

COOPERATION, CONFRONTATION, AND COMMUNICATION: KEY ELEMENTS TO A MULTI STATE LLRW GENERATORS' ASSOCIATION

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ABSTRACT

The Appalachian Compact Users of Radioactive Isotopes (ACURI) is a four-state trade association of licensees and permit holders of radioactive materials within the Appalachian States Compact, including Delaware, Maryland, Pennsylvania, and West Virginia. ACURI's primary focus is on low-level radioactive waste (LLRW) management and disposal issues. This paper will review 1) development of an association; 2) interaction with state and federal regulators and the Compact's LLRW siting contractor; 3) special work on licensing and other user/generator issues; 4) role of ACURI at the national level; and, 5) impact of ACURI on the siting process and involvement with local and state officials, special interest groups, and the public.

INTRODUCTION & OVERVIEW

The Appalachian Compact Users of Radioactive Isotopes (ACURI) association is made up of licensed and permitted users of radioactive materials from the Appalachian States Compact. Members include academic, government, industrial, medical, research, utility, and waste handlers. The Appalachian States Compact includes the states of Delaware, Maryland, Pennsylvania, and West Virginia.

ACURI is incorporated within the Commonwealth of Pennsylvania and is recognized by the Internal Review Service as a trade association with non-profit status. ACURI is also a member of the Pennsylvania Chamber of Business and Industry. ACURI represents over 1,200 licensees and permit holders within the Compact. This includes approximately 144 users who annually ship LLRW to off site disposal facilities.

MEMBERSHIP

The association has four classifications of membership including individual, corporate, reserve and sustaining. Individual, corporate, and sustaining members pay dues. There are five sustaining members of ACURI. They are Baltimore Gas & Electric Company, Duquesne Light Company, GPU-Nuclear Corporation, Pennsylvania Power & Light Company, and The Philadelphia Electric Company. Reserve members, if qualified, are not required to pay dues. To qualify, they must represent a not-for-profit institution or government agency that holds a license or permit. They must also certify in writing that they represent their respective institution. Each reserve membership must be formally approved by the ACURI Board of Directors.

ACURI, however, technically represents all users of radioactive materials, according to its Bylaws. This means that any individual or corporate body who holds a USNRC or state license or permit to use radioactive materials is a member of ACURI. Members, for voting purposes, must be "members in good standing" with current dues or registered as a qualified reserve member. Only "members in good standing" can run for a seat on the Board or vote in a Board election. All members, however, may attend the annual meeting and speak to issues at the business meeting.

GOVERNANCE

The association is governed by a fifteen member Board of Directors which meets quarterly. This Board is made up of

five nuclear utility members selected by their respective companies, and ten members who are elected at-large by "members in good standing." The Bylaws allow each of the five nuclear fueled electric utilities in the Appalachian States Compact as sustaining members of the association, one seat on the Board. The utility representative is named by each respective company's executive authorization. None of the five utility seats are subject to a membership vote. The remaining ten seats, however, may come from individual, corporate, or reserve "members in good standing" from education, research, medical, business, and industry who hold a license or a permit to use radioactive materials within the Appalachian States Compact. Geographically, Pennsylvania has seven seats, Maryland has five seats, Delaware has two seats, and West Virginia has one seat.

The Board of Directors formally adopted its Bylaws in November, 1989.

DEVELOPMENT OF THE ASSOCIATION

ACURI was formed and operates with the express purpose of focusing on low-level radioactive waste (LLRW) disposal and management issues. Pennsylvania serves as the host state for the Appalachian States Compact LLRW facility.

ACURI's roots go back to the early 1980s when a small group of generators formed an organization called the Pennsylvania Radwaste Working Group. The Group lasted approximately five years, but suffered from a lack of operating funds or full time staff support. This was a critical problem for future developers to consider in forming a new regional organization. A similar group, Medical and Industrial Radiation Users (MIRU) of Maryland, which was associated with the Johns Hopkins University, was active throughout the development of ACURI. In fact, the chairperson of MIRU was ACURI's first temporary chair.

