The

Radioactive Exchange®

To promote the exchange of views and information on radioactive waste management

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800+ LLRW GENERATORS, BROKERS, TRANSPORTERS RECEIVE EPA NOTICE OF POTENTIAL LIABILITY FOR MAXEY FLATS CLEAN-UP

Approximately 832 firms that either generated, stored, brokered or transported low-level radioactive waste to Kentucky's now closed Maxey Flats LLRW Burial site have been formally notified by EPA Region IV that they may be liable, under the provisions of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), and the recently enacted Superfund Amendments and Reauthorization Act (SARA), for remedial action at the burial site. The notification, sent by registered mail, "encourages" the 800+ firms, who were identified through radioactive shipping records (RSRs) gathered by EPA, as "potentially responsible parties (PRPs), to "undertake voluntary clean up activities.... Specifically the remedial investigation and feasibility study (RI/FS) and ultimately the remedial design and remedial action (RD/RA) itself."

Hazardous Substance Release

According to the notice, "a release" of "hazardous substances as defined by Section of 101 (22) of CERCLA, as amended by SARA has occurred at the Maxey Flats Disposal site." The letter cites the detection of "elevated levels of radionuclides such as Strontium-90 and Cobalt-60 offsite," and "higher-than-normal tritanium levels in leaves of trees adjacent to the site."

It further states that "the potential and actual off-site migration of contaminated leachate and radionuclides," may pose an environmental threat to local surface waters, groundwater, wells and landowners." (See **CERCLA** pg. 2)

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(**CERCLA** from pg. 1)

Clean-Up Estimate - $30 Million

EPA estimates that the cleanup may cost $30 million or more with the cost of the RI/FS expected to run about $1.3 million. The actual cost of cleanup will be determined by the RI/FS. The Region IV waste director reports that EPA has already spent public funds estimated to be in excess of $130,000 in producing a draft work plan for conducting the RI/FS.

Formation of PRP Steering Committee

In order to determine the potential financial responsibility for the cleanup and undertake whatever action is necessary EPA requests that the PRP firms form a steering committee, appoint a steering committee spokesperson, and retain an environmental engineering consulting firm to review the draft work plan for the RI/FS.

As of the past week, Carolina Power and Light, an identified PRP according to Region IV's radioactive records, had taken the initiative towards forming a steering committee. Associate CP&L Counsel Dale E. Hollar reported to the EXCHANGE that the utility had contacted approximately 40 of the PRP firms that, according to EPA estimates, account for about 70 percent (on a volumetric basis) of the LLRW buried at Maxey Flats. Mr. Hollar revealed that a meeting of representatives of the firms contacted has been scheduled for January 9 at the Westin Hotel in Washington, D.C. He added that "PRPs not contacted may attend if they so desire," but cautioned that "the hotel space reserved is limited so if anyone not already contacted would like to attend they should call our office as soon as possible." Mr. Hollar can be reached at (919) 836-8161.

Federal Government - Major PRP

The list of PRPs compiled by the EPA ranks contractors or facilities that would have generated LLRW as a result of performing services for the Federal Government as top contributors to the volume of waste disposed at Maxey Flats. Their collective contribution amounts to about 45 percent of the waste buried at the Kentucky facility. Among other high ranked contributors are several utilities and industrial firms. The 800+ list includes brokers, transporters, and many of the nations hospitals and universities. Their estimated contribution ranges from just over one percent to thousandeths of a percent or less.

Reaction of Former Site Operator

US Ecology, previously known as Nuclear Engineering Company Inc. (NECO) and under that name the operator of the Maxey Flats burial facility is listed as a PRP and received a CERCLA notice. However, the current operator of the Beatty and Hanford burial facilities reports that it has not had any responsibility for the site nor had any official communications with EPA or the State of Kentucky since 1979. According to spokespersons for US Ecology and a press statement released by American Ecology, the holding company, the firm (NECO) entered into an agreement with the State of Kentucky in 1978 wherein the state paid "NECO for the remainder of its leasehold interest [in the site] and agreed to "assume any and all liabilities" arising out of NECO operations at the Maxey Flats facility and "agreed that NECO shall have no further responsibility for liability.

US Ecology and American Ecology are maintaining this position relative to the CERCLA action. However spokespersons for US Ecology contacted by The EXCHANGE stated that it is US Ecology's intent to "cooperate with the PRPs...and consider appropriate actions to try to mitigate the potential effects of EPA's actions...." and "assist in their response to the CERCLA notification."

Quick Settlement for Deminimus PRPs?

According to data compiled by EPA the number of firms that have been identified as individually responsible for less than one tenth of one percent to less than one ten thousandth of a percent (on a volumetric basis) for the waste at the site is around 700. For example, the firm rated 465 is

estimated to have contributed .0003 percent; the remaining 300+ are estimated to be at or below that level of contribution.

David Weinberg, a Washington-based attorney with Fox, Weinberg and Bennett, who has at various times provided expert legal advice to the EXCHANGE on RCRA/CERCLA issues, advised as how the newly enacted SARA directs the EPA to "enter into early settlement with deminimus generators." David cautions, though that earlier settlement will depend on when and how confident EPA is in the RI/FS studies that would determine the cost of the cleanup. "This is one very important reason why potentially 'deminimus generators' need to become involved with the RI/FS and the established steering committee," explained the Washington attorney.

