

LLW *notes*

Volume 16, Number 6 November/December 2001

US Ecology v. State of California

California Supreme Court Declines to Review Appellate Court Decision

US Ecology's Promissory Estoppel Action May Proceed

The California Supreme Court recently denied petitions to review a September 2001 decision by a three-judge panel of the State of California Court of Appeal for the Fourth Appellate District which reversed in part and affirmed in part a lower court's decision in a lawsuit filed by US Ecology concerning the development of the proposed low-level radioactive waste disposal facility in Ward Valley, California. The action—which was filed against the State of California, the Governor, and the Department of Health Services and its Director—alleges breach of contract and promissory estoppel causes of action and seeks a writ of mandate directing the state to take the necessary steps to acquire the Ward Valley site. The suit, as originally filed, seeks in excess of \$162 million in damages. (See *LLW Notes*, May/June 2000, pp. 20-22.)

The Appellate Court's Earlier Ruling

The appellate court's September 5 ruling affirmed the lower court's findings that US Ecology "cannot state a breach of an express or implied contract cause of action based on the . . . [Memorandum of Understanding], and that Ecology has failed to state

a contract cause of action based on any other alleged oral or written agreement." The appellate court also affirmed the lower court's holding that US Ecology could not sustain a claim to force the State of California to take action necessary to cause establishment of the Ward Valley site.

However, the appellate court reversed the lower court's findings in regard to US Ecology's claim for promissory estoppel, holding as follows:

"We conclude the complaint stated a cause of action for promissory estoppel. We emphasize,

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Low-Level Radioactive Waste Forum, Inc.

LLW Notes

Volume 16, Number 6 November/December 2001

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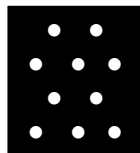
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Directors that serve on the Board of the Low-Level Radioactive Waste Forum, Inc. are appointed by governors and compact commissions. The LLW Forum, Inc. was established to facilitate state and compact implementation of the Low-Level Radioactive Waste Policy Amendments Act of 1985 and to promote the objectives of low-level radioactive waste regional compacts. The LLW Forum, Inc. provides an opportunity for state and compact officials to share information with one another and to exchange views with officials of federal agencies and other interested parties.

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Key to Abbreviations

U.S. Department of Energy	DOE
U.S. Department of Transportation	DOT
U.S. Enviromental Protection Agency	EPA
U.S. General Accounting 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. *continued*

LOW-LEVEL RADIOACTIVE WASTE FORUM, INC.

March 2002 Meeting

Sponsored by the Atlantic Compact Commission

The winter meeting of the LLW Forum, Inc. will be held in

Charleston, SC

9:00 a.m. Monday, March 11, 2002 – 1:00 p.m. Tuesday, March 12, 2002

*A meeting of the LLW Forum's Executive Committee will be held on
Sunday, March 10, from 5:00 p.m. – 9:00 p.m.*

Location The meeting will be held at:

The Westin Francis Marion
387 King Street
Charleston, SC 29403
Phone: (843) 722-0600
Fax: (843) 723-4633

Reservations A block of 35 rooms has been reserved for meeting attendees at the special rate of \$135 + tax per night. There is room availability for the weekend before the meeting at the same rate, and also two days after the meeting. Non-smoking rooms are available. *Please ask for a room in the Low-Level Waste Forum block.*

Reservations should be made by February 8, 2002. Participants must guarantee the first night's fee and tax. Cancellations must be made one week prior to arrival or the deposit will be forfeited. Check-in time is 4:00 P.M. Check-out time is 12:00 noon.

Transportation The hotel is located in the historic district of downtown Charleston, approximately 11 miles from the Charleston International Airport. It takes approximately fifteen minutes to drive from the airport to the hotel.

Shuttle service to and from the airport to the hotel will be provided by Mitch's Limousine Service. Call (843) 270-6902 for reservations. Please call a few days in advance, as the service is a small one and Mitch would prefer to know everyone's flight information in advance so you will not have to wait for the vehicle. Rates are \$10 per person each way. Parking at the Francis Marion Hotel costs \$10 per day for self-parking, and must be paid in cash to the garage attendant. Valet parking costs \$14 per day and can be added to the guest bill.

Registration The meeting is free for members of the LLW Forum, Inc. Registration for non-members is \$500. For information about becoming a member of the LLW Forum, Inc., please contact Todd Lovinger, the LLW Forum's management contractor, at (202) 265-7990 or go to our website at www.llwforum.org.

Attendees should complete the registration form and forward with payment, if applicable, to:

D'Juana Wilson
Atlantic Compact Commission
1201 Main St., Suite 826
Columbia, SC 29201
(803) 737-1706
(803) 737-1452 FAX

A registration form can be found on the public portion of the LLW Forum's web site at www.llwforum.org. Just go to the "About" page and click on "Meetings."

Low-Level Radioactive Waste Forum Completes First Successful Year as an Independent, Incorporated Entity

The Low-Level Radioactive Waste Forum, Inc. (LLW Forum) has successfully completed its first year of operations as an independent, incorporated entity. The organization is poised to begin its second year of independent operations with goals to continue successfully servicing its current membership and to expand its membership to include a broader scope of individuals working on issues related to low-level radioactive waste management and disposal.

2001 Budget/Finances and Support

2001 Budget and Finances The LLW Forum received dues and fees sufficient to meet its operating budget for FY 2001. It did this through the sale of memberships and subscriptions and the receipt of grants and gifts.

2001 Members, Subscribers and Other Supporters At year's end, the LLW Forum counts amongst its members eight of the nine operating compacts, five unaffiliated states, seven host states, and one additional state. In addition, one federal agency and one facility operator have each purchased Associate Memberships in the LLW Forum. Other federal agencies, state officers, Congressional entities, utilities, and associations participated in the LLW Forum in 2001 through the giving of a grant or gift.

A complete listing of LLW Forum members and subscribers—as well as information about the LLW Forum's Board of Directors and Executive Committee—can be found on the organization's web site at www.llwforum.org.

2002 Budget/Finances and Support

2002 Invoices Invoices for 2002 membership dues and subscription fees were sent out in late

November to current members, subscribers and supporters. Payments are due by January 31, 2002 - though early payments are always appreciated.

2002 Membership Dues/Subscription Fees

Structure At its September 2001 meeting, the LLW Forum's Board of Directors voted to increase the organization's annual membership fees for compacts to \$7,500 and for states to \$4,000. (See *LLW Notes*, September/October 2001, pp. 3-5.) Shortly thereafter, the LLW Forum's Executive Committee revised the Associate Membership fee structure—allowing both federal agencies and private entities to have a choice between two different levels of membership offering different benefits.

For information about becoming a member, subscriber or supporter of the LLW Forum—as well as information about the new Associate Membership structure—please go to the organization's web site at www.llwforum.org or contact the LLW Forum's management contractor, Todd D. Lovinger, at (202) 265-7990.

2002 Meetings Schedule

Winter Meeting The March 2002 meeting of the Low-Level Radioactive Waste Forum, Inc. is being jointly sponsored by the Atlantic Interstate Low-Level Radioactive Waste Compact and the State of South Carolina. It will be held in Charleston, South Carolina from March 10 - 12. (See the LLW Forum Meeting Bulletin on page 3.)