Several events helped promote the need for developing users' organizations. The first occurred in 1979 with the closing of the three existing LLRW sites in the United States. This action prompted the passage of the Low-Level Radioactive Waste Policy Act of 1980. Federal law required all states to provide available disposal capacity within their borders. The law also enabled states to form compacts. As states began to take more responsibility under the federal mandate, more state and regional activity brought the issue of disposal to local users' doorsteps.

Between 1984 and 1990, several policy and legislative actions regarding LLRW took place at the federal and state levels of government. Some of the key actions that impacted on ACURI's development were: 1) the decision by Pennsylvania (PA) in 1984 to create its own compact and be the host state for LLRW disposal site; 2) passage of the PA Radiation Protection Act in 1984 empowered a single state agency as regulator; 3) passage of Appalachian States Low-Level Radioactive Waste Compact Act in 1985 formed the four state compact; 4) passage of the federal Low-Level Amendments Act in 1985 set strict guidelines and timetables for LLRW siting; 5) passage of the PA Low-Level Radioactive Waste Disposal Act in 1988 established a citizen advisory committee and process for siting facility; 6) PA Low-Level Radioactive Waste Disposal Regional Facility Act in 1990 established a regional facility siting fund that requires generators to pay for development, establishing, and operating costs of the facility. Passage of the Facility Act required that four of Pennsylvania's nuclear fueled electric utilities (Maryland's one nuclear fueled utility volunteered its share) would contribute \$33 million dollars towards the development of the first phase of the siting program for Pennsylvania's LLRW siting process.

A decisive step toward starting an Appalachian States Compact users' organization took place on April 8, 1988 in Hershey, Pennsylvania. A four-state meeting was convened, including: all interested users of radioactive materials and generators of LLRW from the Appalachian States Compact, regulatory officials from Delaware, Maryland, Pennsylvania, and West Virginia, Penn State's Nuclear Engineering Department and Hershey Medical Center Division of Health Physics staff, chairperson of the Maryland users' group (MIRU), and several members and representatives from nuclear fueled utilities from Pennsylvania and Maryland.

State regulators from each of the Compact states played a role in the formation of the regional users' organization. Pennsylvania's state officials in the Bureau of Radiation Protection, Department of Environmental Resources, were outspoken advocates of a generators' organization. Bureau heads openly encouraged users and generators to organize. Pennsylvania's officials said that an association could play an prominent role in being able to help promote safe, effective, and efficient disposal of LLRW. Each state regulator commented that a regional organization could improve communication between the state agency and users.

Without this "outside" encouragement from the state officials, it is questionable whether a regional association might have taken place at that time. The officials provided the necessary attention to enable people interested in this project to get the necessary support from corporate executives. The designers needed a green light to proceed, but most importantly, the financial assistance to operate such an organization.

Over 100 people attended the April 8, 1988 meeting, two-thirds of whom responded to a post-meeting questionnaire. All but one respondent urged the development of a users' group. Later, an additional 175 users were surveyed by mail throughout the compact. The results of this survey were overwhelmingly positive in support. Almost all respondents emphasized the need for more LLRW management and disposal information.

The April 1988 meeting also served another purpose in helping to shape the future direction and purpose for the association. The meeting identified five specific needs or guidelines toward developing a new regional association:

- a. Provide a unified and effective voice for LLRW generators with the legislature, regulatory bodies, and the public.
- b. Cooperation and self-help through information exchange on handling, packaging, and transporting LLRW.
- c. Public education on the variety of uses of radioactive isotopes.
- d. Promote safety standards among LLRW generators.
- e. Provide public information on safe disposal of LLRW.

Within the next six months, the association was organized through the cooperation and support of the five founding and sustaining members: Baltimore Gas & Electric Company, Duquesne Light Company, GPU Nuclear Corporation, Pennsylvania Power & Light Company, and The Philadelphia Electric Company. In December 1988, ACURI distributed its first newsletter to its members throughout the Appalachian States Compact.