Additional Cautions Raised

Mr. Weinberg raised several other issues regarding PRP action following receipt of the CERCLA notice. He called particular attention to provisions of the language of the newly enacted amendments (SARA) that limit judicial review to the established record. PRPs have "no negotiating leverage unless an adequate administrative record has been created. It's creation is vitally important," he emphasized. Because of this judicial review limitation and the possible early settlement opportunity available to deminimus generators, Weinberg reiterated that it is critical that the "lesser ranked firms on the PRP list participate in the steering committee and any other proceedings associated with this CERCLA action."

NB: Because of the interest expressed by brokers and generators listed as PRPs The EXCHANGE is exploring the possibility of convening a one day workshop for interested PRPs following the January 9 Carolina Power & Light Meeting cited in this article. (See Notice this issue.) **

NRC ISSUES BRC RULEMAKING NOTICE IN FEDERAL REGISTER

The NRC, following the full Commission's decision to proceed beyond a policy statement on Below-Regulatory Concern low-level radioactive waste (BRC) issued an Advanced Notice of Proposed Rulemaking in the December 12, **Federal Register** proposing a generic rulemaking to amend NRC regulations (See EXCHANGE, Vol. 5, No. 14). According to the FR notice the generic rulemaking is being explored because it may "provide a more efficient and effective means of dealing with disposal of wastes below NRC regulatory concern," and potentially reduce burdens associated with disposal of radwaste by all Commission licensees. If the rulemaking proceeds, it would supplement the NRC BRC policy statement. Comments on the ANPR are due by March 2, 1987. The NRC contact is Kitty Dragonette (301) 427-4300.

Rulemaking Not To Deter BRC Requests

According to the ANPR notice, the Commission will continue to consider requests for expedited rulemaking on BRC petitions as outlined in the policy statement. As of this date no such petitions have been received.

Comments on Type of Rulemaking Sought

The ANPR advises interested parties to refer to the issues raised in the policy statement when providing comments in addition to requesting responses to another set of questions directly related to the type of possible rules that could be developed. Commentors are asked to provide input on the following areas:

The Type of Rulemaking Should the decision criteria in the policy statement be codified as rules instead of guidance? Should more criteria be added? Some deleted?

Optional Rulemaking Approaches Should the policy statement be scrapped and a new approach be developed? Should the NRC establish concentrations or quantities of radionuclides that are BRC, regardless of the form of disposal circumstances? Should a risk or dose value representing generic regulatory cut-off levels for an individual licensees' waste be developed?

Public Exposure Standards How can NRC most effectively address the potential for exposures of members of the public from multiple disposal practices or sources that are each below NRC regulatory concern?

Additional Guidances Should NRC develop additional guidance instead of rulemaking? If so, what guidance would be most helpful?

EPA Actions The Environmental Protection Agency has issued notices on two aspects of slightly contaminated radioactive wastes. Should NRC defer entirely, or only in part, to EPA standards development in this area?

Need for Further NRC Action Are there other national or international standards or standards development activities that NRC should encourage or support that could negate or minimize the need for further NRC action? **

NEW LICENSE FOR HANFORD LLRW FACILITY HAS MORE RESTRICTIONS

By mid-January of the coming year the state of Washington's Department of Social and Health Services is now expected to finalize the US Ecology's license application to operate the Hanford burial facility. Currently the firm is operating the facility under "timely renewal." According to Nancy Kirner, of the State's Radiation Control Division, the new license will put into effect several new restricitons on the type of waste that will be accepted for disposal at the Hanford facility and establish procedures to be used by the site operator that will ultimately impact the generators' cost of disposal.

Waste Acceptance Restrictions

Among the new requirements to be included in the new license are the following:

-- Unless specifically authorized by the Department, radioactive waste packaged in wooden containers will not be accepted after February 28, 1987.

-- Special Department approval will be required for non-high integrity waste packages that have a void space over 15% of the total volume of the package; Class B or C gaseous waste; tritium waste; and any stable transuranic-contaminated waste.

-- Treatment of liquid waste must be performed according to three codified processes: solidification, sorption or stabilization. Class A waste may be treated by all three methods; Class B and C will only be accepted if "stabilized" as defined.

-- Waste liquids which have pre-treatment concentration of chelating agents in excess of one percent by weight are to be treated by either solidification or stabilization.

-- Waste containing solidified chelating agents and chelating agents in excess of one percent by weight, and waste containing solidified oils, are to be segregated from other wastes by at least 10 ft.

Possible Additional Changes

As of December 18, the Department is also considering, at the urging of US Ecology and various utilities, a change in the current requirement with regard to resin and ion-exchange waste materials easing the acceptance criteria by adopting the current NRC Part 61 standard for this type of waste.

