse—which entered the nuclear business in 1957—has provided fuel, services, technology, plant design, and equipment to utility and industrial customers in the worldwide commercial nuclear electric power industry. To date, the company has installed a total of 98 nuclear power plants. At present, Westinghouse operates 34 facilities in 14 countries and has a solid presence in the global market through marketing, design, construction, maintenance, and fuel processing for PWR systems.

Toshiba Toshiba—which entered the nuclear business in 1966—is a leader in the Japanese nuclear power generation industry, having installed the country's first commercial reactor. The company focuses on BWR systems and is the top supplier in Japan in terms of installed capacity base. Toshiba's activities include the design, development and manufacturing of key components, such as nuclear rods and control rods, and total systems, as well as engineering and maintenance and service of existing plants.

AP1000 Advanced Reactor Design Certified

On December 30, the U.S. Nuclear Regulatory Commission announced that it had voted to approve a final design certification rule for the AP1000 advanced reactor design, submitted by Westinghouse Electric Co. in March 2002. The certification, which will be contained in the NRC's amended regulations, will be the fourth issued under the agency's new reactor licensing process for standard design certification and will be valid for 15 years. The Commission's action is subject to the approval of the information collection requirements by the Office of Management and Budget.

With a certified design rule, safety issues within the scope of the design are not subject to litigation, although site-specific environmental impacts associated with building and operating the plant at a particular location may be litigated. No applications for a combined license referencing the AP1000 have been filed with the NRC, though several utilities have indicated an interest in applying for licenses to build new reactors.

The rule certifying the AP1000 design will become effective 30 days after it is published in the *Federal Register*. Further information on the AP1000 review can be found on the NRC's web site at http://www.nrc.gov/reactors/new-licensing/design-cert/ap1000.html.

(See related story in this issue on NRC's acceptance of General Electric's application for design certification of the Economic Simplified Boiling Water Reactor.)

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**

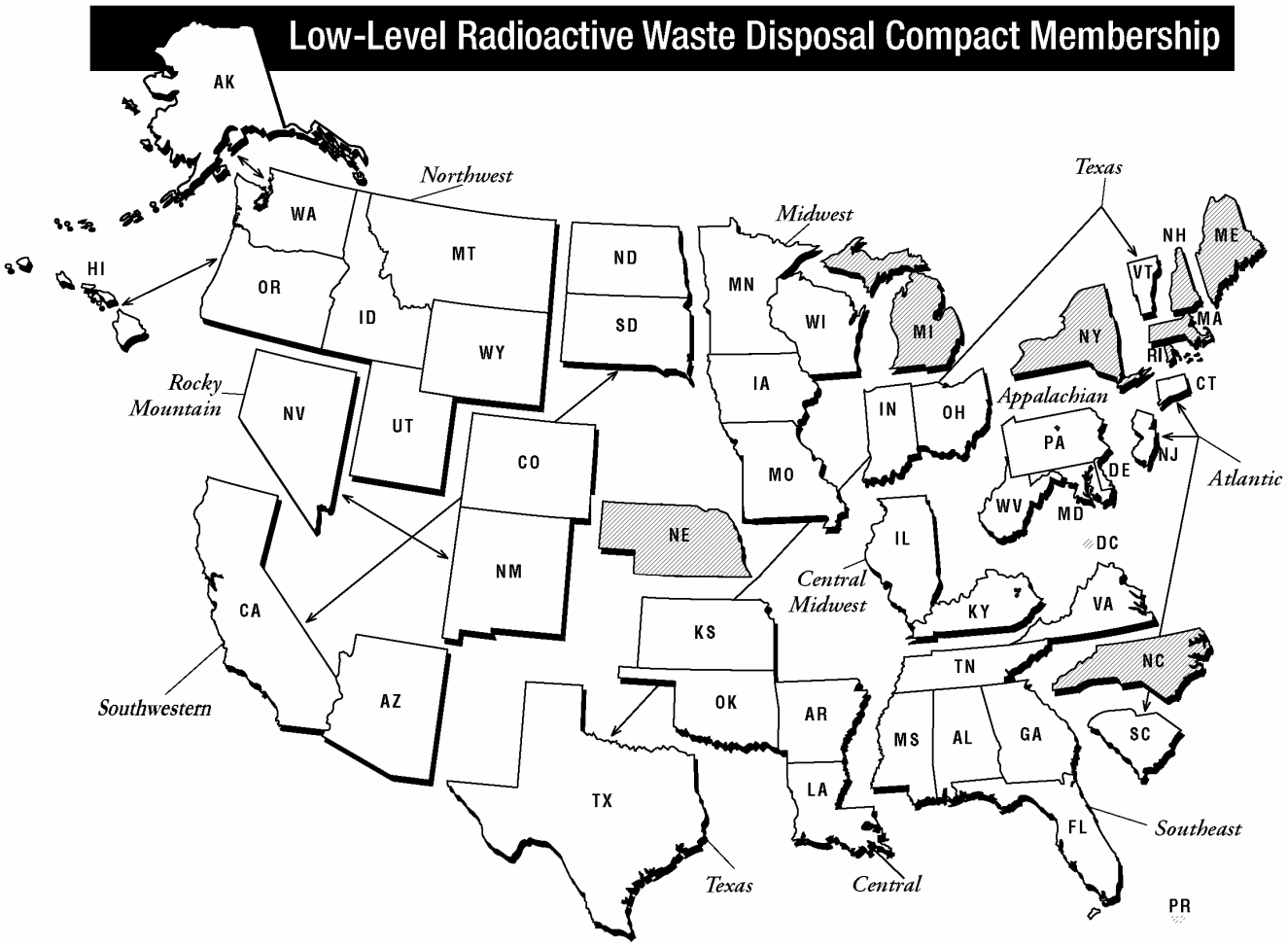
- GAO homepage (access to reports and testimony) .....**www.gao.gov**

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 Information Service at U.S. Department of Commerce, 5285 Port Royal Road, Springfield, VA 22161, or by calling (703) 605-6000.



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Northwest Compact
Alaska
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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

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Florida
Georgia
Mississippi
Tennessee
Virginia

Southwestern Compact
Arizona
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South Dakota

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