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Volume 6 No. 1

JANUARY 19, 1987

## **NRC FAULTS HLW SITE EAs; SUPPORTS STATES' CRITICISMS**

The Nuclear Regulatory Commission Waste Management staff comments on the DOE's Office of Civilian Radioactive Waste Management (OCRWM) Environmental Assessments (EAs) on the potential sites for the first round HLW repository released in late December basically endorse criticisms initially raised by the states of Texas, Nevada and Washington. State officials contacted by the EXCHANGE plainly stated that the NRC concerns parallel theirs and substantiate issues that they have raised since the draft EAs were released. The comments, still under review by state officials and OCRWM, generally concluded that "some conclusions in all five final EAs are overall favorable or optimistic" in areas identified as of "major concern."

The document focuses only on issues of major concern and does not evaluate the ranking of the sites. Specific comments (See **NRC in the HLW Focus**)

## **NRC OK's B&W "REGIONAL" COMPACTOR; ACTION ON INCINERATOR FAVORABLE**

This past holiday season brought especially good news for Babcock & Wilcox regarding their proposed regional LLRW processing facility at their Pennsylvania Parks Township facility. On December 23 NRC Administrative Judge Oscar Paris issued his decision directing NRC to approve B&W's license amendment for the operation of a supercompactor at the facility, and stipulated conditions to be met by the proposed Aerojet incinerator (MVRs) prior to NRC licensing that are viewed as achievable by B&W and by Aerojet (See **Press Conference** in this issue). In the words of Scott Dam, who has been directing the B&W project, the Administrative Judge's decision and stipulated operational conditions for the incinerator "are monumental."

Though the judge directed NRC staff not to approve the MVRs license amendment until specified emission and performance (See **Incinerator** pg. 2)

(Incinerator from pg. 1)

requirements were met, Dam explained that B&W and Aerojet had committed to the judge's specified requirements during the NRC hearing. "They are part of the standards we expected to meet," he emphasized.

### Incinerator Requirements

On the MVRS license amendment request, Administrative Judge Paris sided with intervenor complaints that the "incinerator's design has not been adequately demonstrated and that the scrubber system has not performed as expected." However, he cites B&W's commitment "not to accept the MVRS unless overall system particulate Decontamination Factor (DF) meets or exceeds  $4 \times 10^5$ , which is equivalent to an overall efficiency of 99.99975 percent." He then concludes that, "if this DF can be achieved, then the MVRS can be operated at the Parks Township site without undue risk to the public health and safety."

He lists the following five specific conditions under which NRC staff may approve a license amendment for operation of the incinerator:

- (1) The tests on the MVRS at Dresden clearly show that the overall system particulate DF meets or exceeds  $4 \times 10^5$ , the standard to which B&W has committed.
- (2) The current environmental sampling contract between the NRC and the Commonwealth of Pennsylvania is expanded to include sampling and analysis for H-3, C-14, and I-125 in the environment surrounding the plant.
- (3) B&W determines whether there is a law enforcement officer available in Parks Township 24 hours a day to serve in an emergency, and if not,

makes appropriate arrangements to contact some other law enforcement agency such as the sheriff's department or highway patrol when the Parks Township police are not available.

- (4) B&W determines whether the Armstrong County Civil Defense is available in an emergency.
- (5) B&W calls all the numbers on its emergency list and verifies them every 100 days. \*\*

### TRANSPORTERS OF LLRW INTO, WITHIN THRU NY REQUIRED TO OBTAIN PERMIT

Effective January 1, 1987 all transporters of low-level radioactive waste "into, within or through" the State of New York are required to obtain a permit from the State Department of Environmental Conservation (DEC) and comply with the State's established manifest system. The regulation was promulgated on an "emergency" basis by the DEC. An "expedited" permit application may be requested by calling (or writing via Certified Mail, to Dr. Paul Merges, NYDEC, 50 Wolf Road, Room 514, Albany, N.Y., 12233.

This action was taken under legislation enacted this past year. According to the emergency regulation all transporters must also mark their respective vehicles in a manner consistent with NY State transportation law and any federal requirements.