According to Ms. Kirner the new requirement, if adopted, would allow the acceptance of resin or ion-exchange waste without prior stabilization if the concentration of radionuclides of half-life greater than five years meets the 10CFR Part 61 regulations. However, the state is concerned that this change could increase delivery of this type of waste to the Washington facility, since Barnwell will retain the current stricter standard which requires stabilization for resin and ion exchange material waste if the concentration of radionuclides of half-life greater than five years is greater than one micro curie per cc. **

CHEM-NUCLEAR GETS LICENSE FOR LLRW SUPERCOMPACTOR FACILITY IN ILLINOIS

On December 1, Chem-Nuclear Systems Inc. was issued an NRC license to operate a LLRW supercompactor and comprehensive Dry Active Waste (DAW) treatment and transport center at its Channahon, Illinois facility. The supercompactor to be installed at the facility was fabricated by GNS of Germany, and obtained through Chem-Nuclear's German subsidary GNSI. It is expected to be delivered the first week of January.

According to information obtained from Chem-Nuclear the supercompactor is rated at 1,500 tons, and is capable of handling 52 and 55 gallon drums as well as loose waste. The equipment had previously been in-service in Germany, where it processed over 30,000 drums of waste. Since its last service Chem-Nuclear has made several modifications to the machine in order to more effectively service U.S. generator needs. Chem-Nuclear reports that when the facility is fully operational it will "provide turn-key DAW handling, including transportation, volume reduction, packaging, disposal, with supercompaction as the primary volume reduction technique." One unnamed northeastern utility has already subscribed to the waste service. **

DOE REVEALS EARLY DRAFT OF TRU WASTE PLANS CERTAIN

At the December 15 open session of the National Academy of Science's Board on Radioactive Waste Management, an outside consultant to DOE Defense Programs presented an early draft of the DOE Defense Program's Management Plan for "Buried Transuranic Waste Contaminated Soil and Difficult-to-certify Transuranic Waste," (BCD TRU waste). The draft, which is far from complete (it only includes a descriptive outline of the strategy for management), was presented in order to solicit comments from the individual panel members.

Options Considered

The draft identified three specific options for management of BCD waste:

-- Leave the waste in place with continued surveillance and monitoring.
-- Leave the waste in place with improved confinement.
-- Retrieve, certify, dispose of the TRU waste in a repository, and dispose of the LLRW on-site.

It emphasizes that any of the options must be developed on case-by-case site-specific basis in conformity with "appropriate **state** and **federal** environmental safety and health regulations,...." According to the draft, there is no technical reason that all BCD TRU waste "could not be retrieved, certified and disposed of in a geologic repository."

Waste at Five DOE Facilities

Five DOE facilities are identified as locations where all the BCD TRU waste exists. They are: The Hanford Reservation in Washington; the Idaho National Engineering Laboratory in Idaho; the Los Alamos National Laboratory in New Mexico; the Oak Ridge National Laboratory in Tennessee; and the Savannah River Plant in South Carolina. **

LLRW ACCEPTED FOR DISPOSAL AT BARNWELL, BEATTY AND HANFORD

As Reported December 1, 1986

(Volumes in Cubic Feet)

	October	Year to Date
Northeast		
Connecticut	5,438.89	47,994.33
New Jersey	5,475.67	33,917.01
	10,914.56	81,911.34
Appalachian		
Pennsylvania	17,286.89	160,689.23
West Virginia	0.00	0.00
Maryland	45.00	9,746.08
Delaware	116.51	933.62
	17,448.40	171,368.93
Southeast		
Georgia	3,538.70	41,393.50
Florida	6,659.00	30,275.50
Tennessee	7,690.20	55,466.05
Alabama	6,337.20	44,826.70
N. Carolina	6,417.70	66,191.01
S. Carolina	14,080.00	99,306.90
Mississippi	1,980.50	12,558.00
Virginia	5,061.00	60,325.13
	51,764.30	410,342.79
Central States		
Arkansas	0.00	4,473.80
Louisiana	2,060.00	17,162.10
Nebraska	1,492.50	17,864.50
Kansas	0.00	1,911.50
Oklahoma	2,775.00	40,695.00
	6,327.50	82,106.90
Central Midwest		
Illinois	20,978.64	179,886.19
Kentucky	690.70	2,835.31
	21,669.34	182,721.50
Midwest		
Wisconsin	158.00	4,221.12
Indiana	0.00	0.00
Iowa	372.00	7,532.60
Ohio	1,070.00	14,399.90
Michigan	2,664.50	33,779.91
Minnesota	3,028.00	23,057.99
Missouri	0.00	9,167.50
	7,292.50	92,159.02

	October	Year to Date
Rocky Mountain		
Colorado	0.00	1,072.60
Nevada	0.00	0.00
New Mexico	0.00	0.00
Wyoming	0.00	0.00
	0.00	1,072.60
Western III		
South Dakota	7.50	7.50
Arizona	1,456.00	3,696.50
	1,463.50	3,704.00
Northwest		
Idaho	0.00	0.00
Washington	3,813.80	43,804.38
Oregon	18,377.20	92,254.21
Utah	0.00	2,745.00
Alaska	0.00	0.00
Hawaii	0.00	2,028.84
Montana	30.00	591.00
	22,221.00	141,423.43
Unaligned		
Rhode Island	35.57	192.32
Vermont	0.00	10,307.50
New Hampshire	1,858.40	2,618.90
Maine	1,000.00	5,964.00
New York	7,504.41	97,003.87
Massachusetts	5,232.00	55,230.17
Texas	0.00	424.80
North Dakota	0.00	0.00
California	13,129.69	82,503.15
D.C.	0.00	112.50
	28,760.07	254,357.21
TOTAL:	**167,861.17**	**1,421,167.72**
SEPTEMBER TOTAL:	144,045.08	1,253,306.55