ACURI currently publishes a monthly newsletter for nearly 1,700 members and subscribers. To further improve communication, a 24-hour 800 telephone access number is operational. The telephone number is 1-800-54ACURI.

ADMINISTRATION

ACURI's Board of Directors' officers include a Chair, Vice Chair, Secretary/Treasurer, and Executive Secretary. The Executive Secretary administers the day-to-day operations of the association and is a full-time position. The Board has approved a contract for services with The Pennsylvania State University, which provides the Executive Secretary with staff support and services to manage programs and activities.

ACURI has five standing committees: 1) Communications Committee provides advice and adopts action plans and programs to improve communication with its members, government officials, special interest groups, and the general public; 2) Membership Committee monitors and reviews membership services, encourages participation in association affairs and works to gain new members; 3) Nominating/Elections Committee certifies election nominees and election results, reviews the qualifications of members wishing to run for office, and advises the Board in regards to election procedures in accordance with the association's Bylaws; 4) Regulatory Review Committee monitors and recommends action in regard to federal and state regulatory actions that impact on LLRW management and disposal. The Regulatory Review Committee has testified before the state and US NRC on LLRW matters; and 5) Technical Advisory Committee monitors and reviews technical matters related to such items as licensing, volume reduction and minimization techniques and procedures.

GOALS AND OBJECTIVES

The association's Bylaws outline its goals and objectives. They are: 1) promote safe, effective and efficient disposal of low-level radioactive waste (LLRW) within and among the Appalachian Compact states of Pennsylvania, Maryland, Delaware and West Virginia; 2) provide a forum for the users of

radiation technology to review and discuss regulatory, legislative and technology developments with an emphasis on LLRW disposal and management issues which may affect the use of such technology; 3) research, gather, analyze and disseminate information concerning LLRW to government regulatory agencies, Corporation members and other licensees and permit holders of radioactive materials in the Appalachian States Compact; 4) interact as needed with government agencies, site operators, and any other appropriate interest groups and organizations; and 5) monitor, study, disseminate information on, and take public positions on, existing and proposed laws, rules and regulations concerning the management and disposal of LLRW.

PUBLIC PARTICIPATION EMPHASIS IN LLRW SITING

The Pennsylvania Low-Level Radioactive Waste Disposal Act of 1988 provided the Pennsylvania Department of Environmental Resources (PA DER) with powers and duties for the siting and implementation of a low-level radioactive waste disposal facility. This Act also established an open public process. To assure the participation of the public and of elected and appointed officials at all levels of government in the decision making process, a Public Advisory Committee was created.

The Secretary of the PA DER was charged under the Act to appoint a Low-Level Waste Advisory Committee (LLWAC) of at least 23 members, 19 of whom represent local government, environmental, health, engineering, business, academic and public interest groups. In addition, four members of the State legislature, two from the Senate and two from the House of Representatives, are members of the committee. A representative from the host municipality and host county will also be appointed to this committee when the site is selected. Members of the committee serve without salary or compensation except for reimbursement by PA DER for reasonable expenses incurred in connection with their duties. The PA DER provides administrative support, budget and staff to the committee.

LLRW ISSUES AND FACT FINDING

The Pennsylvania LLWAC has played a key role in the development of three State laws and subsequent regulations involving the facility. Recently, this committee was active on low-level radioactive waste minimization issues. Resulting recommendations by this committee can have a major impact on subsequent waste minimization regulations affecting all user/generators of radio-isotopes in the Appalachian States Compact. Here is where a user/generator organization can play an valuable role of translating or even interacting with such committees.

USER/GENERATOR REPRESENTATION IS VITAL

ACURI's involvement and communication with influential leaders, legislators, regulators and public groups such as the PA DER LLWAC has become critical during the dialogue, research, and fact gathering part of the Committee's actions. ACURI has begun to serve as an "expert" witness and resource representing those who use radioactive materials and generators of LLRW in the Appalachian States Compact. Without an active membership that also is part of this committee, many messages would be left to anti-nuclear groups

who tend to be the most vocal and demonstrative in such committees.

