

Low-Level Radioactive Waste

STATES MOVE SLOWLY TO MEET DEADLINE FOR CREATION OF DISPOSAL SITES

The 1985 Low-Level Radioactive Waste Policy Amendments Act (LLRWPA) set milestones to be met by states at various stages during the conversion to state-operated LLRW disposal facilities (see *Newsline*, February 1989, page 133). The 1990 milestone required that by January 1, 1990, governors of all states submit a disposal facility license application or provide certification to the Nuclear Regulatory Commission (NRC) that they will be capable of providing for and will provide for the storage, disposal, or management of LLRW generated within their states after 1992. All states except for Vermont and the Commonwealth of Puerto Rico submitted the requisite certification to the NRC by the deadline. The NRC has forwarded the certifications to the Department of Energy (DOE), which will decide if each certification is in compliance with the Act. The LLRWPA set surcharges and declared that they would be refunded only if the milestones were met. If a state's certification is found to be non-compliant, that state will not receive a rebate of the LLRW disposal surcharges it has paid and will be subject to new higher surcharges.

States' Progress is Slow

The LLRWPA requires states to take responsibility for disposal of the LLRW they generate or join a regional group of states (known as a compact) that will provide for disposal of the compacts' LLRW by January 1, 1993. The Act provides that after 1992, compacts may refuse to accept LLRW gen-

erated outside their borders by non-compact states. Therefore, if a state misses the deadline, no compact has to accept its waste. And even if a state is able to find a compact willing to accept its waste, the state will be forced to pay whatever price the compact demands. The state will then have to pass along these increased costs to the LLRW generators, including medical facilities. By January 1, 1996, each state or compact must take possession of all LLRW generated within its jurisdiction. It is not clear what would happen if a state should fail to have an operational site by January 1, 1996.

Most compacts are not very far along in the process of building their disposal sites, and some of the unaffiliated states may not have an operational facility by the end of 1992. However, the states can direct the generators to store the waste until January 1, 1996. The LLRWPA declaration that unsited states and compacts may use interim arrangements until January 1, 1996 provides some leeway for those states that are furthest from meeting the 1992 deadline.

The governments of states with existing disposal sites (Washington, Nevada, and South Carolina) have released their own ruling, declaring that New Hampshire, Vermont, Rhode Island, the District of Columbia, and the Commonwealth of Puerto Rico have failed to meet the 1990 milestone. Vermont and Puerto Rico have been denied all access to the existing disposal sites. New Hampshire, Rhode Island, and the District of Columbia have been denied access to the Rich-

land, Washington and Barnwell, South Carolina sites. New York, Massachusetts, and Maine have been given conditional permission to continue using all three sites, but they must amend their certifications to become fully compliant.

Compact Status

The site development process of the compacts and unaffiliated states is summarized below (see map for outline of existing compacts).