IN NEW YORK

The New York Department of Environmental Conservation (DEC), acting under the mandate of newly enacted legislation requiring the use of a state manifest system for the transportation of radioactive waste, is apparently intent on requiring the use of a manifest form developed by the Western Governors' Association in a project funded by the DOE Low-Level Waste Management Program. The proposed manifest differs from that now required for waste shipped for disposal to Hanford, and Barnwell. The state of Washington maintains that waste shipped to Hanford must be accompanied by their state's manifest, regardless of what New York will require.

A Perspective At this time it looks like transporters, brokers and generators of LLRW within the state of New York will have to fill out two different forms, possibly three, if South Carolina and Chem-Nuclear see fit not to accept New York's form. This type of "paper" requirement is surely not in anyone's best interest. All the talk by state officials about coordinating their actions on LLRW at various public sessions over the past couple of years appears to have been just that -- talk. State officials ought to bear in mind that disparities in state regulations governing commerce generally lead to a push for federal intervention, not only by business interests but by other groups who see the varying requirements as not being in the best interest of public health and safety. The best approach is consistent regulation with strong local enforcement, something the states and localities could achieve much more effectively than the federal government.

On another front **Governor Cuomo** is expected to appoint the Chairman and members of the **state LLRW Facility Site Commission** before the end of this year. Following these appointments the Commission will select an Executive Director. Coincident with this action, the New York Energy Research and Development Authority (NYERDA) has begun a search for a LLRW management program director The salary is in the range of $70,000. Interested individuals should have experience with development and operation of a LLRW burial facility.

IN THE CENTRAL STATES

On January 15, the Central States Commission will meet to finalize the Request for Proposals to develop a Low-Level radioactive waste management facility within the Central Interstate Low-Level Radioactive Waste Compact Region. On November 18 and 19 the Commission met in Little Rock, Arkansas to receive comments on the initial draft (See EXCHANGE, Vol. 5, No. 19). As a result of that meeting and the comments received, the draft RFP was revised and released for review with a comment closing period of December 31, 1986.

The January 15 meeting will begin at 8:30 a.m. in the Galerie Room of the Marriott Hotel located at 555 Canal Street, New Orleans, Louisiana. Interested persons will be afforded an opportunity to make oral comments on the draft. Anyone interested in submitting written comments may do so prior to the meeting by addressing them to Raymond J. Peery, Executive Director, Central Interstate Low-Level Radioactive Waste Compact Commission, 3384 Peachtree Road N.E., Suite 260, Atlanta.

Dames and Moore, environmental consultants for the Commission, has submitted a draft Phase II Site Exclusionary Study. This draft is being reviewed by the Commission and its Technical Advisory committee. The document is expected to be released to the public in final form by the end of February, 1987.

At its November meeting in Little Rock, the Commission agreed that a document repository should be established in each state in the office of the Commission member or alternate.

AT THE NAS

The National Academy of Science's Board on Radwaste Management was briefed on the status of the low level waste disposal and site development under the new compacts at

the Dec. 15-16 meeting in Washington, D.C. Ed Jennrich, Director of EG&G's low-level waste program addressed the group, as well as Mel Knapp from NRC and staff and consultants involved with DOE Defense Programs LLRW efforts. Dr. Parker explained to the EXCHANGE that the Board requested the briefing, and though he was particularly interested in the program, the current activities of the panel precluded further involvement at this time. (See related story this issue.)

IN THE INDUSTRY

Chem-Nuclear Systems, Inc. of Columbia, South Carolina has been awarded a Contract to provide full-time Dewatering Services for the Commonwealth Edison Company's Quad Cities Station, using the Chem-Nuclear RDS-1000 Rapid Dewatering System. This service also includes use of Chem-Nuclear's new Hi-Volume High Integrity Container, Transportation, and Disposal. Quad Cities expects to reduce their process waste by 50% with the use of Chem-Nuclear's services. This is the second RDS-1000 System Chem-Nuclear has in operation providing full-time waste processing services.

International Technology Corporation (IT) is establishing a national Environmental Technology Development Center in Oak Ridge, Tennessee. The Center will be designed for the pilot development and commercial testing of modular, transportable systems to treat, detoxify and destroy hazardous wastes. IT expects to invest approximately $40 million over a five-year period in the facility, which will be located on 50 acres of land. Following timely approval of applicable federal, state and local permits, construction is expected to begin in mid-1987 with completion early in 1988. IT expects to create about 100 jobs at the Center and to provide training facilities and crews for operation of transportable systems throughout the United States.

International Technology Corporation (IT) has reached an agreement to merge with **PEI Associates, Inc.** of Cincinnati, Ohio. PEI Associates, a private firm with annual sales of over $20 million and 220 employees, provides a wide range of environmental consulting and analytical services. The company has branch offices in Columbus, Ohio; Dallas, Texas; Denver, Colorado; Durham, North Carolina; Kansas City, Missouri and Washington, D. C.

