
The

Radioactive Exchange®

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

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Volume 6 No. 7

April 19, 1987

SAFETY OF HIGH DENSITY RACKS FOR SPENT FUEL STORAGE POOLS QUESTIONED

A draft report from Brookhaven National Laboratory on beyond-design basis accidents for spent fuel storage pools has raised concerns about the use of high density storage racks. The concerns, which are being downplayed by Nuclear Regulatory Commission staff who question the assumption relied upon in the Brookhaven report, come at a time when utilities are increasingly applying for licenses to install high density racks in their spent fuel pools. Vermont Yankee's Central Vermont Public Service Corp. and Diablo Canyon's Pacific Gas & Electric are two recent applicants for licenses for such racks.

The primary concern in the draft report is that the high density racks restrict air flow such that, even after the spent fuel cools for more than a year, there is a potential for "self-sustaining oxidation" of the zircaloy cladding so that in an accident involving a complete loss of cooling water, "catastrophic" cladding fire could result that spread from fuel assembly to fuel assembly. (See **Racks** in the **HLW Focus**)

WASHINGTON AWAITS COMMENTS ON LIABILITY REGULATIONS

The State of Washington's Department of Ecology is awaiting comment on "preliminary" rules that would require Hanford site use permit holders, LLRW transporters and US Ecology to maintain certain levels of liability insurance or other types of financial assurance. The "preliminary" draft rules mailed at the end of March are written to set specific minimum requirements for liability in three categories of waste depending on their degree of hazard: high hazard; medium hazard; and low hazard. Within each class a minimum is proposed to be set for: general liability; nuclear energy liability; transportation liability; and, environmental impairment. There is a separate category for the disposal site operator, US Ecology.

Alternative Coverage Mechanism

The preliminary draft suggest four alternative ways that liability coverage could be provided in lieu of purchasing insurance: surety bonds; corporate guarantees; letters-of-credit; and self insurance. Comments are invited on other possible means of coverage. (See **Liable** on pg. 2)

(**Liabile** from pg. 1)

Under the preliminary draft proposal the state would be held harmless from "claims, suits, damages, or expenses on account of injuries to or death of persons and property arising or growing out of any operations and activities" undertaken by licensees or permittees. The state is to be named as an insured party on any insurance policy purchased to meet the rules. Firms who fail to comply with the liability coverage rules would have their licenses or permits suspended.

Draft rules are scheduled to be issued in the summer or fall of this year, with final rules expected to be in effect by December 1, 1987. A public meeting on the rules is scheduled for May 20 in Lacey, Washington. For more information contact Carole Richmond at (206) 459-6228. **

NC LEGISLATURE CONSIDERS RESTRICTING LLRW SITE TO THREE COUNTIES

A LLRW facility siting criteria bill which would limit siting of LLRW facilities to counties where a commercial nuclear reactor is licensed, or to counties which have volunteered for a site, is being considered by the House Water and Air Committee of the North Carolina General Assembly. If this bill were ratified, it could have the effect of limiting siting to only three of North Carolina's one hundred counties: Mecklenburg, Wake and Brunswick.

The proposed committee bill SB 46-CSRT-008 was referred to a subcommittee for further study on April 15. The same siting criteria bill, but without the restrictive language, has passed in the Senate. If the House elects to pass the more restrictive substitute it would be referred back to the Senate for concurrence.

Financial Requirements Bill Passed

The only bill relating to low-level waste thus far ratified in the 1987 session of the NC General Assembly was Senate Bill 47. The statute amends the licensing process for a low-level radioactive waste facility

by first requiring the applicant to satisfy the state licensing agency of its financial and technical capabilities.

As of April 15, the status of other bills still under consideration in the North Carolina General Assembly is as follows:

HB 69; SB 48: An Act to Prohibit Shallow Land Burial of Radioactive Waste and to Require Engineered Barriers at any Near Surface Disposal Facility. Would require engineered barriers for any near-surface disposal facility and a distance of at least 10 feet between the seasonal high water table and the facility bottom. Referred to House Committee on Water and Air. Referred to Senate Committee on Environment.

SB 49: An Act to Suspend the Issuance of any License for a Commercial Low-Level Radioactive Waste Facility. Would prohibit receipt or processing of a license application for any low-level waste facility until December 1, 1987. Passed in Senate. Referred in House to Committee on State Government.

HB 66: Companion bill of SB 49, would prohibit license issuance until August 1, 1988. Referred to the House Committee on State Government.