Organizations such as ACURI can serve as timely and expert responders to LLRW questions from the public. User/generator organizations have the opportunity to provide individuals, who have not already taken a side or who are not totally biased at either end, to receive realistic and detailed information, to help them make rational decisions on LLRW management and disposal issues which they face. Without a user/generator spokesperson or organization, it is easy for anti-nuclear activists to dominate conversations, raise complex scenarios, and influence committee decisions with their agenda.

It has been proven that user/generator organizations with utility and non-utility representation can serve a very beneficial role within and as a resource for citizen or public involvement committees. With more states authorizing the development and implementation of committees such as Pennsylvania's LLWAC, it is imperative to monitor and maintain relations with organizations of this kind. Without user/generator input, the loudest and sometimes only voice heard is the negative voice. It is clear that the role of any association can be to provide factual and clear information, not misleading misinformation. ACURI has become a credible source of information. More importantly, such public involvement committees also need to know that generators are truly concerned that LLRW is properly managed safely and effectively. It is not feasible to accept any standard which would compromise the public safety or integrity of the disposed LLRW at the facility. As ACURI's stature and reputation grows, so will its influence grow in the decision making processes involving LLRW.

STANDING COMMITTEES SERVE SPECIAL MEMBER NEEDS

As the role of the association has evolved, ACURI's committees have taken on more work. Three committees in the association have found themselves very busy, the Communications Committee (CC), Regulatory Review Committee (RRC), and the Technical Advisory Committee (TAC).

ACURI's RRC has testified on such issues as below-regulatory concerns to the US NRC; emission standards adoption via NESHAPS (National Emissions Standards for Hazardous Air Pollutants) provision of the Clean Air Act to the US EPA; and on request for public input by the US NRC on a Staff Analysis of Low-Level Waste Issues.

The CC has conducted several workshops and informational sessions for state legislators prior to the announcement of siting map developments. The committee is also working with the press, other trade associations, and public interest groups to provide a better understanding for the need of a LLRW site and how the waste is generated and managed.

TAC has also undertaken several projects. One of the first projects was by invitation when the state regulator asked ACURI to review and comment on a preliminary reporting system for generators called the Quarterly LLW Report. TAC met with the state regulatory staff, commented on the state's draft, and provided recommendations from a user/generator perspective. The result of this involvement was the development of quarterly reporting methods which not only met the letter of the law, but also improved the state regulator's means gathering information from the generator.

ACURI's RRC and TAC were also involved in the US NRC and US EPA mixed-waste national survey. ACURI volunteered to pretest the survey and work with researchers at the Oak Ridge National Laboratory (ORNL) to critique the questionnaire that was developed. This project took nearly five months of discussion and communication between and among the federal officials, researchers at ORNL, and ACURI prior to the initiation of the pretest. ACURI's involvement has helped to develop a better working relationship between generators and regulators. The Association has been complimented by both the NRC and EPA publicly for its cooperation.

PREPARING FOR THE FUTURE

Very early in the process, ACURI members recognized the need to be involved with the form and substance of the facility license. This need was predicated on a desire to assure that none of the currently available disposal options would be lost to the generator community. Given the facility design, i.e., above ground engineered disposal with zero release goal, several members have suggested that perhaps some of the current requirements could be recast.

With 1993 rapidly approaching, a major goal of the association is to get a clear definition and acceptance about waste forms from the contractor and state regulator. Under no circumstances would the association wish to have generators rehandle/reprocess any waste put into interim storage. Rehandling and reprocessing waste defeats the intent of ALARA (As Low As Reasonably Achievable) and inordinately raises the costs of disposal.

Meetings with the state regulator, PA DER, the contractor, Chem-Nuclear Systems, Inc., the Compact Commission, and other federal or state agencies are essential in the near and long-term.