NOTICE TO MAXEY FLATS PRPs!

-- A WORKSHOP ON MAXEY FLATS CERCLA ACTION --

Because of the interest expressed by LLRW brokers and smaller LLRW generators that are subscribers to the EXCHANGE, we are currently planning to convene a one day workshop/meeting in Washington, D.C. focusing on issues critical to lessor ranked PRPs as listed in the EPA CERCAL Notice. The intent is to provide those who are not well acquainted with CERCLA and SARA actions a basic understanding of the implications of the CERCLA notice and actions that need to be taken within the response period (ninety days from receipt of the notice); to explore ways to organize a steering committee currently being initiated by Carolina P&L.

The workshop is tentatively planned for **Friday, January 30 in Washington, D.C., but will only be convened if there is sufficient interest.** A registration fee of $325.00 per firm (if more than one representative attends only the cost of meals will be assessed for each additional person). The registration fee will include a continental breakfast, lunch, and briefing materials. Faculty will include Mr. David Weinberg, Esq., an expert on hazardous waste issues and author of a handbook on RCRA regulation, EPA staff, a spokesperson from the steering committee that is intended to be established following the January 9 meeting being convened by Carolina P&L, Kentucky State officials, representatives from Westinghouse-Hittman, the firm that has the contract for custodial care, and a representative from US Ecology will be invited and are expected to participate.

ANYONE INTERESTED IN ATTENDING THIS PROPOSED WORKSHOP MUST CALL THE EXCHANGE OFFICE AS SOON AS POSSIBLE, **PREFERABLY BY DECEMBER 31. WHEN CALLING JUST LEAVE A MESSAGE THAT YOUR FIRM IS PLANNING TO ATTEND, THE NUMBER OF PEOPLE THAT WILL BE INVOLVED AND YOUR PHONE NUMBER. ****

THE SENATE With the Democrats taking over the Senate, all Committee and subcommittee chairmanships will change for the next Congress. **Senator Bennett Johnston,** as the new Chair of the Energy and Natural Resources Committee is beefing up staff. **Mike Harvey** will reassume his responsibilities as Staff Director and General Counsel. On the nuclear side of things **Dr. Ben Cooper** will continue his responsibilities for nuclear issues and is strengthening staff resources to handle upcoming legislative activities. Ben has just hired **Mary Louise Wagner,** formerly ace reporter and editor for McGraw Hill's nuclear publications. From what the EXCHANGE has learned thus far, it looks like the committee intends to convene a comprehensive set of hearings on the status of the HLW program in the beginning of February.

Democratic holdover members of the "new" Energy Committee are Senators Ford (KY), Bumpers (AR), Melcher (MT), Metzenbaum, (OH), Bradley (NJ) and Bingaman (NM). They will be joined by newcomers Wyche Fowler (GA), Tim Wirth (CO), and Kent Conrad (ND). The Republican members will be Senators McClure (ID), Domenici (NM), Evans (WA), Hatfield (OR), Weiker (CT), Hecht (NV), Wallop (WY), Nickles (OK) and Murkowski (AK). Senator Rockefeller (WV) and Senator Warner (VA) will no longer be members of the committee.

Senator Burdick of North Dakota, Chairman of the **Senate Environmental and Public Works Committee,** will undoubtedly be more interested in coal than in nuclear power. None of the remaining four Democrats on the committee from this past Congress have indicated a preference to chair the **Subcommittee on Nuclear Regulation** formerly headed by Senator Alan Simpson.

The Senate members that will make up the Environmental Committee on the Democratic side will be: Senator Moynihan (NY), Mitchell (ME), Baucus (MT), Lautenberg (NJ), joined by newcomers John Breaux (LA), Barbara Mikulski (MD) Harry Reid (NV) and Bob Graham (FL). It will be Senators Simpson, Chaffee, Abdnor, Symms, Durenberger and Warner **on the Republican side.**

A couple of the "new" elected members, John Breaux and Harry Reid, can be expected to press for continued committee interest in nuclear issues. Mr. Breaux, because his tenure in the House counts in the Senate as far as seniority goes, is in line to head up the Nuclear Regulation Subcommittee.

The **Senate Government Operations Committee** is to be headed by Senator Glenn of Ohio and he is expected to pay close attention to nuclear issues beyond proliferation. One can expect considerable attention to DOE nuclear facilities and waste disposal practices. **Len Weiss** will probably be the staff person responsible for nuclear-related issues.

Since S.C. **Senator Thurmond** will no longer be chairman, **Senate Judiciary** will undoubtedly experience a lessening of staff involvement in the low level waste disposal issue vis-a-vis the state regional compacts. **Senator Biden,** the new chairman with presidential aspirations, can be expected to focus Committee resources on other issues. However, the Delaware Senator has always maintained a good working relationship with Senator Thurmond and would probably heed his advice as to committee attention to the LLRW arena.