Fall Meeting The Southwestern Low-Level Radioactive Waste Compact will host the fall 2002 meeting of the LLW Forum. That meeting will be held in Sacramento, California. The meeting is tentatively scheduled to be held on Monday and Tuesday (September 23 - 24), with the Executive Committee meeting on Sunday evening, September 22.

If you have questions or need additional information about these meetings, please feel free to call Todd D. Lovinger, the LLW Forum's management contractor, at (202) 265-7990.

Appalachian Compact/Pennsylvania

Appalachian Commission Holds Annual Meeting

On November 7, the Appalachian States Low-Level Radioactive Waste Commission held its annual meeting in Harrisburg, Pennsylvania. During the course of the meeting, the Appalachian Commission:

- ♦ voted unanimously to elect Dave Hess, Secretary of the Pennsylvania Department of Environmental Protection, as the Chair and Jane Nashida, Secretary of the Maryland Department of the Environment, as the Vice-Chair;
- ♦ approved the minutes of the October 2000 annual meeting;
- ♦ approved a revised budget of \$37,500 for fiscal year 2001-2002 to reflect an increase in LLW Forum membership dues;
- ♦ approved a budget of \$37,500 for fiscal year 2002-2003; and
- ♦ voted to adopt a policy that conforms with the Commonwealth of Pennsylvania's current policy for obtaining low-level radioactive waste generation information from waste generators.

The Appalachian Commission also reviewed and discussed the following items:

- ♦ the Commission's draft fiscal year 2001-02 annual report, including waste generation information;
- ♦ Department of Defense waste issues and legal analysis of waste classification from the Curtis Bay Formerly Utilized Sites Remedial Action Program (FUSRAP) site in Maryland;

- ♦ recent developments regarding both the Barnwell and Envirocare facilities;
- ♦ the status of the Manifest Information Management System (MIMS);
- ♦ the U.S. Environmental Protection Agency's final rule on the storage, treatment and disposal of mixed low-level radioactive waste; and
- ♦ an update on the Pennsylvania Department of Environmental Protection's Solid Waste Radioactivity Monitoring Program.

ACURI To Shut Its Doors

The Board of Directors of the Appalachian Compact Users of Radioactive Isotopes (ACURI) recently determined to shut down the organization in mid-2002 due to funding constraints. Kenneth L. Miller, Chair of the ACURI Board, issued the following press release in announcing the decision:

Due to insufficient funding for the current fiscal year, the ACURI Board of Directors passed a resolution that will lead to a reduction in activities toward a phase out and dissolution of the ACURI Association, Inc. at the end of its fiscal year (ending on August 31, 2002).

The Association will maintain its website (ACURI.COM), ACURI eNewsletter service and telephone service until its limited funds have been depleted. The ACURI Executive Secretary's position in the Association will be on a part-time basis and subject to available funds.

(Continued on page 22)

Northwest Compact/Utah

Appeals Process Moves Forward re Envirocare's Class A, B and C License Request Approval

At its November 2 meeting, the Utah Radiation Control Board took action on appeals filed concerning the Executive Secretary's July 9 decision to approve—subject to specified limitations and conditions—an application by Envirocare of Utah to receive and dispose of containerized Class A, B, and C low-level radioactive waste at its facility in Tooele County, Utah. (See *LLW Notes*, July/August 2001, pp. 6 – 9). Appeals to the decision had been filed by three different entities—(1) the U.S. Air Force, (2) the Sierra Club, Inc. and (3) a joint filing by a group of three non-profit corporations (including Families Against Incinerator Risk) and various individual parties.

Board Action on the Appeals

The Board summarized its action on the appeals as follows:

At the November 2, 2001 meeting of the Utah Radiation Control Board, the Board considered an extension of time for the Sierra Club and Families Against Incinerator Risk (FAIR) for a determination of their intervention (standing). After hearing arguments from all parties, the Board decided to grant an extension to all parties until December 17, 2001 to supplement pleadings. As a result of this extension, other dates within the Notice of Further Proceedings were amended as appropriate. The Board will be prepared to make an intervention decision regarding the appeals of FAIR

and the Sierra Club at the January 4, 2002 meeting. The Board also agreed that it would be appropriate to stay the proceedings regarding the Air Force appeal at the request of the parties. Parties will be allowed to file a written response, if the issue cannot be resolved outside of the proceeding by December 21, 2001. Those parties will also have until January 21, 2001, to propose supplements to a pre-hearing administrative record. A decision may be made by the Board on this issue any time after December 21, 2001. The Board will consider a request by FAIR to interview members of the Board regarding potential conflicts of interest at their December 7, 2001 meeting.

Background

Approval of the License Request The July 9 technical decision to approve Envirocare's license request is based on a thorough review by the Utah Division of Radiation Control and its contractor, URS Corporation, of Envirocare's application, supporting technical documents and public comments. It contains the following conditions:

- ◆ the legislature and Governor must both approve the facility;
- ◆ the legislature must determine ownership of the site after 100 years of closure of the facility; and
- ◆ the legislature must authorize sufficient resources to the Division of Radiation Control to oversee transportation and disposal activities associated with the license.

A tentative decision to approve Envirocare's license request was originally issued on January 2, 2001. (See *LLW Notes*, January/February 2001, pp. 1, 6.)

(Continued on page 13)

Appeal Filed re Envirocare Request to Dispose of Containerized Class A Waste in Existing Cell

On November 19, the Utah Radiation Control Board received from Families Against Incinerator Risk (FAIR)—a Utah non-profit corporation—a Request for Agency Action and Review and Petition to Intervene in the matter of the issuance of license amendment #12 to Envirocare of Utah. The license amendment, which was issued by the Board's Executive Secretary on October 19, amends Envirocare's existing license to allow the company to receive and dispose of containerized Class A low-level radioactive waste in the existing cell at Envirocare's facility in Tooele County, Utah. (See *LLW Notes*, September/October 2001, p. 7.) FAIR contests the issuance of the license amendment and requests, among other things, that it be invalidated.

Issuance of the License Amendment

Envirocare's previous amendment request for the existing cell did not contemplate disposal of unopened containerized waste such as resins in the cell up to Class A limits. Typically, soil or debris-type waste would be disposed of in such a cell. The October 19 amendment clarifies, amends, and develops procedures for handling containerized Class A waste in the existing cell. (For additional information, see *LLW Notes*, January/February 2001, p. 8.)

The decision to grant the requested amendment followed a 30-day public comment period and two public hearings. The comment period expired on June 14, 2001. A public participation document was prepared which responds to the 250

comments received on the amendment request. The document can be obtained on the agency's web site at

www.deq.state.ut.us/eqrad/drc_hmpg.htm.