An exception to this requirement can be granted upon a determination by the DEC, based upon such considerations as "half-life, concentration, activity, and toxicity of the specific LLRW transported," that the transport "imposes no potential significant adverse impact on public health, safety or welfare, the environment or natural resources." \*\*

# Press Conference

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SCOTT DAM... BABCOCK & WILCOX

## NRC'S ACTION ON B&W'S LICENSE AMENDMENT TO OPERATE A LLRW PROCESSING FACILITY AT THEIR PARKS TOWNSHIP, PA. FACILITY

**Scott, NRC gave B&W a nice New Year's gift by approving your license amendment to operate a supercompactor at your Parks Township Facility. What are B&W's plans now? Are you satisfied with the way the decision was issued?**

Well, first off we had a great Christmas present. This was the NRC Administrative judge's decision issued on the 23rd of December, which not only gave approval to the supercompactor, but also said that once some fairly straightforward conditions are met, the NRC staff could issue the license for the Aerojet incinerator planned for the facility. We then had a New Year's present when the NRC staff, within essentially three days after the issuance of the order by the judge, issued the amendment to our existing NRC license which approves operation of our supercompactor under conditions outlined in the staff's earlier released Safety Evaluation Report (SER).

**What's next? Have steps already been taken to meet the judge's conditions set for the incinerator?**

The conditions set by the judge are ones B&W had always planned to meet. Aerojet has been part and party to these commitments, and, in fact, Aerojet testified at the NRC hearing that they believed that the limits on emissions and performance specifications that we had set as our standards were, in fact, achievable and they committed to achieve those. So they have been working on them right along.

The testing that they have done so far has demonstrated that some of the requirements have been met. There were some results that were not quite up to the standards we set and those required by the judge. However, it may not be a problem with equipment, but with the sampling and measuring technique used to determine the small quantities of certain materials that

are minutely present in the emissions. Additional tests are planned for late January and early February. Another testing company has been retained to perform these measurements.

Prior to this series of tests Aerojet will make additional improvements in the primary scrubber and the demister which takes the water out of the air as part of the wet scrubber system. Over the course of the last year Aerojet has made a number of refinements to the incinerator system and, like I said, it looks like they are going to get there and we should know by mid- to late February. This is generally consistent with our licensing schedule.

**So you don't see any problems at this time with regard to the Aerojet incinerator meeting the requirements outlined by the Judge?**

No, only in the fact that they haven't met them yet.

**What's next? Is there a proceeding on the compactor that you have to go through with the State of Pennsylvania?**

Yes. The state has required that we file for and receive an air quality control permit for the compactor. We filed for that in December of '85, but the state decided not to act until NRC approved the license amendment. However, they did publish draft permit conditions last year and we can meet them.

The state also notified us last fall that in addition to the air quality permit they will also require a solid waste permit that is applied, typically, to processors of hazardous waste. We filed for this a month ago. Pennsylvania will now hold a joint public meeting on both permits, probably sometime in early February. Following this public meeting the Department of Environ-

mental Resources will then finish their review of both applications. We expect that they will have finished that review by early March and be ready to issue both permits -- solid waste and air quality -- for the compactor.

**So you cannot operate the supercompactor until the state approves.**

That is correct. Also, EPA has told us that an EPA review and approval is necessary. We filed for that on January 2nd. The statute requires them to act within 60 days of our filing. They have given us every indication that they will be able to act within the 60 days.

**Are you satisfied that you will meet the EPA limits?**

We're more than satisfied. We're at only ten percent of those limits.

**What about the state's approval of the incinerator?**

Again, the State has said that once the NRC issues their amendment approving operation of the incinerator, then they will proceed in scheduling a public meeting on the permit for the incinerator. Meanwhile, they have been reviewing our permit application for air quality since we filed it in November of '84. We already have the draft permit conditions and we're negotiating the details. Some of these depend on the results of the latest Aerojet testing. A solid waste permit is also required for the incinerator. We should have filed for that by the time this article appears.

**What about EPA and incinerator permits?**

We are required to have EPA approval for the incinerator. We will file the same information on the incinerator we have filed with the state and we expect, again, a 60 day turn-around. EPA requirements pose no problems.