ACURI is currently developing a series of "position papers" to address licensing application concerns. These papers are being developed with the encouragement of both the contractor and the state regulator. These papers cover the following LLRW topics:

1. Waste Classification by Averaging
2. Solidification Media
3. Gas Generation in Resin Media
4. Chelating Agents
5. Dewatered Resin and Sludge and Filter Media
6. Biological (research animal) Waste
7. Mixed Waste
8. Container Specification Dimensional Requirements/Dose Limits

By being pro-active at this early stage of discussion surrounding a license application, ACURI believes that it will ultimately save time and possibly defuse regulatory and public concerns in the future. This process can also assess a variety of issues and recommendations prior to actual submittal of the application, thus allowing time for comments to be received from all concerned parties. In addition, ACURI believes that keeping the process open will remove any potential public concern or even a slight appearance of impropriety with the regulator or contractor.

Future plans for the Association include the continuation of meetings with both the PA DER and CNSI to bring prob-

lems and concerns to their attention and to assist them where they may need industry input. In addition, ACURI will review and comment on any license application in detail during the public comment period. The association has taken a pro-active stance in the past and will continue to take a pro-active posture as the Appalachian States Compact facility evolves.

NETWORKING AND MONITORING AT THE NATIONAL LEVEL

As the association began to take shape, the Board of Directors made a clear and concise directive to its staff that ACURI's business should primarily take place within its Compact border. The Board did not want the Association to become part of a larger organization, at that time noting that its regional needs had priority. With this directive, however, the Board recognized that communication was valuable. The Board authorized and invited other user/generator groups to communicate and exchange information and ideas. This open door policy has been very beneficial in understanding how and where other states or compacts have gone in the process of siting a LLRW facility. Exchanging information has also proved to be invaluable in learning what special interest groups have used, planned, or enacted in certain areas to stop the process of siting a LLRW facility.

During developmental stages and currently, ACURI has appreciated and learned from other generator groups such as the CAL RAD Forum (California), MICHRAD (Michigan), NEL RAD (Massachusetts), NYSLLWG (New York), and ORMUG (Ohio). The CAL RAD Forum was the organization that was most helpful during the developmental stage of the association. Its format, operation, and member involvement provided the designers of ACURI an noteworthy role model.

Several other groups have also become primary resources in LLRW management and disposal developments. One is the LLW Forum, which is made up of regulators from host and sited states that meet quarterly. Pennsylvania's state regulator and Compact commission executive director regularly attend these meetings. ACURI monitors the forum. The ACURI Board wants to act and respond to issues regarding technical and regulatory policy issues brought up at Forum meetings. The user/generator interest in regional affairs is closely tied to the discussion and action of this body.

Another influential national group is the Technical Coordinating Committee (TCC) that addresses technical issues in LLRW. This group, with the support of the US Department of Energy also meets quarterly. Its membership relies on more technically oriented representatives from sited and host states across the country. Several other groups are monitored such as the Edison Electric Institute (EEI), Nuclear Management and Resources Council, Inc. (NUMARC), Electric Power Research Institute (EPRI), and the United States Council on Energy Awareness (USCEA).

For example, EEI's, Utility Nuclear Waste and Transportation Program (EEI/UWASTE) is an important resource and channel to some of the largest generators across the country. EEI/UWASTE represents virtually all electric utilities with a nuclear power program. ACURI's interaction with this working group has been increased by having a member of the ACURI board serve on that EEI/UWASTE committee.

According to the EEI/UWASTE program manager, "EEI/UWASTE supports the concept of LLRW generators

organizing at state or regional levels because such groups are able to represent utility and non-utility LLRW generators with common concerns on matters of local interest. Such state or regional generator groups have an excellent opportunity to affect the public's understanding of the need for a LLRW disposal facility in their backyard."

ASSESSING THE VALUE OF USERS' ORGANIZATIONS

Are cooperation, confrontation, and communication key elements to a multi-state LLRW generators' association? The answer should be yes. Without these three elements, an association's effectiveness might only be a one-way process and probably a strained one at that.