THE HOUSE If all goes according to current plans, **Congressman Ed Markey** will move over to head up **Commerce Committee's Telecommunication Subcommittee** with Energy Conservation and Power being folded into a new subcommittee, along with Fossil Fuels, to be chaired by Indiana's **Phil Sharp.** The Indiana Congressman is viewed as more moderate on nuclear issues that Mr. Markey. His interest in the area can be expected to be tempered by his state's lack of involvement in the nuclear power and intense interest in coal. Staff assignments are uncertain at this point.

The **House Interior Committee** with **"Mo" Udall** in the lead will again be the focus for any nuclear related issues. **Sam Fowler** will continue as the key staff contact. **House Government Operations** will continue to look into waste disposal practices at DOE nuclear facilities. **

the
HLW
Focus
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STATES, TRIBES URGE NAS PANEL RECONSIDER ROLE IN HLW PROGRAM

Officials from the states of Washington and Texas and individuals representing the State of Nevada took the opportunity at a December 15-16 meeting of the National Academy of Science's Board on Radioactive Waste Management to strongly urge that the panel reconsider current plans to provide technical oversight to DOE's site characterization efforts at the three proposed sites for the HLW repository in Nevada, Texas and Washington.

Along with individuals representing other first round states and Indian tribes who were invited to participate in the meeting by Board Chairman, Dr. Frank Parker, they repeatedly told the members that the panel's past effort involving the review of the multiattribute utility analysis technique (MUAT) used in determining the final potential sites for the repository was viewed by the public as an endorsement of DOE's final site selections. Dr. Parker and other members argued as to how this was not the case since, in fact, the application of the MAUT put Hanford dead last in the site ranking where DOE ranked the site in the top three.

Public Misperception of NAS Role

A good deal of the afternoon was spent on how the panel's role is being perceived by the media and the public as an endorsement of DOE's actions and how current plans to provide technical oversight over the site characterization work would add to this perception.

Though Board members emphasized that the past effort and their proposed current plans to provide ovesight would only involve evaluation of the technical and scientific data acquired and presented by DOE and **not** the decisionmaking process, the states and tribes pointed out that this was not the way the NAS role was perceived and not the way DOE had sometimes depicted the panel's role in Congressional testimony and public statements.

Though no one blatantly made the statement the comments made by most representatives reflected the view that the NAS was being misused by DOE to endorse ongoing HLW site selection activities.

No Support For Proposed Oversight

Terry Husseman, Director the Washington State Nuclear Waste Program, recommended that the Board follow Governor Gardner's recommendation and review the entire site selection process prior to offering to provide oversight on site characterization activities. He remarked as to how the Board's decision to proceed to provide technical oversight of the site characterization program could be interpreted as an endorsement of the DOE actions up to this point.

States, Tribes, NAS on Equal Footing

Prior to Mr. Husseman's remarks, Steve Frishman, Director of the Texas HLW program, started off the barrage of comments by offering a lengthy and harsh critique of the Board's past oversight role. He then proceeded to offer advice on the Board's proposed scope of work and charter

to provide technical oversight of DOE's site characterization activities that, interestingly enough, did open the doors to possibly establishing a working relationship between the Board, and the States and the Tribes.

In a telephone conversation following the session, Steve explained that the Board needed to position itself not as contractor to DOE but as a national technical advisory panel to the program. He agreed with the view, expressed by the Board members, that they cannot take on the responsibility for overall oversight of site characterization, that their role must be clearly defined and limited to scientific and technical aspects of the program. However, Mr. Frishman's view of how the Board's oversight role should be limited and defined does not appear to be the same as the Board's. He wants the Board to set up priority areas of concern on a site-specific basis and have the Board's proposed panels provide technical oversight over all aspects of activities in the selected area.

For example, if the critical area of concern at a site is groundwater, then the site specific oversight panel set up by the board would be involved in all DOE contractor activities relative to ascertaining groundwater problems (how data is obtained, development of models, how the data is used, conclusions drawn from the data and applications of the models etc.). This is a much broader role than the Board seems to now envision. According to the comments made at the session the Board views their role as limited to dealing with "scientific and technical data and elements" of defined aspects of site characterization activities.

NAS Proposed Charter, Work Scope

The Board spent a day and a half discussing the comments from the states and Tribes and the draft scope of work and charter. The members did reaffirm their intent to proceed to enter into an agreement with DOE to provide oversight on site characterization activities with the provision that the role be clearly defined and limited to scientific and technical aspects of the data.

According to the draft documents distributed prior to the meeting and comments made thereafter, the Board intends to stipulate to DOE that the information provided to the Board and site-specific oversight panels is to be provided to the States and Tribes.

As now envisioned, but still not finalized, the Board will set up site specific scientific panels as the key "work" components of the oversight program, with the states having a scientific/technical liaison representative on each panel. This "liaison" member would participate in all activities of the panels and the Board except in executive sessions, that presumably would be called to develop Board recommendations. **

COURT DECISION ON TENNESSEE POSITION FOR REHEARING OF MRS DECISION AWAITED

As this edition of The EXCHANGE went to print the Sixth Court of Appeals had not yet acted on Tennessee's petition that their suit challenging the DOE's intent to submit the proposal for a Monitored Retrievable Storage Facility for spent fuel be reheard "en banc", following the November 25 decision of a three judge panel of the Court denying Tennesee's request and overturning a lower court decision that ruled in favor of the state's challenge.