**So in your view as far as State and federal government approval, things look good. What about the local ordinance that sets very low emissions standards?**

The local ordinance limits Tritium and Carbon 14 releases into the air to five curies and one curie respectively per year. It also limits dioxin emissions. These limits would severely restrict the operation of the incinerator but not completely curtail it. They are less than what we applied for and what the NRC has approved in the SER.

As for the compactor, we do not believe that the local ordinance will have any affect on the compactor. Nor do we believe that the ordinance was intended to apply to the compactor.

We are still working out what our strategy will be on the local ordinance. We filed suit in the U.S. District Court in Pennsylvania in December of '85 challenging the ordinance.

**What is your projected schedule for full scale operation?**

We expect that the compactor should be in operation in mid to late March of this year, and the full facility -- including the incinerator -- to be in operation by late summer of this year (1987). \*\*

## IN THE CENTRAL MIDWEST

The Central Midwest Compact Commission has decided to enter into negotiations with **Rogers and Associates Engineering Corporation** to execute a contract to provide assistance to the Commission in the development of a Regional Management Plan. The Salt Lake City, Utah, based firm won out over four other companies that submitted proposals.

## IN THE MIDWEST

The **Midwest Regional Compact Commission** has completed its public hearings on its proposed Draft Regional Management Plan. About 350 people attended the fourteen hearings held throughout the seven state region, with only seventy offering testimony. According to individuals participating in the session not much "public" support was voiced for the Compact. A sizeable number of the active participants were opposed to nuclear power, and, therefore, opposed to providing disposal capacity for nuclear waste.

Utility representatives presented testimony at each of the sessions, but representatives from medical institutions and universities, which are heavily involved in research or treatment programs that generate LLRW, were not evident. A majority of the witnesses seemed to support the view that each state within the compact should take care of its own waste. Several concerned about the possibility of their state being designated as the host state questioned the LLRW volume projection data included in the Plan's support documentation. In response to this criticism the staff of the Commission has already rechecked and reworked the volume projections.

According to Commission staff the final version of the Regional Management Plan, including a comment and response document and the host state selection criteria will be presented to the Commissioners for their approval at the next meeting on January 28-29 in Lansing, Michigan.

From what the EXCHANGE has learned, the "final" version of the Plan will not differ

significantly from the "twelve volume" draft. The Commissioners are expected to approve it by adopting a policy resolution. Once this action is taken, as expected, the Action Plan and Recommendations included in the draft will become the "operational" roadmap to select a host state and develop a regional disposal facility.

The following are the key elements of this "roadmap" as outlined in the Summary Report of the draft document:

**Host State Selection Criteria** A primary element of the plan is a comprehensive incentive package to entice a state to volunteer to host a regional facility. If no volunteer comes forth then the Commission is to proceed to designate a host according to specified criteria. The amount of LLRW generated within the state, the curie content of the waste generated, and transportation of waste to a disposal site (possibly analyzed with respect to curie/miles and possible accident/miles) are to be the host state selection criteria. "With regard to important health, safety and environmental matters the Commission concluded that ample land could be found in all states that would satisfy required standards."

**Disposal Technology** Traditional Shallow-Land Burial (SLB) is not acceptable for the Midwest region. Mixed cavities, augered holes, above-ground tumuli from earth mounded concrete bunkers are also not recommended. The four technologies recommended for consideration by the host state are: Above-Grade Modular Concrete Canister Disposal; Below-Grade Modular Concrete Canister disposal; Below-Ground Vaults; and Above-Ground Vaults.

**Volume Reduction Facilities** A regional volume reduction facility will not be incorporated into the regional management system since it was concluded that generators have installed or are planning to install VR and waste treatment technologies. A preference for super compaction over incineration;

or incineration followed by solidification technologies is expressed.

As noted above the Commission is expected to approve this plan at their Jan. 27-28 session. Following this action, it will then meet February 26-27 in Columbus, Ohio, to select four candidate host states. If none of the four volunteer, then a decision on the single host state is scheduled to be made in the first week of June.