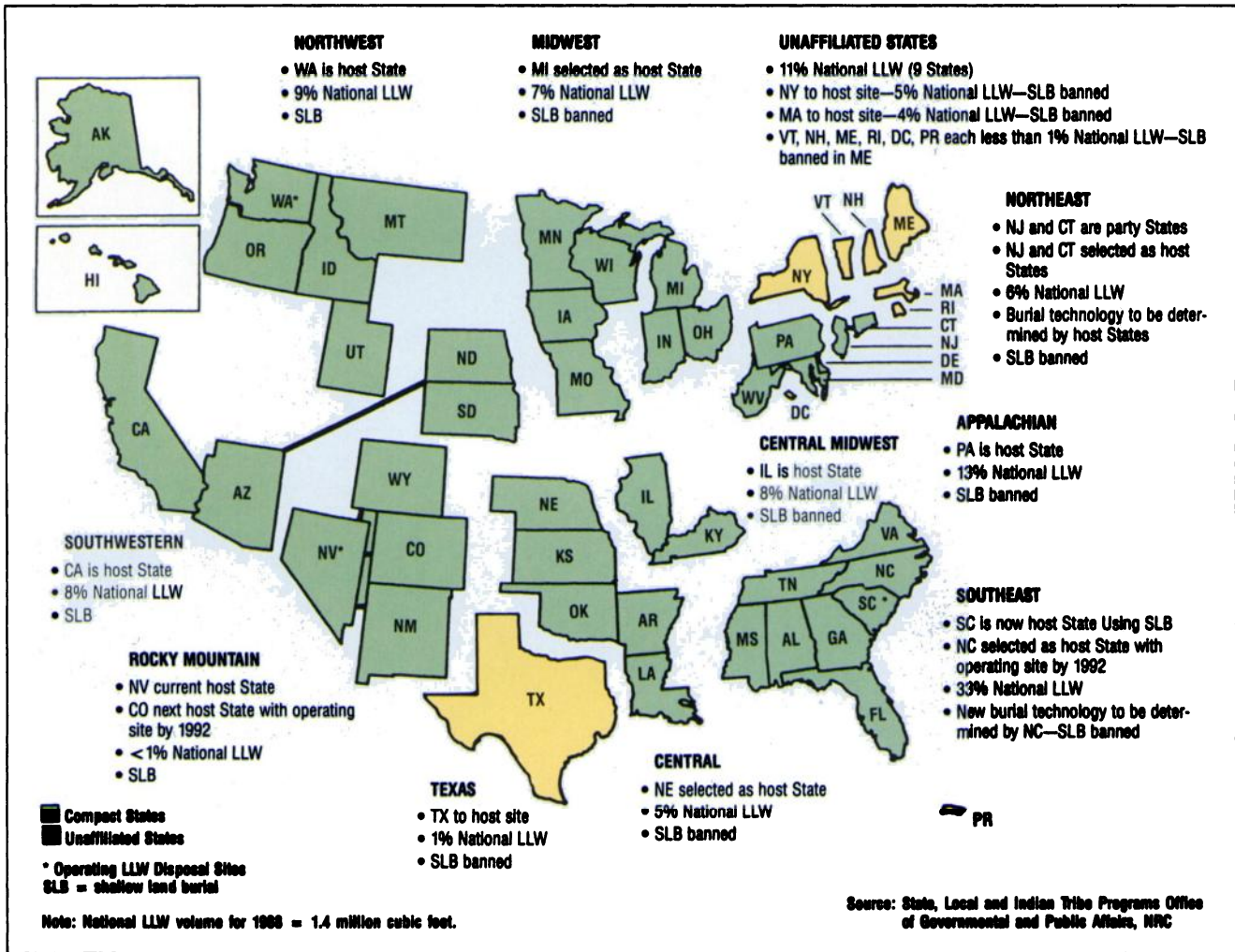
Northwest Compact: This compact will use the existing Richland, Washington disposal site.

Southwestern Compact: U.S. Ecology, Inc. (USE), a private contractor, will run the Ward Valley facility in California. Their license application is complete, and operations could begin by late 1991. The site is slated for shallow land burial, and one unresolved issue is what standards should be used for disposal of mixed radioactive and hazardous chemical wastes.

Rocky Mountain Compact: Although Nevada currently has an operational site, in Beatty, the Compact does not plan to use it. While Colorado will become the host state, the Compact has not yet proposed any possible sites.

Midwest Compact: Michigan has proposed three sites but does not expect the eventual site to be operating before 1995.

Central Midwest Compact: Chem-Nuclear Systems, Inc. (CNSI) will run the site in Illinois. The Compact has proposed two sites in Illinois and should announce its final site choice by late 1990.



Low-Level Radioactive Waste Compact Status as of January 1990

Central Compact: USE will run the facility and has chosen Butte, Nebraska as the site. Nebraska has not yet approved this choice.

Northeast Compact: This Compact consists of two states, New Jersey and Connecticut, both of which will build sites. New Jersey has not yet begun site selection, while Connecticut expects to choose its site in 1991. Connecticut expects its site to open in April 1994, while New Jersey expects its site to be operational in April 1995.

Appalachian Compact: Pennsylvania, the host state, will likely name CNSI as the contractor. No site pro-

posals have been made but the Compact expects the site to be open by the middle of 1995.