The petition was filed by Frank J. Scanlon, the Deputy Attorney General on behalf of the State's Attorney General's office headed by Attorney General Michael Cody.

Tennessee Arguments for Review

In support of the petition for a hearing of the case "en banc" (i.e., before the full Appeals Court panel of twelve judges), the Deputy Attorney General argues that, contrary to the decision rendered by two of the judges of the initial three judge panel, the lower District Court which upheld Tennessee's position concluded that, "the legislative history of the Nuclear Waste Policy Act is replete with references to the clear mandate of the Congress that the states are to be accorded full participation in the siting development and construction

of nuclear waste disposal facilities." Further, the petition contends that "only by according rights of consultation and cooperation **prior to** siting of an MRS can DOE effectuate this Congressional intent in enacting the Nuclear Waste Policy."

The argument is made that "the precise issue in [the] case is **when** must DOE" consult and cooperate with Tennessee. The provisions of the NWPA giving a state the right to provide Congress a "Notice of Disapproval" regarding the MRS is cited as supporting the state's arguments.

As stated in the petition, "for Tennessee's disapproval rights...to make any sense at all, they must be available to Tennesee **prior to** Congress passing legislation authorizing construction of an MRS. ... If,...consultation and cooperation is not triggered until after the MRS is authorized by Congress, then by necessary implication, the notice of disapproval process is also not available to Tennessee until legislative approval of construction of an MRS. Obviously, such result was not contemplated by the drafters of the NWPA." **

WESTINGHOUSE, BOEING WIN, ROCKWELL LOSES HANFORD CONTRACT

In a decision announced by the Department of Energy last Friday (December 12), Rockwell Hanford has been replaced by the Westinghouse Electric Corporation and Boeing Computer Services as the prime contractor for DOE's Hanford operations. The five year contract is estimated to be worth some $4 billion. The Boeing Computer Services contract is worth about $375 million. The award caps a long-running speculation that Rockwell, which has suffered a number of embarrassing incidents in its support work over the past several years would be replaced as the principal support contractor.

Rockwell Problems

Rockwell has been the prime contractor for 10 years, but apparently lost its attempt for renewal of the service contract due to a number of factors. The firm has been viewed by many as promoting the Basalt Waste Isolation Program to locate the proposed high-level waste repository at Hanford by issuing rather optimistic conclusions from data gathered to determine whether the site should go through formal site characterization. More recently, some managers were disciplined when they removed radioactivity contamination signs along a route Governor Gardner traveled on a site visit last year. A Rockwell auditor also recently criticized safety procedures, resulting in the closure of two plutonium-extraction plants in October and the soon-to-occur closing of the N-Reactor, which produces plutonium for weapons production. The N-Reactor will be shut down for six months, starting on January 7th in order to upgrade its safety systems.

Westinghouse Responsibilities

Westinghouse will be responsible for several key activities at Hanford, including: plutonium production; cleaning up the 40 years of defense wastes accumulated on the site; operation of the N-Reactor; operation of the fast flux test facility; carrying out site investigations at BWIP, including the sinking of exploratory shafts and carrying out of in-situ testing; security; and major research and development projects. The Boeing subcontract will provide computer services and telecommunications. The contract decision was made by the Under Secretary of the Department of Energy, Joseph Salgado.

Environmental Group Reaction

Environmental groups have reacted to the Westinghouse award as "little more than a name change". They are calling for increased independent monitoring of Hanford operations. They cite an alleged absence of a sufficient commitment to public health and safety, a weakness which they feel will not be altered merely because of a change in the principal contractor.

William M. Jacobi, President of Westinghouse-Hanford, said that running an open program and emphasizing safety is the firm's highest priority.

IN THE NRC

REDEFINITION OF HLW The staff proposal for an Advanced Notice of Proposed Rulemaking (ANPR) on the redefinition of high-level nuclear waste has been forwarded to the Commissioners for approval. As of December 18, the EXCHANGE has learned that only Chairman Zech had voted and that vote was in the favor of the staff recommendation.

According to several sources, the staff recommended ANPR outlines a scheme that will categorize waste according to toxicity, concentration of radionuclides and associated risk. The proposal is being seriously questioned by some within the Agency.

From the information obtained thus far, it seems that if the proposed methodology is used to categorize the now-designated HLW stored in the tanks at the Hanford reservation, a major portion of this waste would end up being no longer classified as high level. The result would be that it would not fall under the proposed requirements of the Nuclear Waste Policy Act (NWPA), and therefore not required to be disposed of in a geological repository. Apparently, according to the proposed approach, most of this waste would be designated as Above Class C-waste some as LLRW and some as HLW.

COMMENTS ON DOE HLW EAS For the past three weeks or so NRC staff proposed comments on DOE's Office of Civilian Radioactive Waste Management's Environmental Assessments of the sites considered for location of the HLW repository have been circulated at the Commissioners' level. Several key Congressional staffers have also been provided copies at their request. The comments were to be released this past Tuesday, December 16 since they were provided to the Commissioners with the proviso that they would be released within two weeks if no Commissioner objected. The two weeks ended on December 16, but the document, designated as SECY 86-350, has not been made available to the public. The delay is apparently due to concerns raised by Senior staff outside of the Waste Management Division. Though the EXCHANGE was not able to obtain specific details of these particular concerns, it has been learned that the staff documents are significantly critical of the EAs. The staff apparently found that DOE, in some instances, did not provide sufficient evidence to support conclusions regarding the application of the repository siting criteria to the potential sites. The EA findings are concluded to be less than conservative.