#### IN THE CONGRESS

The **House Interior Committee** reports that the State of Arizona has formally transmitted the Arizona-South Dakota Compact to Congressman Udall for introduction to this Congress. No decision on the manner or timing of the compact consent legislation has been made at this time.

#### IN THE INDUSTRY

**National Patent Development Corporation**, the parent company of **Duratek**, has purchased an 80 percent stake in **General Physics Corporation** of Columbia, MD for an estimated \$58 million. In December 1986, National Patent had already acquired a 54

percent stake in the Columbia MD firm by buying shares from the family of Roe of Burns and Roe.

**Commonwealth Edison** has awarded a contract, valued in excess of one million dollars to **Quadrex** Recycle Center in Oak Ridge, Tennessee, for the decontamination and disposal of approximately 100,000 cubic feet of contaminated materials which resulted from the recent Dresden effort to replace recirculation piping.

#### ON THE MOVE

**Dr. John D. Stucker** formerly with S.C. Governor Riley, has joined the firm of **Carter Goble Associates, Inc.**, of Columbia, S.C. Carter Goble is a full service planning and management consulting firm specializing in transportation, criminal justice, economic development and waste management. Dr. Stucker will be responsible for waste management and economic development services. He will focus on interstate and federal-state strategies for waste management, assessment of alternatives for waste handling and disposal, and public participation and public information aspects of waste management.

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#### REPORTS OF NOTE (LLRW)

**Characteristics of Medically Related Low-Level Radioactive Waste** (DE-FG07-851D012605); American College of Nuclear Physicians; US DOE Idaho Operations Office (available from NTIS). Volumes of medically related LLRW diminished approximately 70% from 1979 to 1984 and a further 20-30% reduction from 1984 levels can be anticipated. The methods used in this investigation do not allow precise total volume estimation but experience at the Chem-Nuclear Systems, Inc. disposal site at Barnwell, South Carolina, confirms these figures. The volume of medical waste disposed at this site has diminished from 90,000 cubic feet in 1983 to an annualized value of 14,000 cubic feet in 1986. This volume does not include all of the industrial and institutional wastes which are related to medical and bioresearch activities. Projection from this investigation and other sources indicates that total volumes from all medically related activities was 50,000 cubic feet in 1986, 75,000-80,000 cubic feet in 1984 and 200,000 cubic feet in 1979.

The current volume of LLRW is primarily related to research activities. Clinical Nuclear Medicine procedures including production of radiopharmaceuticals for clinical use account for only 10-15% of the total volume and is less than 10,000 cubic feet annually.

# LLRW Volume Disposal Update

## LLRW ACCEPTED FOR DISPOSAL AT BARNWELL, BEATTY AND HANFORD

As Reported January 1, 1987

(Volumes in Cubic Feet)