The Appeal

In its filing, FAIR listed the following grounds for appealing the Executive Secretary's decision:

- ♦ the Executive Secretary failed to make an appropriate determination (as required by law), and had an insufficient basis to do so, that "the issuance of the license will not be inimical to the health and safety of the public;"
- ♦ the license amendment violates land ownership requirements for radioactive waste disposal facilities under state law;
- ♦ "[t]he License Amendment will result in a 50% or greater increase in radioactivity of the currently-licensed cell, and therefore should require the submission of a new license application, rather than an amendment to the existing license;"
- ♦ issuance of the license amendment violates a compact prohibition against the acceptance of out-of-region low-level radioactive waste without an affirmative vote by at least two-thirds of the member states; and
- ♦ the license amendment violates the Low-Level Radioactive Waste Policy Act and state implementing statutes and rules.

As a result of these complaints about the license amendment issuance, FAIR is seeking the following relief:

- ♦ invalidation, cancellation, and rescission of the license amendment;

(Continued on page 8)

Allied Technology Group Closing its Doors

Allied Technology Group (ATG) recently shut down its Richland, Washington and Oak Ridge, Tennessee plants—laying off almost 200 employees in total—due to financial problems. It is unknown at this time whether or not the company will try to revive the plants, which are currently said to be in a “safe standby mode.” According to an ATG news release, the shut downs were caused by the freezing of the plants’ working funds by a bank to which the company is deeply indebted. ATG said it is trying to negotiate with the unnamed bank.

ATG’s Richland and Oak Ridge operations focused on processing commercial and federal hazardous and low-level radioactive wastes by filtering, crushing, incinerating or glassifying them into safer forms and smaller volumes. ATG was also developing a new technology called the GASVIT operation—a process designed to convert mixed wastes into glass. The GASVIT facility had not yet received the necessary approvals from state and federal regulatory agencies. The facility was expected to assist ATG in getting out of debt.

In response to the facility closures, Don Womeldorf, Executive Director of the Southwestern Low-Level Radioactive Waste Commission, sent the following message to his membership:

Allied Technology Group (ATG) is currently closed due to fiscal problems. This means that generators of tritium and C14 who had had their waste thermally processed there will not be able to do so for the foreseeable future. To my knowledge, ATG is the only facility in the nation licensed for thermal treatment which left the ash without radioactivity. (The Permafix facility in Gainesville, Florida is allowed to destroy scintillation fluids.) The lack of ATG’s processing will affect generators across the nation generally. There will be a specific impact on the Southwestern Commission because an exportation petition is not required for waste going out of the region for treatment which results in no burial of radioactivity—now generators who had had waste treated at ATG will have to have it buried instead and so the exportation will have to be under petition.

(Continued from page 7)

- ◆ remand of the issue to the Executive Secretary for further proceedings;
- ◆ a formal, adjudicative hearing open to the public; and
- ◆ specific findings of fact and conclusions of law following the adjudicative hearing, including but not limited to a finding by the Board with respect to its ability to adequately oversee existing and additional radioactive waste disposal facilities.

How to Obtain Background Information

A copy of the Envirocare license amendment application, draft Statement of Basis, and draft Radioactive Materials License are available for review and downloading on the Department of Radiation Control’s web site at

www.deq.state.ut.us/eqrad/drc_hmpg.htm.

For additional information, please contact William Sinclair or Dane Finerfrock at (801) 536-4250.

Atomic Safety and Licensing Board Requests More Info re Rail Spur for PFS Storage Plan

At a hearing in late November, the Atomic Safety and Licensing Board, a division of the U.S. Nuclear Regulatory Commission, determined that it wants to hear additional debate on the potential environmental impact of constructing a proposed 32-mile railroad spur to the Skull Valley Band of Goshute Indians reservation in Utah for use in transporting waste to a proposed spent nuclear fuel storage facility. Opponents of the plan, including the Southern Utah Wilderness Alliance, claim that the railroad spur will have too great of an impact on the environment, especially 18,000 acres of the North Cedar Mountains that it asserts could qualify for wilderness designation.

The spent fuel storage facility is being proposed by a consortium of out-of-state utility companies called Private Fuel Storage, L.L.C. (PFS). They have leased 125 acres of land on the Goshutes reservation for the proposed \$3.1 billion, above-ground storage facility. The facility is intended to be temporary—until a high-level waste repository becomes available.

PFS' plans call for the rail spur to cross a patch of the proposed wilderness area for less than two miles. PFS asserts that the North Cedar Mountains roadless area lacks natural values worth preserving and that the environmental impact is therefore negligible. The Southern Wilderness Utah Alliance disagrees, arguing that PFS has not given enough consideration to alternative routes that may be less environmentally harmful. The Atomic Safety and Licensing Board plans to hear additional argument on the issue.

For background information on the PFS/Goshute proposal, see LLW Notes, July/August 2000, p. 26.

Moab Mill Tailings Site Transferred to DOE

On October 26, the Moab Mill Tailings Site (formerly of the Atlas Corporation) was transferred to the U.S. Department of Energy's Grand Junction Office (DOE-GJO). The license held by the trustee, Price Waterhouse Coopers, was terminated by the U.S. Nuclear Regulatory Commission on October 30. The trust is currently going through a dissolution process and remaining funds will be transferred to the State of Utah and the NRC on an equal basis. A draft "Preliminary Plan for Remediation" of the Moab Site has been published by DOE-GJO. It will not be finalized, however, until the National Academy of Sciences has provided review comments and recommendations.

The uranium mill was operated by the Atlas Corporation from 1956 to 1984. In 1988, Atlas filed for bankruptcy and the site license was subsequently transferred to the Moab Mill Reclamation Trust. A trustee was designated to maintain the site and administer funds.

In 1999, NRC approved a cleanup plan to remediate the site and dispose of the 7.5 million cubic yard tailings pile by recontouring and covering it with earthen material and rock. (See LLW Notes, March/April 2000, p. 21.) However, federal legislation was subsequently enacted that requires that the mill tailings site be transferred to the U.S. Department of Energy, which agency will then be responsible for remediating it. The legislation specified that the license will be terminated and NRC's regulatory jurisdiction over the site will cease upon transfer.

State of Texas

WCS Seeks SNM Exemption

The U.S. Nuclear Regulatory Commission recently found no significant adverse impacts related to the application of Waste Control Specialists (WCS) for a license exemption to increase the amount of special nuclear material (SNM) that the company may receive at its site in Andrews County, Texas. This brings WCS one step closer to realizing its plan to expand the amount of SNM it receives at its processing and storage facility. According to company officials, it will allow WCS to assist both U.S. Department of Energy and commercial customers by expanding the company's ability to process materials.

Envirocare of Utah currently possesses an exemption which allows the company to possess waste containing SNM in greater mass quantities than specified in 10 CFR Part 150. (See *LLW Notes*, May 1999, p. 28.) That regulation provides that private companies are not allowed to possess and process more than 350 grams of SNM prior to burial in a disposal cell without an NRC-issued license.

The exemption being sought by WCS focuses on criticality, rather than mass. Before WCS can take larger quantities of SNM, however, it must receive a license amendment from the State of Texas. That exemption request, which was filed in late 2000, remains pending before the Texas Department of Health's Bureau of Radiation Control, at this time. Once the bureau is finished with its evaluation of the request, it needs to go out for public comment. No time frame on a decision is currently available.