PERSONNEL CHANGES: NRC has announced several appointments to fill various new senior staff positions created by the reorganization plan along with significant changes in personnel within established offices. Thus far the new appointments are as follows:

Harold Denton will move over from Nuclear Reactor Regulation to head the newly created Office of Governmental and Public Affairs. **Carlton Kammerer** will move over from Congressional Affairs to Direct the State Programs functions within the Office of Governmental and Public Affairs. The former Director of the Office of State Programs, **Wayne Kerr's** new responsibilities have not been announced. **Tom Morley,** the former Administrator for Region I (King of Prussia, PA), will head Nuclear Reactor Regulation. **William MacDonald,** who had been with the NRC in the late 1970's, will leave the Federal Economic Regulatory Commission and return to head up the new Office of Administration and Resource Management.

James Taylor has been appointed Deputy Executive Director for Regional Operations, a new position, while **James Keppler,** the former Administrator for Region II in Chicago, will become the Deputy Executive Director of Operations.

Eric Beckjord is to head the Office of Nuclear Regulatory Research; **James Sniezek** is to move over to head the Office for the Analysis and Evaluation of Operational Data.

At this time all other senior level positions remain the same. No appointments have

been announced regarding the head of the newly created Office of Enforcement.

AT THE INEL

ROD CONSOLIDATION PROJECT Engineers with **EG&G Idaho's Engineering and Project Management** report that a remote-operated dry rod consolidation system (DRCS) for horizontally extracting spent or used fuel rods from rod assemblies and consolidating the rods in storage canisters for eventual long-term storage has been developed. The work was completed as part of the INEL Dry Rod Consolidation Technology Program being funded by the Department of Energy Idaho Operations Office (DOE-ID), Waste Management Branch, Nuclear Programs. The current goal for the program is a two-to-one volume reduction -- placing fuel rods from two fuel assemblies into a single canister that has the same dimensions as one fuel assembly.

The technique developed at the INEL offers two important breakthroughs in spent fuel storage: horizontally extracting the fuel rods from the fuel assemblies and placing the rods in storage canisters should allow two-to-one consolidation saving storage space, and performing the function out of water in a hot cell should speed up the process.

The electronically-controlled DRCS removes the top end box of a fuel assembly. Then, in a single motion, a pincher grasps the end of a fuel rod, pulls the rod from the bundles and places it in a storage canister. This takes about 45 seconds per rod. Because the rods are stacked horizontally similar to stacking a cord of wood, more rods can be put into a storage canister. In trial or cold tests, engineers achieved a fuel rod consolidation of greater than two-to-one; however, Rose says, this was done with simulated fuel rods and not the potentially blistered or bowed rods actually coming from spent fuel assemblies. The entire process will be carried out in a hot cell which gives the technicians a better view of what they are doing and lets them more easily and quickly perform the work.

ON THE MOVE

Two key appointments at Battelle Memorial Institute have been announced by Dr. Ronald S. Paul, Battelle's President and Chief Executive Officer. **Dr. William J. Madia** has been named Director of Battelle's Columbus Division and **Dr. Richard A. Nathan** is now General Manager of Battelle's Project management Division.

Dr. Madia's position was previously held by Dr. Neal E. Carter who has resigned to pursue interests outside of Battelle. Before assuming his new position, Dr. Madia, who is a vice president of Battelle, was General Manager of the Project Management Division. Dr. Nathan, who succeeds Dr. Madia as General Manager of the Project Management Division, leads the Institute's newest division, which was created specifically to manage large high-technology demonstration and development research programs. This Division currently has responsibility for a major part of the U.S. Department of Energy's High-Level Nuclear Waste Disposal Programs. Most recently Dr. Nathan has served as Director of Technology Management at Battelle's Columbus Division, with responsibility for such large programs as one to establish an Energy Research and Development Institute for the government of Indonesia. **

Calendar

December

29 **Meeting Cancelled: Northeast Compact Commission. Not currently rescheduled.**

1987

January

-?- Meeting: Technical Review Committee on Underground Disposal of Radioactive Waste (TRCUD; Vienna, Austria; Spons: IAEA; Contact: W. Porter (202) 252-4573.

15 **Commission Action: Central States to adopt a Request for Proposal (RFP) to Develop a Low-Level Radioactive Waste Management Facility within the Central Interstate Low-Level Radioactive Waste Compact region.**

20-22 **Meeting: OCRWM Environmental Coordinating Group Meeting; Las Vegas, NV; Contact: Jerry Parker (202) 252-5679.**

21-22 OCRWM Meeting: Quality Assurance Coordinating Group; Albuquerque, N.M.; Contact: Carl Newton (202) 252-9300.

Happy Christmas
&
Hanukkah
&
A Good New Year
Edward L Helminski

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