SB 359: An Act Authorizing the Legislative Research Commission to Study the Management of Low-Level Radioactive Waste and Appropriating Funds for the Study. Would appropriate \$8,000 in FY 87-88 and \$8,000 in FY 88-89 to study all aspects of LLRW in NC and report back to the 1989 General Assembly. Referred to Senate Committee on Rules.

HB 35: An Act to Repeal the Southeast Interstate Low-Level Radioactive Waste Management Compact and to Provide for a North Carolina Low-Level Radioactive Waste Facility Operated by the State. House Committee on Water and Air referred this bill to subcommittee on March 8. No companion bill has been introduced in the Senate.

Legislative staff report that they expect a

new bill to be introduced in both houses of the General Assembly on April 16. The bill(s) would authorize a Siting Authority and outline a timeframe and process for siting a LLRW disposal facility.

The North Carolina Assembly is not expected to adjourn until at least June, 1987. The EXCHANGE will keep its readers informed with frequent legislative updates. **

At EPRI

EPRI DEMONSTRATES DIRECT ASSAY FOR LLRW CLASSIFICATION

Because of the work done by the Electric Power Research Institute (EPRI) in cooperation with utilities and DOE, two technologies that offer substantial improvement in accuracy and simplicity over existing sampling and radiochemical assay or calculation methods used for waste classification are going to be introduced into utility use. Both are direct-assay methods and promise to satisfy NRC criteria for keeping personnel radiation exposure as low as reasonably achievable (ALARA) because they permit scanning of entire waste packages without requiring workers to open containers and withdraw samples.

The 10CFR61 requirements for waste classification cannot be met with radiation detection equipment currently available on-site at nuclear power plants. Utilities have had to sample wastes and radiochemically analyze the samples for their isotopic content at off-site laboratories. The cost of this approach ranges from \$30,000 to \$200,000 a year per plant

Not only is this practice costly, it can result in unrepresentative samples, lead to personnel radiation exposure, and some wastes -- such as neutron-activated components -- may be too radioactive to sample in a practical manner. In addition, because of sampling inaccuracies, the typical practice of estimating isotopic content from dose-rate measurements often leads to very conservative over estimates of total radioactivity, which in turn leads to unnecessarily high disposal costs. Research results indicate that some isotopes may be overestimated by factors of 1000 to 10,000.

One of the two techniques now being used is for determining the content of transuranic (TRU) isotopes (those with atomic numbers greater than uranium) in a waste volume, was originally developed under a Department of Energy (DOE) contract. The second, a commercially available technology, employs collimated high-resolution spectroscopy to measure the gamma activity in bulk waste. Results from both types of measurements become input to microcomputer codes that calculate individual concentrations of TRU and gamma-emitting radionuclides. If concentrations of key isotopes are known, plant-specific scaling factors can then provide reliable measurement of the amounts of all isotopes in waste shipments.

Both technologies have now been successfully demonstrated in co-sponsorship with Florida Power Corp. at the utility's Crystal River nuclear plant, following earlier individual testing at other plants. Used in combination, the TRU and gamma-scanning techniques may revolutionize the technical means for compliance with federal LLRW regulations and reduce sampling uncertainties and the cost of disposal in the process.

Eventually, direct assay of LLRW could be commonplace at all nuclear plants. Both of these technologies are acceptable to NRC as alternatives to radiochemical sampling and analysis. With the trend in federal requirements for LLRW and the economic pressures tied to burial site capacity, the benefits of these technologies are clear. **

IN THE CENTRAL STATES

Chem-Nuclear Systems, Inc. informed the **Central Compact Commission** that it did not submit a bid to establish a LLRW disposal facility in the compact region because of "extremely low volumes of waste projected from within [the] compact region." Chem-Nuclear stated that "future waste volumes are much too low to economically justify a site and estimated disposal rates could be as much as ten times current rates at the existing sites, thereby encouraging long-term storage of low-level waste at the point of generation." In Chem-Nuclear's view this would ultimately result in a poor system of LLRW management for the region.

The S.C. based disposal operator also stated its objections to the process adopted by the Commission whereby the private contractor selects the state and the site for a facility without an established framework for garnering support or guidance from the Commission or member states. Vic Barnhart, president of Chem-Nuclear, explained that the firm "could not afford the speculative risks of attempting to develop this facility where the probability of commercial success is small." He explained that "Our response to this proposal is not an indication of an unwillingness to bid on other facilities. Chem-Nuclear will bid for the development of disposal sites where the volumes are sufficient and the operating requirements are realistic enough to justify devoting our resources to such a project."