WCS operates a low-level radioactive waste and mixed waste storage and treatment facility at its Andrews County site, which also disposes of hazardous waste.

For additional information, contact William Dornsife, WCS' Vice President of Nuclear Affairs, at (717) 540-5220.

Commonwealth of Massachusetts

Massachusetts LLRW Management Board to Close

On November 7, the Massachusetts Low-Level Radioactive Waste Management Board met and discussed the phasing out of its operations by June 30, 2002. In so doing, the Board established a task force to accomplish this goal and will begin to name individuals to sit on the task force in December. The task force is expected to begin its work in January 2002. No date was given for the closure of the Management Board or the dismantlement of its day to day operations.

In regard to the phasing out plan, the Board's Executive Director stated as follows:

"In changing the structure of the present Low-Level Radioactive Waste Management Board, very serious considerations must be placed on ensuring that generators of low-level radioactive waste retain the ability to transport their waste to a treatment or disposal facility outside of the Commonwealth and the continuation of collecting detailed data on the type, volume, radioactivity, source and characteristics of the LLRW generated in Massachusetts and compiling, analyzing and tracking the waste to the destination site. The safety and security of the residents of Massachusetts must be at the forefront of these discussions."

The Board was established by the legislature in 1987 to site a low-level radioactive waste disposal facility. Massachusetts abandoned its siting efforts in 1995, however, and the Board's primary function since that time has been to maintain records of waste disposed at the Envirocare and Barnwell sites by about 460 Massachusetts businesses, hospitals, and research facilities. The Board currently employs three full-time workers and one part-time assistant and operates on an annual budget of \$202,368.

For additional information, please contact Thomas Norton of the Massachusetts Low-Level Radioactive Waste Management Board at (508) 947-5945.

State of Michigan

Big Rock Point Plant Proceeds with Landfill Disposal Plan

On December 3, the U.S. Nuclear Regulatory Commission issued an Environmental Assessment and Finding of No Significant Impact regarding Big Rock Point Plant's request for approval to allow the disposal of demolition debris that may contain trace quantities of licensed material in a State of Michigan landfill. Big Rock Point—which is located in Charlevoix County, Michigan—filed the application on March 14, 2001.

Background

Big Rock Point is proposing to dispose of demolition debris that could contain trace quantities of licensed materials in a state landfill. The debris would consist of flooring materials, concrete, rebar, roofing materials, structural steel, soils associated with digging up foundations, and concrete and/or asphalt pavement or other similar solid materials originating from decommissioning activities. To determine if the debris is acceptable for landfill disposal, a radiological survey process would be implemented. The proposal specifically states that “the licensee does not intend to make this submittal for intentional disposal of radioactive waste, but recognizes that a potential exists for trace quantities of licensed material to be present at levels below instrument detection capabilities.”

Environmental Impacts

NRC found that the “[d]isposal of the demolition debris in the manner proposed is protective of public health and safety, is consistent with as low as reasonably achievable, and is the most cost-effective alternative.” In so finding, NRC concluded that “[a]dherence to the radiological

survey process would ensure that the potential radiological dose posed by the demolition debris to a transport worker, a landfill worker, or a member of the public is conservatively estimated at a maximum of 1.0 millirem/year.” Thus, NRC found no significant radiological environmental impacts associated with the proposed action.

Finding of No Significant Impact

In issuing a Finding of No Significant Impact, NRC stated as follows:

On the basis of the environmental assessment, the NRC concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the NRC has determined not to prepare an environmental impact statement for the proposed action.

Documents related to Big Rock Point Plant's application can be found on the Agencywide Documents Access and Management System (ADAMS) Public Library component of the NRC's web site at www.nrc.gov.

Anderson v. Semnani

Ex-Regulator Sentenced on Tax Charges; Plans to File Appeal

On November 28, Judge Tena Campbell of the U.S. District Court for the District of Utah sentenced the state's former Radiation Control Director, Larry Anderson, to 30 months in federal prison camp on tax charges stemming from a six-count indictment against him including charges of extortion, mail fraud, tax evasion, and the filing of false income tax returns. (See *LLW Notes*, May/June 2001, p. 17.) Anderson was acquitted in September by a jury on the extortion and abuse of public office charges, but convicted on one count of tax evasion and three counts of filing false income tax returns. The sentence handed down by Campbell was about half of that requested by prosecutors, reportedly due to Anderson's poor state of health. Earlier this year, Anderson backed out of a plea agreement under which he would have served one year in federal prison, paid back taxes, and returned property and other revenues which were alleged to have been received improperly. (See *LLW Notes*, July/August, p. 21.)

Background The charges against Anderson stemmed from allegations contained in a lawsuit which he filed in October 1996 against Envirocare of Utah and its owner, Khosrow Semnani. (See *LLW Notes*, January 1997, pp. 1, 5-6.) The suit alleged that the defendants owe Anderson in excess of \$5 million for site application and consulting services related to the licensing and operation of the Envirocare of Utah low-level radioactive waste disposal facility. In response to the action, Semnani admitted to giving Anderson cash, gold coins, and real property totaling approximately \$600,000 in value over an eight-year period, but denied that such payments were for consulting services. Instead, Semnani asserted that the payments were made in response to Anderson's ongoing practice of using his official

position with the State of Utah to extort moneys from Semnani. The lawsuit was dismissed by a Utah district court in March 2000. (See *LLW Notes*, March/April 2000, pp. 30-32.)

In July 1998, Semnani pleaded guilty to a misdemeanor tax charge for helping to conceal one of his payments to Anderson. As part of the plea agreement, Semnani was fined \$100,000 and agreed to testify against Anderson in any subsequent legal action. (See *LLW Notes*, August/September 1998, p. 32.)

The Sentence and Appeal In addition to the prison time, Campbell sentenced Anderson to 2 years of probation, \$50,000 in fines, and required him to repay any taxes, penalties and interest owed to the U.S. Internal Revenue Service. The federal forfeiture case regarding property and other valuables allegedly linked to Anderson's dealings with Semnani, however, was dismissed at the request of the U.S. Attorney's Office.

Anderson's attorney was recently quoted in local papers as saying that his client plans to appeal the convictions on technical grounds arguing, among other things, that the tax-evasion conviction should be thrown out because federal prosecutors waited too long to file the charges.

(Continued from page 1)

however, that this conclusion means only that Ecology has plead sufficient facts to overcome a demurrer. Ecology will still be required to prove its claims, and we offer no opinion as to the likelihood that Ecology will be able to do so. We note further that although Ecology seeks all of its preparation costs and alleged lost profits, the full scope of contract-based damages are not necessarily recoverable under the equitable promissory estoppel doctrine."

The Appeals

Both US Ecology and the State of California petitioned the California Supreme Court to review the

Courts continued

Court of Appeals' September 5 decision. In particular, US Ecology challenged that part of the decision affirming a lower court's dismissal of the company's request for a writ of mandate directing the defendants to comply with the requirements of the California Radiation Control Law regarding the establishment of a low-level radioactive waste disposal facility in California. US Ecology also contested the appellate court's dismissal of its causes of action for breach of implied-in-fact and express contract. The State of California, on the other hand, challenged the appellate court's decision to allow US Ecology to proceed with its promissory estoppel claims against the state.