	<u>November</u>	<u>Year to Date</u>		<u>November</u>	<u>Year to Date</u>
<b>Northeast</b>			<b>Rocky Mountain</b>		
Connecticut	3,068.60	51,062.93	Colorado	0.00	1,072.60
New Jersey	6,155.70	40,072.71	Nevada	0.00	0.00
	<u>9,224.30</u>	<u>91,135.64</u>	New Mexico	0.00	0.00
			Wyoming	0.00	0.00
				<u>0.00</u>	<u>1,072.60</u>
<b>Appalachian</b>			<b>Western III</b>		
Pennsylvania	11,385.80	172,075.03	South Dakota	0.00	7.50
West Virginia	0.00	0.00	Arizona	1,092.00	4,788.50
Maryland	223.00	9,969.08		<u>1,092.00</u>	<u>4,796.00</u>
Delaware	127.50	1,061.12			
	<u>11,736.30</u>	<u>183,105.23</u>			
<b>Southeast</b>			<b>Northwest</b>		
Georgia	2,394.00	43,787.50	Idaho	0.00	0.00
Florida	14,235.00	44,510.50	Washington	6,180.20	49,984.58
Tennessee	7,145.50	62,611.55	Oregon	8,630.40	100,884.61
Alabama	850.00	45,676.70	Utah	0.00	2,745.00
N. Carolina	6,979.50	73,170.51	Alaska	0.00	0.00
S. Carolina	10,599.95	109,906.85	Hawaii	0.00	2,028.84
Mississippi	1,068.50	13,626.50	Montana	0.00	591.00
Virginia	5,617.00	65,942.13		<u>14,810.60</u>	<u>156,234.03</u>
	<u>48,889.45</u>	<u>459,232.24</u>			
<b>Central States</b>			<b>Unaligned</b>		
Arkansas	0.00	4,473.80	Rhode Island	136.60	328.92
Louisiana	3,612.00	20,774.10	Vermont	0.00	10,307.50
Nebraska	1,155.00	19,019.50	New Hampshire	873.00	3,491.90
Kansas	0.00	1,911.50	Maine	114.00	6,078.00
Oklahoma	2,062.50	42,757.50	New York	7,904.20	104,908.07
	<u>6,829.50</u>	<u>88,936.40</u>	Massachusetts	6,234.80	61,464.97
			Texas	1,124.10	1,548.90
			North Dakota	0.00	0.00
			California	14,864.20	97,367.35
			D.C.	15.00	127.50
				<u>31,265.90</u>	<u>285,623.11</u>
<b>Central Midwest</b>			<b>TOTAL:</b>	<b>161,020.85</b>	<b>1,582,188.57</b>
Illinois	26,324.00	206,210.19	(As reported 12/1/86)		
Kentucky	953.40	3,788.71	NOVEMBER:	167,861.17	1,421,167.72
	<u>27,277.40</u>	<u>209,998.90</u>			
<b>Midwest</b>					
Wisconsin	1,611.80	5,832.92			
Indiana	0.00	0.00			
Iowa	170.00	7,702.60			
Ohio	1,070.00	15,469.90			
Michigan	2,528.00	36,297.91			
Minnesota	4,035.60	27,093.59			
Missouri	490.00	9,657.50			
	<u>9,905.40</u>	<u>102,054.42</u>			

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**THIRTY-FIVE FIRMS ATTEND CP&L MAXEY FLATS  
CERCLA ACTION RESPONSE SESSION**

Thirty-five firms, identified as Potentially Responsible Parties (PRPs) by the U.S. Environmental Protection Agency's Region IV Office for the clean-up of the now-closed Maxey Flats LLRW Burial Facility attended a January 9 "informal discussion" session coordinated by Carolina Power & Light (See EXCHANGE, Vol. 5, No. 20).

According to EPA's data these firms could be responsible for approximately 80 percent of the volume of the LLRW buried at the Kentucky facility. Several state and federal government agency representatives were also at the session. A draft PRP agreement was circulated for comment. Those attending found the session was productive and it appears that a formal "Steering Committee" of identified PRPs will be established as suggested by EPA.

Firms that received the EPA CERCLA Action Notice that did not attend the session, or any parties interested in getting involved should call either Dale Hollar or Dick Jones, of CP&L, at (919) 836-8161. \*\*

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(NRC from pg. 1)

are provided on each of the EAs for the five proposed top ranked sites -- Hanford, Yucca Mountain, Davis Canyon, Deaf Smith and Richton Dome.

### **Major Areas of General Concern**

According to the NRC staff, the problems with all five of the site EAs are principally related to:

"(1) not identifying the range of uncertainties associated with the existing limited data base, (2) not identifying the range of alternative interpretations and assumptions that can be reasonable supported by existing data, and (3) not incorporating a reasonable range of uncertainties and alternative interpretations into evaluations and conclusions."

### **Performance Conclusions Questioned**

In addition to providing comment on the site EAs, the NRC staff reviewed "existing data and how that data was used in the evaluations in the final EAs and the Methodology Document." The staff found that "evaluations and conclusions regarding site conditions as presented in the final EAs were factored into evaluations of scenarios and their consequences presented in the Methodology Document..." In those areas, therefore, where the staff found the conclusions in the EAs overly optimistic, they similarly found that "conclusions on repository performance in the Methodology Document "based on the EAs' conclusions as overly optimistic."