IN THE MIDWEST

The **Midwest Compact Commission** is currently negotiating with Rogers and Associates of Utah to undertake a study to determine the costs of developing a LLRW disposal facility in the Midwest region and the resulting disposal charges that would need to be assessed to support it. The study is also to determine what effect the Commission's proposed host state incentive package would have on the cost of disposal.

Rogers and Associates completed a similar study for Texas. The study for the Midwest

is planned to be completed by June, when the Commission is to designate a host state if no state volunteers by that time. Under the Midwest LLRW Regional Management Plan the region's disposal facility can be one of four designs; an above or below ground vault, a concrete cannister based burial facility (ala Westinghouse-Hittman), or a combination of the technologies. The next meeting of the Commission is scheduled for May 12-13 in St. Paul or Minneapolis. For information contact (612) 293-0126.

ON THE MOVE

Dr. David Waite and the State of Washington's **Nancy Kirner** have joined the staff of EnviroSphere Company in Ebasco's Seattle Regional Office. Dr. Waite, formerly with Battelle Memorial Institute, will lead Ebasco's program services to the nuclear waste industry. He will be supported in his endeavors by Ms. Kirner, a certified health physicist, who was the moving force behind the State's Radioactive Waste Management Section with responsibility for the licensing and inspection of the LLRW disposal site at Hanford.

Dr. Waite is President-elect of the National Health Physics Society. While at Battelle, Dr. Waite managed all occupational and environmental safety activities associated with the national Salt Repository Program at Battelle's Office of Nuclear Waste Isolation. He was appointed to the World Health Organization Working Group on Health Implications of High-level Radioactive Waste Disposal, and serves as editor of **Health Physics**. He received the 1979 Elda E. Anderson Award from the National Health Physics Society as the nation's outstanding health physicist.

Bill Newberry, who served both South Carolina's current Governor Campbell and former Governor Riley as a hardworking and aggressive staffer on nuclear waste issues, is leaving state service to join the EG&G-Idaho National LLRW Program. Bill has been assigned to provide technical and policy support to Jeff Smiley at DOE Headquarters in Gaithersburg, MD.

BELOW REGULATORY CONCERN - MUCH ACTIVITY, BUT NO PROGRESS

Donald J. Silverman
Newman & Holtzinger, P.C.

The notion that the radiation hazard associated with the disposal of certain low-level radioactive wastes is so low as not to warrant further regulation has received considerable attention over the last several years, and the Nuclear Regulatory Commission, in particular, has acknowledged the benefits of developing *de minimis* or "below regulatory concern" (BRC) standards. Despite this attention and recognition, there has been no progress to date in incorporating BRC provisions into the Commission's regulatory scheme.

As early as 1982, the NRC explicitly recognized the "importance of setting timely standards for disposal of certain wastes by less restrictive means," and **invited** petitions for rulemaking to declare specific waste streams to be BRC. Although two such petitions were filed with the NRC -- one almost three years ago related to waste oil from nuclear plants and another over three years ago related to very low concentrations of short-lived radionuclides -- neither has been acted upon.

In 1984, the Chairman of the NRC's Advisory Committee on Reactor Safeguards strongly endorsed the development of *de minimis* values, noting among other things, that establishment of such values "would foster consistency, equity, and reasonableness in regulation," and would obviate "the need to devote resources to consideration of trivial levels of radiation exposure." Despite this advice, the Commission and licensees continued to expend resources on the management and disposal of wastes that have negligible impact on public health and safety.

Congress has also recognized the benefits of identifying wastes that may be disposed of as BRC. In the Low-level Radioactive Waste Policy Amendments Act of 1985, it directed the NRC to establish standards and procedures for the "expeditious" processing of requests for disposal of waste as BRC. In response, the NRC issued a Policy Statement and staff implementation plan.

The Policy Statement and staff implementation plan establish substantial new and unnecessary technical criteria and informational requirements for BRC rulemaking petitions. Those criteria and requirements (as previously formulated) make it even more difficult to obtain approval of BRC petitions than other rulemaking petitions, and provide no guarantee that BRC petitions will be processed any more quickly than other rulemaking petitions. In fact, the staff implementation plan rejects, without explanation, the use of existing "fast-track" review procedures, promising instead, to process petitions "in full compliance" with a pre-existing and non-binding staff policy to complete all rulemaking proceedings within two years.