In response to the denial of the petitions for review, Steve Romano, President and Chief Operating Officer of American Ecology Corporation, stated that the company is "pleased with the California Supreme Court's timely and appropriate decision," adding that the company believes that it has "a strong damages case against California and look[s] forward to the upcoming pre-trial discovery phase of the proceeding." Romano further said that American Ecology "will seek to recover the full extent of damages owed to us at trial."

The case is now awaiting remand for trial in the Superior Court of the State of California, San Diego. No trial date has been set, as of press time.

(Continued from page 6)

Envirocare's Decision Not to Seek Legislative or Gubernatorial Approval Shortly after the license request was approved, Envirocare President Charles Judd issued a statement that "[a]fter careful consideration, Envirocare has determined it will not seek legislative or gubernatorial approval for its Class B and C low-level radioactive waste proposal." Under Utah law, the Governor and legislature must approve any new waste disposal licenses. Judd attributed

Envirocare's decision to public confusion between the companies proposal and that of the Goshute Tribe and Private Fuel Storage (PFS) to accept high-level spent fuel rods from nuclear power plants.

The next legislative session begins January 15, 2002.

Documents related to Envirocare's application for the disposal of containerized Class A, B and C radioactive waste—including a copy of Envirocare's license application, the draft Safety Evaluation Report, the draft Radioactive Materials License, and the draft Groundwater Discharge Permit—are available for review and downloading on the Division of Radiation Control's website at

www.deq.state.ut.us/egrad/drc/bmpg.htm.

For further information about the application or the appeals, please contact Bill Sinclair of the Utah Division of Radiation Control at (801) 536-4250.

(Continued from page 18)

general public and industry may also attend. For information on the meeting and to register, please go to <http://www.epa.gov/osw/meeting>.

In addition, Nancy Hunt of EPA's Office of Solid Waste and Emergency Response is scheduled to attend the LLW Forum's spring meeting—to be held March 10-12 in Charleston, South Carolina—to give a presentation on the new rule.

For additional information about the rule, please contact Nancy Hunt at hunt.nancy@epa.gov.

House Passes Nuclear Liability Legislation

On November 27, the U.S. House of Representatives passed legislation limiting the liability of commercial nuclear reactor operators and U.S. Department of Energy contractors for legal claims arising from accidents at American nuclear facilities. The House's action extends existing protections under the Price-Anderson Act, originally passed in the 1950's, for an additional 15 years. Senate action is required, however, before the legislation is enacted into law.

The legislation, as passed, states that commercial nuclear power plant owners must purchase primary insurance on a per-reactor basis—commercially available for up to about \$200 million per reactor. The owners would then be required to pay a retroactive premium up to \$88 million per reactor in the event of a catastrophic accident resulting in damages in excess of the insurance. Combined, this would provide approximately \$9.5 billion to cover claims for accidents at nuclear power plants. If legal damages exceeded that figure, Congress would then have to determine how to raise additional monies.

The new legislation does contain some changes from existing law. For one thing, it contains provisions exposing DOE contractors at DOE nuclear laboratories to limited legal claims for accidents caused by intentional misconduct. Liability in such event does not extend under the law, however, to cases of gross negligence.

The House version of the bill also compels the President to conduct a study of safety at U.S. nuclear power plants and requires the U.S. Nuclear Regulatory Commission to consider a number of new features in a planned review of nuclear safety.

GAO Yucca Mountain Report Ignites Controversy

In late November, excerpts from a General Accounting Office (GAO) report on the U.S. Department of Energy's efforts to site a high-level radioactive waste repository in Nevada were released. The excerpts heavily criticized both DOE and its lead project contractor, Bechtel SAIC Company. Specifically, the released excerpts assert that Bechtel officials told GAO that technical work needed to support a license application to the U.S. Nuclear Regulatory Commission would not be finished until 2006. According to GAO, the Energy Secretary is required by federal law to use similar information in making his upcoming site recommendation decision to the President. Therefore, GAO asserts that Secretary Abraham should postpone making such a recommendation until Bechtel's license-related work is complete.

In response, Bechtel President and General Manager Kennon Hess wrote to GAO Comptroller General David Walker protesting the reports accuracy. Hess wrote that, "the management of Bechtel SAIC Company . . . are astounded by the factual and legal inaccuracies in the draft General Accounting Office (GAO) report on the site characterization activities at Yucca Mountain." In addition, Hess argued that Bechtel never linked the Energy Department's site recommendation to the licensing application, which he notes requires significantly more detailed data. According to Bechtel, "[t]hese phases are distinct in law, and have been recognized as such by the Congress on numerous occasions, most recently, in the Conference Report to the FY 2002 Energy and Water Appropriations Act." Hess said that it is "imperative to immediately correct the impression that it would take until 2006 before information would be available which would be important to site recommendation" and said that Bechtel officials "flatly deny" any basis for such a

Congress continued

claim. Bechtel also disputes GAO's claim that the license-related work will not be completed until 2006, saying that some documents may be released before that date.

comment on it before it was leaked and complaining that it looked to be written "to support a predetermined conclusion."

DOE also responded to the GAO report, arguing that the department had not had a chance to

Secretary Abraham's Letter to GAO Comptroller General Walker re Yucca Report

The following is the complete text of Energy Secretary Spencer Abraham's November 30 letter to GAO Comptroller David Walker regarding the release of excerpts from the draft report on DOE's efforts to site a high-level radioactive waste repository in Nevada.

November 30, 2001

Mr. David M. Walker
Comptroller General
U.S. General Accounting Office
441 G Street, N.W.
Washington, D.C. 20548

Dear Mr. Walker:

I was disturbed to see a news account of a draft General Accounting Office (GAO) report on the site characterization activities the Department of Energy (DOE) is conducting at Yucca Mountain as required by the Nuclear Waste Policy Act. While I have great respect for GAO, this kind of premature disclosure significantly, if not irreversibly, taints the work product of any inquiry by GAO or any other investigative body.

This is especially disturbing in that the draft report is fatally flawed. In the normal course of events, DOE would have had an opportunity to formally comment on its deficiencies, allowing GAO to correct its work product. Our interactions with your staff on this inquiry and the inappropriate, premature release of the draft report reinforce my concern that it was assembled to support a predetermined conclusion.

I well recognize how politically charged the Yucca Mountain project is, but it is a shame that someone or some persons have marred GAO's integrity and undermined the validity of this inquiry. I note that the requestors of this report have a long history of strong opposition to the Yucca Mountain project.

Congress has required that Yucca Mountain be studied in order to determine its suitability as a long-term repository for radioactive wastes. Congress established the statutory requirements that guide this work. I will continue to carry out those responsibilities faithfully and fairly.