Southeast Compact: The Compact will not use the existing Barnwell, South Carolina site. North Carolina will be the host state for 20 years followed by Alabama. North Carolina has winnowed its proposed site list to four sites.

Unaffiliated States: The state government of Texas has chosen Fort Hancock as its site and expects to overcome local opposition and declare the decision final in 1990. It hopes to have its site operational by June 1993. Vermont has filed a compact proposal

with Texas. New York has narrowed its list of possible sites to five and says it will be ready to dispose of waste by October 1995. Massachusetts intends to develop a facility but has not yet proposed any possible sites. It expects its site to be operational by September 1995. However, Massachusetts officials worry about the state's rate of progress. Carol Amick, staff chief at the Massachusetts Low-Level Radioactive Waste Management Board says, "I am concerned. The last two years there hasn't been much activity at all." Maine intends to build a site and have it operational by June 1996. New

(continued on page 34A)

(continued from page 23A)

Hampshire, Rhode Island, the District of Columbia, Puerto Rico, and United States overseas possessions do not intend to build sites and have expressed interest in joining or forming compacts.

Opposition to LLRWPA

Many local and national political groups have voiced opposition to the compacts and to the operational deadline for the new LLWR facilities. They note that the formation of compacts with geographically separated members adds to the risk of spills during transportation. For example: South Dakota will ship its LLRW to California instead of to neighboring Nebraska (a host state), while Missouri will ship its waste through Illinois (a host state) to Michigan.

In New York, environmental groups are opposed to the Low-Level Waste Policy Act of 1980 (LLWPA) and have found an ally in Governor Mario Cuomo. With Governor Cuomo's encouragement, New York State filed a lawsuit against the Federal Government, on February 12, 1990, claiming that the LLWPA is unconstitutional because it forces states to dispose of

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waste generated by private entities.

Another debate surrounds the unaffiliated Northeast states with nuclear power plants. These states may have to curtail the plants' production until they find adequate LLRW storage facilities. The Northeast is already looking for additional sources of electric power and a partial shutdown of reactors would exacerbate the situation. On the positive side, the threat of electricity demand outstripping supply has led to innovations in the industry. Recently, the abandoned Midland, Michigan nuclear power plant was converted to the largest gas-fired, co-generation facility in the country. It

will provide electricity to three million people at a competitive cost.

NRC Reviews its Program on LLRW

The NRC Advisory Committee on Nuclear Waste has voiced concern over the slow pace of compliance with the requirements of the LLRWPA. It fears that this may result in inadequate disposal capacity after the closure of the Barnwell and Beatty facilities in 1992.

The NRC Advisory Committee met with members of the NRC's division of low-level waste management and decommissioning in January 1990 to review issues pertaining to the production, treatment, and disposal of LLRW. The Committee is concerned with the lack of coordination between the entities that produce LLRW and those that dispose of it and urges a closer relationship in future discussions on the storage and disposal process.

The Committee recommends the creation of a "guidance document" that would provide a unified directory of the NRC's numerous reports dealing with LLRW. The document would summarize relevant laws and key regulations and provide annotations of reports, which could be referenced for further details. The document also might include pertinent standards and documents developed by the Environmental Protection Agency and the DOE.

Joan Hiam

NRC Considers Proposal to Exempt Some LLRW

The NRC is considering a proposal to exempt certain LLRW from federal guidelines for the treatment of LLRW. Kenneth Carr, chairman of the NRC, has encouraged the creation of an NRC proposal to exempt very low-level radioactive waste from Federal control. Chairman Carr states that these radioactive materials pose a "definable risk, but it is sufficiently low as to warrant no additional expenditure of resources to further reduce the risk." The NRC staff first submitted a *Policy Statement on Exemptions from Regulatory Control* to the Commissioners in December 1988. On October 13, 1989, the Commission asked for a redraft, and the staff has submitted a revised draft. There is no word on when a final proposal may be released from the Agency but it is bound to be controversial. In the Northeast, several utilities have already stated that even if the NRC exempts some LLRW from current storage and disposal restrictions, they will continue to handle all radioactive waste in the same manner, treating the waste as if it still fell under the current restrictions. ■