The latest NRC activity in this area is the issuance of an Advance Notice of Proposed Rulemaking to develop "generic" regulations on BRC waste. Development of generic BRC regulations is a worthwhile endeavor, but will require considerable effort. In fact, it is likely to be substantially more difficult than reaching determinations on the existing rulemaking petitions, or than developing a reasonable and appropriate expedited BRC rulemaking procedure.

It is time to translate Congressional mandate, Commission policy, and staff regulatory activity into real progress on the issue of BRC waste. The Commission should, without further delay:

- (1) Act on the two pending BRC petitions;
- (2) Adopt a truly expedited BRC rulemaking procedure; and,
- (3) Develop and implement appropriate and reasonable BRC standards and criteria. **

REPORTS OF NOTE (LLRW)

Report to US Ecology on the Low-Level Radioactive Waste Disposal Site Selection Citizens Advisory Committee, Gloria Anderson, Project Manager, League of Women voters, Southern California Regional Task Force; The Site Selection Citizens Advisory Committee (CAC) is a key element of US Ecology's public participation program in siting a low-level radioactive waste disposal facility in California. This summary describes the process by which this independently chosen group of citizens worked with US Ecology, Inc., to recommend preferred sites for detailed study and to offer advice on effectively involving the public in siting decisions.

Twelve citizens were appointed to serve on the committee. Two members were appointed by the Board of Supervisors of each of the three study counties of Inyo, Riverside, and San Bernardino. The League of Women Voters appointed three members, one from each of the study counties. The other three were appointed by the Sierra Club, the Native American Heritage Commission, and the CalRad Forum. The League of Women Voters provided support services for the committee under a grant from US Ecology.

The CAC met six times from June 1986 through January 1987. With the help of the convenor/facilitator, individual members progressed through a series of steps to get to the final step of recommending preferred siting areas to US Ecology. They were provided with background information from a variety of sources, including US Ecology and its support contractors, the State Department of Health Services, the Desert Studies Consortium, and County Environmental Health Departments. For copies of the report contact: Phyllis Schmidt, 2642 Mangrove Way, Riverside, CA 92506 (714) 369-1861.

REQUEST FOR PROPOSALS

State of California Department of Health

LLRW Disposal Site Environmental Impact Report and Environment Impact Statement (RFP-87-020) (TO BE RELEASED BY MAY 1): The Dept. of Health will be issuing this RFP seeking contractors capable of completing a LLRW disposal site Environmental Impact Report/Statement upon US Ecology's submission of a license application to the State for the selected site. Request for Proposal not yet issued.

(Racks from pg. 1)

Possible Accident Compared to Core Melt

According to the report, the health effects from such an accident could be "comparable to," or possibly worse than, the health effects from a reactor core melt. The report says that the health effects from this kind of spent fuel pool accident could range from 12 person-rem/RY for BWRs to 130 person-rem/RY for PWRs. "These estimated risk results are comparable to the estimated risks posed by severe core damage accidents and appear to warrant further study," the report said. Additionally, spent fuel pool accidents would involve "substantial releases of long-lived isotopes" and would have the "potential to be much worse than a reactor core melt," as stated in the report.

Use of Low Density Racks Recommended

The report suggests that "the one measure which is likely to be effective in reducing risk is the utilization of low density storage racks for recently discharged fuel." In fact the report appeared to suggest **prohibiting** the use of high density racks for this type of spent fuel. "Since high density storage racks are predicted to cause self-sustaining oxidation even after storage of one or more years, it seems clear that it would be undesirable to store spent fuel in high density racks if it has been discharged within the last two years."

Other measures are suggested to minimize the risk for the type of accidents described, including: reducing stored radioactive inventories by transferring some of the spent fuel to a different location; increasing air circulation of spent fuel by

not only using low density racks, but also by keeping them away from walls and older fuel; adding loss-of-cooling systems to storage pools; and improving procedures and equipment to reduce the likelihood of cask drop accidents. "However," the report cautions "before such preventive measures are implemented, a complete plant specific risk assessment for pool related accidents should be performed including a structural fragility analysis of the pool itself."

Possible Accident Scenarios Described

The report looked at four types of accident scenarios that could result in a complete loss of cooling water for spent fuel pools. The scenarios involved, earthquakes, missiles (generated by tornadoes, aircraft crashes or turbine failures), failures of refueling cavity seals and dropped spent fuel casks.