Sincerely,

Spencer Abraham
Secretary of Energy

U.S. Department of Energy

LowTrack to be Continued via Private Sector

An exclusive license to operate the LowTrack software was recently obtained from the Idaho National Engineering and Environmental Laboratory (INEEL) by Ron Fuchs, a former INEEL Senior Program/Project Engineer. Funding for LowTrack—a waste inventory management system originally developed with funding from the U.S. Department of Energy—was discontinued by DOE at the end of September 2000. Fuchs plans to distribute and manage operation of the LowTrack software through ML Technologies, Inc.—a software development firm based in Idaho that specializes in database design, IT services, and web development.

What is LowTrack?

To date, LowTrack has been used by waste generators, brokers and processors, hospitals, and educational facilities. According to ML Technologies, the software offers simplified inventory management, uniform manifest generation, two-dimensional bar coding, automatic unit-of-measure conversions, and waste classification validation in accordance with 10 CFR 61. ML Technologies claims that the software provides cost savings and is able to interface with existing systems without compromising original data.

How to Obtain Usage of Low-Track

In order to use the LowTrack software, interested parties must now purchase a membership in the LowTrack Users Group. Membership prices vary from \$800 - \$1,200 per year, depending on the type of user (i.e., hospital, educational institution, generator, etc.) Members receive the following benefits:

(Continued on page 17)

DOE's Proposed Final Siting Guidelines for Yucca Mountain Receive NRC Concurrence

The U.S. Nuclear Regulatory Commission recently issued its concurrence on the U.S. Department of Energy's draft general siting guidelines for evaluating the suitability of the the proposed Yucca Mountain high-level radioactive waste repository. The guidelines focus on the criteria and methodology to be used for evaluating relevant geological and other related aspects of the Yucca Mountain site. They are based in large part on NRC's recently revised Part 63 regulations for licensing a nuclear waste repository. NRC's concurrence on the guidelines, which would be contained in Part 963 of DOE's regulations, is conditional on DOE's agreement to notify NRC of any changes to the draft final guidelines and to retransmit any substantive changes to the Commission for concurrence.

One significant change from earlier drafts of the guidelines is that the new version recognizes NRC jurisdiction over the resolution of differences between the siting guidelines and NRC's geologic disposal regulations. NRC had raised this issue in March 2000 as part of the public comment process.

NRC's concurrence is vital to the success of the proposed repository as NRC is charged with approving or rejecting any license application for the Yucca Mountain site—following, of course, extensive coordination on safety requirements between DOE, NRC and the U.S. Environmental Protection Agency.

The Secretary of Energy now has to determine whether or not to recommend Yucca Mountain to the President as a high-level radioactive waste repository. The Secretary's decision will be based on the site characterization studies performed at Yucca Mountain.

Update re Status of MIMS

The Idaho National Engineering and Environmental Laboratory (INEEL) has removed the Manifest Information Management System (MIMS) from its web site. However, the U.S. Department of Energy, through its contractor, is in the process of acquiring new hardware for MIMS.

John Stepp, a Senior Software Engineer for DOE's contractor—MACTEC, Inc.—provided the following statement for members and supporters of the Low-Level Radioactive Waste Forum, Inc. regarding the current status of the Manifest Information Management System (MIMS):

The interim MIMS web site will be officially available Tuesday, 12/11. MIMS will be moved to a DOE site upon acquisition, installation, and configuration of the necessary DOE server. We will maintain the 'beta' status of the web site for a couple of weeks to provide an opportunity for as many users as possible to report any problems. The MIMS web site address is <http://mims.mactec.com>.

If you're interested, you may access the site immediately to get familiar with it. Please bear in mind, however, that we are performing maintenance on and migrating other applications from this server. Therefore, MIMS might be unavailable on an intermittent basis until Tuesday, 12/11.

If you have any questions, comments, or problems please don't hesitate to use the 'Contact Us' option on the web site, or to call John Stepp (software issues) or Dave Meredith (data issues) at 301-353-9444.

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- ♦ one new copy of the 32-bit version of LowTrack (when available),
- ♦ 12 months of LowTrack technical support made available exclusively through ML Technologies,
- ♦ the LowTrack professional newsletter,
- ♦ communication with waste management professionals from hundreds of companies and organizations around the nation, and
- ♦ an exchange of information about new regulations, automation of reporting, and simplification of work processes.

For additional information or to become a member of the LowTrack Users Group, please contact Ron Fuchs of ML Technologies, Inc. at (208) 522-8784.

Cook Nominated for Top DOE Post

Beverly Cook, manager of the Energy Department's Idaho Operations Office, has been nominated by President Bush to be DOE's Assistant Secretary for Environment, Safety and Health. Cook has been a top manager since June 1999. She is responsible for overseeing the Idaho National Engineering and Environmental Laboratory (INEEL). Previously, Cook served in several positions in DOE's Office of Nuclear Energy—including Principal Deputy Director, Associate Director of Disposition Technologies, and Director of Space and National Security Programs.

Prior to joining DOE, Cook was a Supervisory Engineer at the Division of Plant Systems and Components for the Defense Nuclear Facilities Safety Board. From 1975 to 1990, Cook served in various positions with EG&G, Inc. at INEEL.

U.S. Environmental Protection Agency

EPA's Mixed Waste Rule Becomes Effective

On November 13, the U.S. Environmental Protection Agency's new regulations to afford regulatory relief to generators of mixed low-level radioactive waste became effective. (See 66 *Federal Register* 27,218 (May 16, 2001)). In most states, before generators may take advantage of the rule's benefits, the state must take affirmative regulatory action to adopt EPA's rule. Generators should check with their state RCRA regulatory agency regarding the status of the rule in their states.

Background Mixed low-level radioactive waste is normally subject to jurisdiction by both the U.S. Nuclear Regulatory Commission—which has jurisdiction over radioactive waste under the Atomic Energy Act of 1954—and the U.S. Environmental Protection Agency—which has jurisdiction over “hazardous” waste under the Resource Conservation and Recovery Act of 1976 (RCRA). EPA's new rule allows eligible mixed waste to become “conditionally exempt” from RCRA Subtitle C requirements (including most, but not all, of the standard RCRA hazardous waste management regulations) if the conditions are met. (For a list of the conditions under which EPA's rule will exempt mixed waste from RCRA jurisdiction, as well as other information about the rule, see *LLW Notes*, July/August 2001, pp. 24, 26.)

Upcoming Meetings A brief, one and one-quarter hour presentation on EPA's mixed waste rule will be given at the RCRA National Meeting to be held January 15–18, 2002 in Washington, D.C. EPA regional staff, state regulatory agency and Tribal officials are encouraged to attend this four day meeting, which addresses topics on hazardous and solid waste issues. Members of the

U.S. Nuclear Regulatory Commission

NRC Seeks Public Comment re License Renewals

The U.S. Nuclear Regulatory Commission recently sought public comment on the renewal of operating licenses for two nuclear power plants—the Catawba Nuclear Station in North Carolina and the Peach Bottom Nuclear Power Plant in Pennsylvania. NRC is currently in the process of reviewing comments received and drafting appropriate summaries.