In the summary of the comments preceding the site specific critiques the staff provides the following examples where DOE was overly optimistic.

**On the Hanford Site EA:** "1) Insufficient consideration of flow along large, discrete faults and fracture zones that may exist within dense flow interiors, including consideration of fracture zones that may exist within dense flow interiors, including consideration of fracture flow as an "unexpected" feature rather than an "expected" one, and 2) inadequate consideration of alternative assumptions regarding pumping for the small-scale exploratory drilling scenario."

**On the Salt Sites:** "Insufficient consideration of 1) effects of host rock mass heterogeneities and 2) shaft and repository sealing concerns related to thermally induced salt creep and differential uplift."

### **Effect of NRC Findings on SCPs**

The NRC points out that the concerns expressed in the comments, if not properly addressed, could have significant impact on the Site Characterization Plans (SCP). As stated by the NRC "the general optimism (expressed in the EAs), as well as specific concerns, could result in inadequate testing programs and inadequate information at the time of licensing." DOE is warned that:

"Should the range of uncertainties and alternative interpretations and assumptions that can be reasonable supported by the existing data not be considered in

the SCP development, the SCP could be deficient in the identification and description of 1) the site including the range of uncertainties in known site conditions; 2) the issues and information needed to resolve issues; 3) the issue resolution strategies; 4) the performance allocation (i.e. the definition of performance goals and desired, associated confidence levels for various components of the repository system); 5) the investigation and study plans (tests and analyses); and 6) the rationales for investigations and studies with consideration to various sources of uncertainty."

### **Process to Resolve Concerns**

In order to resolve the identified major concerns NRC's Bob Browning, the Director of the Division of Waste Management, in forwarding the comments to DOE, suggests that the staff of the two agencies meet to discuss "representative comments" in the areas identified rather than deal with generalities. The Waste Director recommends starting with dealing with groundwater travel times at the Hanford site and hydrothermal activity at the Yucca Mountain Site. \*\*

### **CONFLICT RESOLUTION PROCESS PROPOSED TO PUT HLW PROGRAM "ON TRACK"**

Washington State Governor Booth Gardner is proposing that the Department of Energy fund and organize a "national conflict resolution process" to develop "a mid-course correction to the high-level waste repository program. In a statement released in the first week of January, and forwarded with a formal letter to DOE Secretary Herrington, the Governor states that the "repository site selection process...is in disarray...unlikely to progress in the near future" unless "a mid-course correction, similar to the action taken by Congress to put the low-level waste siting process back on the right track" is taken. In the letter transmitting the proposal to Secretary Herrington, the Governor rejected the Secretary's invitation to resume consultation and cooperation negotiations.

The Chief Executive suggests that the proposed "conflict resolution" be conducted not by DOE but by a "skilled nationally known and respected conflict resolution consultant," and involve the DOE, states, tribes, nuclear utilities, environmental groups, NRC and EPA.

### **Participation Requirements**

According to the Governor's proposal participants in the process would be required to:

- (1) Acknowledge that a solution to the waste problem must be found, and that there is a need for a comprehensive review of the site selection process;
- (2) Commit to developing an "acceptable and workable solution;" and
- (3) Not divert attention from the objective by "spending time discussing who is to blame for where we are now."

The objectives of the process would be twofold: (1) Provide for a timely solution to the nuclear utilities' short-term problem; and (2) Establish a site selection process designed to provide confidence that the search will be for the best site, and that selection decisions will be based on credible scientific evidence. \*\*

### **APPEALS COURT UPHOLDS MRS DECISION, TENN. SEEKING SUPREME COURT HEARING**

On December 31, the full twelve-judge panel of the Sixth Circuit Court of Appeals turned down the State of Tennessee's request for a rehearing of their suit challenging DOE's Proposal for a Monitored Retrievable Storage (MRS) Facility, following the decision of the Court's three-judge panel rejecting Tennessee's challenge (See EXCHANGE, Vol. 5, No. 20).

On January 6th Tennessee countered with a request for a stay of the order and on January 7, the Court granted the stay for 30 days (until February 7). During this time the State is to seek "certiorari" to have the