Previous accident studies relating to spent fuel pools, and specifically the Reactor Safety Study, concluded that the risks associated with spent fuel storage accidents were extremely small compared to the risks from reactor accidents. But these studies did not consider the possibility that a spent fuel pool would lose all of its cooling water. The NRC staff decided to look at the risks of a more serious accident where all cooling water was lost for two reasons. First, large spent fuel inventories are building up across the Nation with the shelving of reprocessing and delays in the repository program. Second, a statistical model developed by Sandia National laboratory suggested that a catastrophic zircaloy fire could result from a complete loss of cooling water at a spent fuel pool.

NRC Downplays Report

In a March 27, 1987 memorandum notifying the Commissioners about Brookhaven's draft report, Thomas M. Novak, Director of NRC's PWR Licensing Branch, downplayed the report's findings. "Preliminary staff opinion is that substantial portions of the report will need more critical review because some assumptions appear to be oversimplified," Novak said. According to the memo, the NRC staff will provide comments to Brookhaven so that a final report can be issued this summer. Novak told the Commissioners that he was notifying them of the draft report because the NRC staff "believe[s] that the subject may involve substantial public, press, or Congressional interest." **

NRC TELLS JOHNSTON NO REASON TO DELAY HLW SITE CHARACTERIZATION

In an April 15 letter to Senator Bennett Johnston, Commissioner Lando Zech, Chairman of the Nuclear Regulatory Commission, states that "...there is no reason, based on the NRC staff review of the FEA's [DOE's Final Environmental Assessment of the potential sites for a HLW repository], to delay characterization of the three sites selected by DOE." The Chairman wrote in response to a March 10 request from the Chairman of the Senate Energy and Natural Resource Committee for NRC comments on a series of questions regarding assertions made by state officials that NRC's review of DOE's Final Environmental Assessments (FEA's) of the potential sites for the HLW repository supported their own criticisms (See EXCHANGE, Vol. 6, No. 5). The letter is accompanied by staff responses to each of the Senator's questions. The "bottom line" emphasized in the letter and in most every staff reply is that "NRC staff concerns can only be addressed through the site characterization process."

The Chairman points out that:

"the NRC staff review of the five FEA's did not identify concerns that would call into question the suitability of any of the five sites for site characterization. While numerous concerns have been

identified by NRC staff relative to each site, these concerns are of the nature anticipated at any site for which the existing data base is limited. While these concerns should not disqualify the sites from further testing to determine their suitability for the repository, they are significant with respect to the licensability of each site."

The response provided by the NRC Chairman was not concurred in by Commissioner Asselstine who will be providing his own reply prior to the planned April 28-29 hearings scheduled for the Energy Committee.

No Disqualifying Factors Found

In response to Johnston's query as to whether the Committee should be concerned that DOE is "recklessly" plowing ahead with flawed sites, the staff replied that DOE evaluated each site against the Siting Guidelines to which NRC gave concurrence and that NRC staff "has not identified any disqualifying factors. "However," it is pointed out "the NRC staff did identify a number of factors, typical of any site with a limited data base, needing to be addressed during site characterization."

In answer to the question of whether NRC concerns with the current sites infer that DOE should select other sites for characterization, NRC states that no such inference should be made.

DOE Performance Improving

In commenting on DOE's performance, the NRC staff said that "there has been a continuously overall improvement in the DOE program to develop an adequate data base, in particular as demonstrated by resolution in the final EA's of many of the NRC concerns identified relative to the draft EA's."

It is pointed out that DOE's future performance will be judged on how well it implements "the issue resolution strategy" it has set out. The staff notes that one indication that DOE is heading in the right

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COMPACT GROUPINGS, MILESTONE COMPLIANCE, LLRW SITE STATUS, & LEGISLATIVE STATUS (CONGRESS & STATE)

(UPDATE AS OF 4/16/87)
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CONGRESSIONALLY RATIFIED COMPACTS
Unsited Regions in Compliance with First LLRWPA '86 Milestone
 (No Generator Penalty Surcharge In Effect)