The Public Meetings On October 23, NRC held public meetings in Rock Hill, South Carolina on the environmental review related to the Duke Energy Corporation's application to renew the operating licenses for both units of the Catawba Nuclear Station near Charlotte, North Carolina. On November 7, public meetings were held on the Exelon Corporation's application to renew operating licenses for its Peach Bottom Nuclear Power Plant in York County, Pennsylvania. During the course of the meetings, NRC provided an overview and presentation on the environmental process related to license renewal, after which members of the public were given the opportunity to comment on which issues NRC should focus upon during its review. NRC is currently preparing summaries of conclusions and significant issues based on the outcome of the meetings, which will be available through the NRC Electronic Public Reading Room at www.nrc.gov/NRC/ADAMS/index.html.

NRC staff will then prepare draft environmental impact statement supplements for each power plant, which will be available for public comment, and will hold additional public meetings. A final EIS supplement will be prepared for each power plant after consideration of comments received on the drafts.

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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. The current operating licenses for the Catawba units expire on December 6, 2024 and February 24, 2026. The current operating licenses for the Peach Bottom units expire on August 8, 2013 and July 2, 2014.

To date, NRC has approved license extension requests for six reactors on three sites—the Calvert Cliffs Nuclear Power Plant near Lusby, Maryland; the Oconee Nuclear Station near Seneca, South Carolina; and the Arkansas Nuclear One plant. (See *LLW Notes*, May/June 2000, p. 25 and March/April 2000, p. 41.) In addition to the Catawba and Peach Bottom applications, NRC is currently processing license renewal requests for ten other reactors at five sites. Several individuals, including the Senior Vice President and Chief Nuclear Officer of the Nuclear Energy Institute, have recently been quoted as predicting that most, if not all, nuclear reactors will apply for license extensions in the coming years. (See *LLW Notes*, March/April 2001, p. 14.)

NRC Guidance Document NRC approved three guidance documents in July 2001 which describe acceptable methods for implementing the license renewal rule and the agency's evaluation process. (See *July/August 2001*, p. 26.) The documents are intended to, among other things, speed up the renewal process.

In addition, an existing NRC document—"Generic Environmental Impact Statement for License Renewal of Nuclear Plants" (NUREG 1437)—assesses the scope and impact of environmental effects that would be associated with license renewal at any nuclear power plant site. NRC staff plan to prepare supplements to this document that will be specific to the Catawba and Peach Bottom units with information

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NRC Issues Draft Supplement to Final EIS re Decommissioning

The U.S. Nuclear Regulatory Commission will hold four public meetings in December to collect comments on its draft Supplement 1 to NUREG 0586—the "Final Generic Environmental Impact Statement on Decommissioning of Nuclear Facilities (GEIS)." The meetings will be held from December 4 – 12 in four different U.S. cities: San Francisco, California; Chicago, Illinois; Boston, Massachusetts; and Atlanta, Georgia. During the course of the meetings, NRC staff will present an overview of the draft Supplement to the GEIS and accept public comments.

The draft supplement, which is a stand-alone document, was prepared "because of technical advances in decommissioning operations, experience gained with shut down plants, and changes made to the NRC regulations since the GEIS was first published." It is intended to be used to evaluate environmental impacts during decommissioning which could lead to termination of the NRC license. Of the environmental issues addressed, the draft supplement finds that most of the impacts are generic and small.

Copies of the draft supplement may be obtained electronically through the NRC's Public Electronic Reading Room at www.nrc.gov as an Agencywide Document Access and Management Systems (ADAMS) document.

Interested parties may submit comments on the draft supplement and proposed action by December 31 by writing to the Chief, Rules and Directives Branch, Division of Administrative Services, Mail Stop T-6D59, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001, or by e-mailing to dgeis@nrc.gov.

NRC Seeks Comments re D&D Cost Estimates Document

The U.S. Nuclear Regulatory Commission is seeking public comment on two draft guidance documents regarding the estimating of nuclear power plant decommissioning costs. The first draft guide, *Standard Format and Content of Decommissioning Cost Estimates for Nuclear Power Reactors*, provides information on the various cost estimates required for different stages and methods of nuclear power reactor decommissioning. The other draft guide, *Standard Review Plan for Decommissioning Cost Estimates for Nuclear Power Reactors*, will be used by NRC staff to review licensees' decommissioning cost estimates as submitted to NRC.

The documents are intended to assist reactor licensees, who are required to provide detailed cost estimates at several points in the decommissioning process, including:

- ◆ about five years prior to the end of operations, when preliminary decommissioning cost estimates must be submitted;
- ◆ as part of the Post-Shutdown Decommissioning Activities Report, which must contain an expected cost estimate;
- ◆ within 2 years after the cessation of operations, when site-specific decommissioning cost estimates are due; and
- ◆ along with the License Termination Plan, which must contain an updated site-specific cost estimate of remaining decommissioning costs.

The draft guidance documents are available electronically through NRC's interactive rulemaking web site at www.nrc.gov. Comments may be submitted electronically through the site.

NRC Web Site Changes Continue

The U.S. Nuclear Regulatory Commission continues to reopen its web site, adding additional information and features, following the site's temporary closure in September. The site had been closed following the September 11 terrorist attacks in Washington and New York out of concern that information on the site may be used by terrorists. (See *LLW Notes*, September/October 2001, pp. 16 – 17.) In addition, all nuclear facilities were immediately placed on high security alert following the attacks.

Prior to the events of September 11, NRC was reworking its site to make it more consistent and user friendly. This effort is now being reevaluated. However, changes are planned for the site, including organization by content and topic, rather than by NRC organizational structure. Other changes to be made include:

- ◆ easier navigation, including links to top-level pages and within-page navigational devices;
- ◆ top-down logic to go from general to specific topics;
- ◆ links to external, non-NRC sites; and
- ◆ the addition of features to increase site accessibility to users with disabilities.

Information on the redesigned web site can be found at www.nrc.gov.

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gathered at the October and November meetings. The supplements will include recommendations regarding the environmental acceptability of the license renewal actions.

NRC Submits Comments to DOE re Yucca Mountain

On November 13, the U.S. Nuclear Regulatory Commission indicated in preliminary comments to the U.S. Department of Energy that it “believes that sufficient information will be available concerning a potential high-level radioactive waste repository at Yucca Mountain, Nevada, that development of an acceptable license application is achievable.” NRC’s comments were issued in accordance with a requirement in the Nuclear Waste Policy Act of 1982 that, when DOE makes a recommendation to the President on the suitability of the proposed Yucca Mountain site, it must include the preliminary comments of the NRC “concerning the extent to which the [DOE’s] at-depth site characterization analysis and the waste form proposal for such site seem to be sufficient for inclusion in any application to be submitted by the Secretary for licensing of such site as a repository.” To date, DOE has neither made a recommendation to the President on the suitability of the proposed site nor filed an application. However, a recommendation is expected shortly.

According to NRC, at-depth site characterization analysis “includes the investigation of underground features (such as the porosity of rock formations) and events and processes that occur below the ground surface (such as earthquakes, volcanoes and water flow).” The waste form proposal, on the other hand, includes “information concerning spent fuel that was used in a reactor, the cladding that is around the fuel, the package in which the waste is placed, and other engineered barriers.” Also, considered are DOE-owned high-level radioactive waste and its packaging.

In issuing its comment, NRC offered the following cautionary remarks:

The NRC’s preliminary comments on the sufficiency of the information DOE has

obtained to date, or has agreed to obtain prior to submitting a license application reflect many years of pre-licensing activities with DOE and various stakeholders, including, the State of Nevada, Indian Tribes, affected units of local government, representatives of the nuclear industry and interested members of the public.

Although the NRC believes that DOE has obtained, or will obtain, information that should be sufficient, the NRC is not drawing any conclusions concerning the actual site suitability, but will carefully review any licensing decision on the basis of all the information available at that time.

NRC Releases Draft Review Plan for Yucca Mountain

The U.S. Nuclear Regulatory Commission recently released to the public a draft version of a plan that it would use to review a license application from the U.S. Department of Energy to build a high-level radioactive waste repository at Yucca Mountain, Nevada. The draft plan—known as the Yucca Mountain Review Plan—is intended “to ensure the quality and uniformity of the NRC staff’s licensing reviews.”

In releasing the draft plan, NRC made the following statement:

“The draft plan for a possible Yucca Mountain repository, prepared by the NRC staff last year, is being made public for information only, while it undergoes a complete revision to bring it up to date and make it consistent with the NRC’s final regulations, issued earlier this month. The NRC plans to publish the plan for public comment at a later date, after it completes the revisions.”

The draft plan will be available electronically through the NRC’s Electronic Reading Room at www.nrc.gov as an Agencywide Document Access and Management System (ADAMS) document.

The NRC’s Office of the Inspector General is currently investigating an allegation that this version of the draft plan was earlier improperly released to the U.S. Department of Energy.

(Continued from page 5)

ACURI represents a diverse membership including utility, medical, research, industrial, and academic licensees and permit-holders of radioactive materials. ACURI’s primary goals and objectives, since its inception in 1988, have been to:

- 1) promote safe, effective and efficient use, management, and disposal of radioactive materials,
- 2) monitor, communicate and establish a working relationship between and among regulators at both the federal, state and local levels; and
- 3) be a spokesperson on issues deemed important by its members, including access to processing and disposal capabilities for generators of radioactive waste nationally.

For additional information, please contact John R. Vincenti, ACURI Executive Secretary, at (800) 542-1874.

Obtaining Publications

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 Listserv Network • Contact Lockheed Martin EPA Technical Support at (800) 334-2405 or e-mail (leave subject blank and type help in body of message). listserv@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

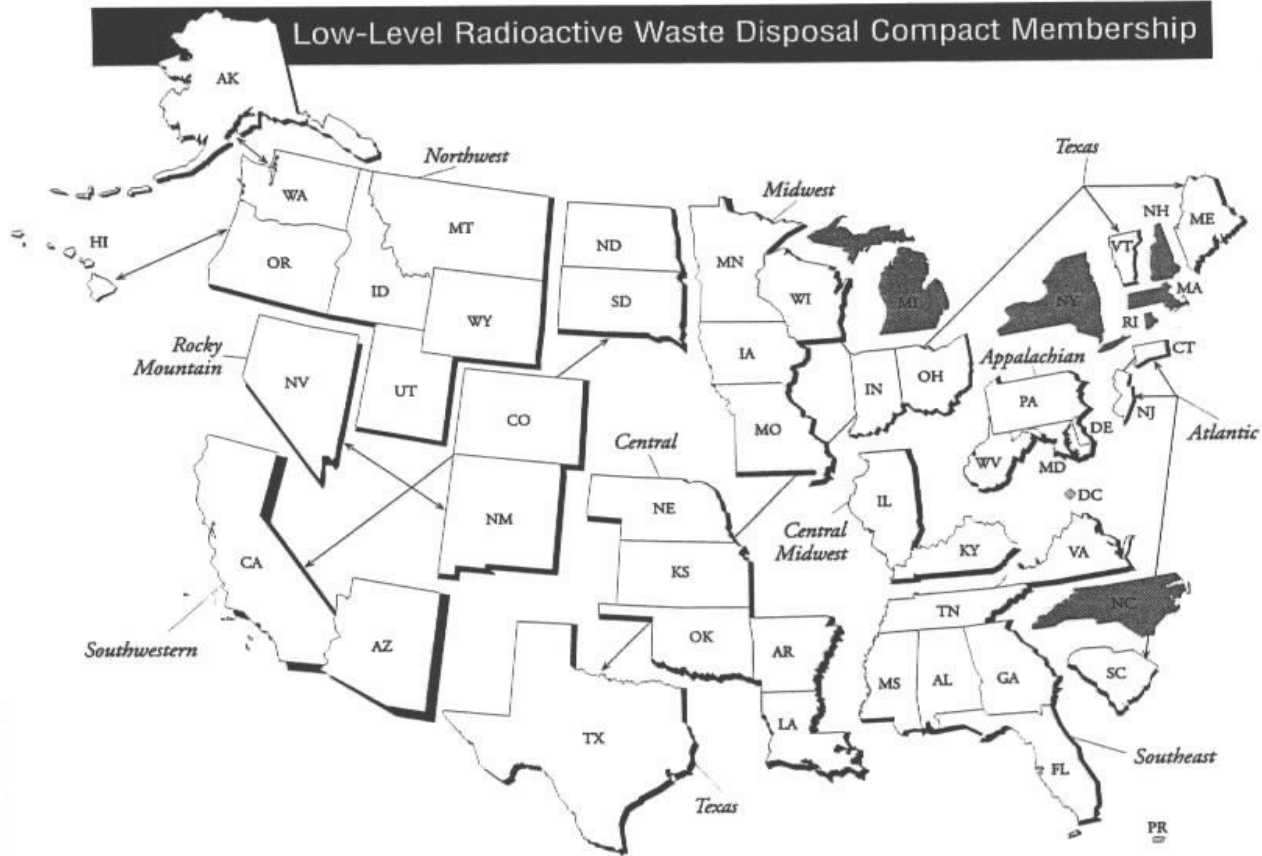
To access a variety of documents through numerous links, visit the web site for the LLW Forum, Inc. at www.llwforum.org

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. U.S. Department of Commerce, 5285 Port Royal Road, Springfield, VA 22161, (703) 605-6000.

Low-Level Radioactive Waste Disposal Compact Membership



Appalachian Compact

Delaware
Maryland
Pennsylvania *
West Virginia

Atlantic Compact

Connecticut
New Jersey
South Carolina •

Central Compact

Arkansas
Kansas
Louisiana
Nebraska *
Oklahoma

Central Midwest Compact

Illinois *
Kentucky

Northwest Compact

Alaska
Hawaii
Idaho
Montana
Oregon
Utah
Washington *
Wyoming

Midwest Compact

Indiana
Iowa
Minnesota
Missouri
Ohio
Wisconsin

Rocky Mountain Compact

Colorado
Nevada
New Mexico

Northwest accepts Rocky Mountain waste as agreed between compacts

Southeast Compact

Alabama
Florida
Georgia
Mississippi
Tennessee
Virginia

Southwestern Compact

Arizona
California *
North Dakota
South Dakota

Texas Compact

Maine
Texas *
Vermont

Unaffiliated States

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