COMPACT (MEMBER)	REGIONAL PLAN (RP)	RP STATUS	HST STATE (HS) DESIGNATION	HS STATUS	SITE SELECTION STATUS	SITE TECHNOLOGY RESTRICTIONS
CENTRAL STATES (AS, OK, NE, AR, LA)	No	N.A.	No	N.A.	Developer to select; Westinghouse, US Ecology submit prop.	Pre-1979 SLB banned by Commission
CENTRAL MIDWEST (IL, KY)	Yes	Being developed Contr: Rogers & Assoc.	IL Host under compact		Preliminary phases just completed	SLB Prohibited by IL law
MIDWEST (WI, IN, IA, OH, MN, MO, MI)	Yes	Approved 1/28/87	Yes by Selected MI, 7/87 if no OH, WI, MN; volunteer	Volunteer Sought	No action until HS designated; Communities interested	SLB prohibited by Commission
NORTHEAST (NJ, CT)	Yes	Being Developed Contr: Roy Weston	Yes	No Action	No Action	To be determined
Currently Sited Regions (Not Required to meet Milestone Requirements)						
SOUTHEAST (GA, FL, TN, AL, NC, SC, MS, VA)	Yes	Complete; Requires One Disposal Site	Yes	NC Designated for 2nd Regional facility; decision on acceptance	Bill on Siting agency in Legislature	NC considering bill to prohibit SLB.
NORTHWEST (ID, WA, OR, UT, AK, HI, MN)	No	N.A.	WA to be host, Hanford to be Site. No provision for 2nd site.			N.A.
ROCKY MOUNTAIN (CO, NV, NM, WY)	Yes	Complete	CO to Host 2nd facility under compact		Two possible sites under negotiation	None

COMPACTS ADOPTED BY MEMBER STATES NOT CONGRESSIONALLY RATIFIED

Unsited Regions in Compliance with LLRWPA '86 Milestone
 (No Generator Penalty Surcharge In Effect)

APPALACHIAN (PA, V, MD, DE)	No	N.A.	PA Host under terms of compact		Siting Bill being introduced	SLB Prohibited
WESTERN III (CN, AZ)	No	N.A.	AZ Host under terms of compact		No further action	None

STATES UNALIGNED AND MEMBERS OF PROPOSED COMPACTS

STATES	COMPACT UNDER CONSIDERATION	COMPLIANCE WITH MILESTONE* (S.States - DOE)	PENALTY SURCHARGE IN EFFECT	TO HOST STATE SITE	SITE STATUS
TEXAS	N	Y	N	Y	Selection delayed by court action until 8/87
NEW YORK	Possibility	Y	N	Y	Law passed; SLB prohibited
MASSACHUSETTS	Possibility (?)	Y	N	(?)	Program underway Siting bill introduced 1986. SLB prohibited
NEW HAMPSHIRE*(1)	Y	N(NV) Y(WA,SC)	No access to Beatty	N	
MAINE	N	Y	N	Y	Has Siting Law. Siting autho- bill introduced.
RHODE ISLAND(1)	Y(2)	N(NV) Y(WA,SC)	N(WA, SC)	N	No action
NORTH DAKOTA(1)	Y(Western)	Y(WA,SC)	(See Note 1)	N	No action
VERMONT*(1)	N	N(NV)	No access to Beatty	N	No action
D.C.(See *(1),(2)) ; Y(NE)		Y(WA,SC)	(See Note 1)	N	No action
PUERTO RICO*(1)	Y	N(NV)	No access to Beatty	N	No action
CALIFORNIA	Y (SD,AZ,ND)	Y	N	Y	US Ecology to be site operator 3 sites selected
SOUTH DAKOTA	Y (See Above)	Y	N	N	(See Western III Compact above)

NOTES: (Compiled & copyrighted by "The Radioactive Exchange" 1987)

SLB = Shallow-Land Burial; HS = Host State; N.E. = Not evaluated by DOE; N.A. = Not Applicable;

* The determination of compliance with a milestone for a state or compact is currently being decided separately by DOE and each of the sited states. The DOE LIRW Program Management's determination is only made to decide on whether a state or compact is eligible for the 25% rebate of the surcharge following receipt of a formal request from a state or compact for the rebate. Sited state officials in WA, NV and SC make the determination to decide the application of the penalty surcharge and granting site access. Though the three states are coordinating their determination, they do act independently.

(1) At their February 27 meeting the Rocky Mountain Compact Board ruled New Hampshire, Vermont and Rhode Island out-of-compliance and denied generators in their respective states access to the Beatty facility. D.C. and ND though noted as out-of-compliance were granted a six month grace period.

(2) DC's petition for membership in the NE Compact was turned down for lack of supporting information.