Most of the Association's efforts are devoted to communication in one form or another, from regular communication with the membership to appearing at public meetings concerning the disposal of radioactive waste and addressing concerns of the members. A monthly newsletter and other communications keep the members informed about LLRW activities.

The annual meeting provides further opportunities to exchange information, particularly on how to handle various types of waste and what will have to be done to store it during the period in which there is no access to a disposal site. Workshops and panels are conducted for utilities, colleges and universities, medical facilities, business and industry. In addition, representatives of the US Nuclear Regulatory Commission, Environmental Protection Agency, the compact commission, the contractor responsible for establishing the disposal site and various state agencies, are invited to speak on relevant issues, thus giving them an opportunity to communicate with the members.

Similarly, although the business meetings of the Board of Directors are closed, workshops prior to the business meeting often contain opportunities for the Association to gain first-hand insight through discussions with the representatives of the contractor, the compact commission, the Commonwealth of Pennsylvania or other compact states' officials or representatives. The Board meetings, therefore, become the proving grounds for future or further contact and communication.

CONFRONTATION IS A PART OF COMMUNICATION PROCESS

ACURI has matured to the point of taking issues that may not be "politically right." ACURI was one of the few organizations speaking in favor of Below Regulatory Concern (BRC) at a Nuclear Regulatory hearing. Members who attended the public hearing were shocked at the amount and stridency of the opposition, and thus more inclined to speak out at future opportunities. The Association's ability to confront issues has encouraged it to continue to submit comments to the Nuclear Regulatory Commission on a number of other regulatory issues.

Within the Commonwealth of Pennsylvania, it has submitted testimony to the House Conservation Committee to help move along the funding bill for the siting of the disposal site and hosted two legislative breakfasts for lawmakers and their staffs in order to familiarize them with the problems of radioactive waste disposal.

The Association has worked closely with the Pennsylvania Department of Environmental Resources, helping it to make the governor's certification survey more user friendly, publicizing this among licensees and assisting the state by reminding those generators who did not reply to the regulator. The Technical Advisory Committee has met a number of times with officials of the Pennsylvania Department of Environmental Resources concerning the packaging treatment, storage and disposal regulations that will need to be in place when Pennsylvania hosts the disposal site but which impact the generators right now.

COMMUNICATING WITH DECISION MAKERS

Recently, the Association has taken up the task of communicating with legislators. The traditional lobbyist approach was left to each member's corporation or company. The Association has chosen small and large informational meetings. These meetings may include some food for the stomach, but more importantly, food for thought. Through well thought out presentations involving the Association's utility and non-utility interests and membership, ACURI has found itself becoming a resource for information for state legislators.

At a recent set of meetings, nearly 90 out of 350 state legislators or their aides attended informational sessions on generation of LLRW by ACURI representatives and an update on siting by the contractor. The contractor was invited to attend this meeting and provide information. In Pennsylvania, the contractor is not allowed to make personal contact with the legislative branch. The Association made this important link available to the state representatives. ACURI followed this meeting up with written material to all who did not attend the meeting and held a second meeting within three weeks of the first meeting to enable more legislators to attend. This series of meetings was very productive. The Association's Communications Committee is planning more of these types of meetings in the future with broader audiences, when needed, or more focused audiences for specific communication needs. The Communications Committee recognizes the importance of building working alliances with other trade associations, professional organizations and societies, and business groups within the Appalachian States Compact.

THE FUTURE

As the siting continues in the Appalachian States Compact, ACURI will become involved in more areas of dialogue and discussion with the public, governmental officials, and sited community audiences as they develop. ACURI recognizes the power and authority of county and municipal government officials, local special interest groups, and the media as the siting of the facility progresses.

ACURI members, especially those who live and work in potential siting locations, will need to become more involved in the process. Developing a keener and more involved membership to communicate with the public will improve and prolong the beneficial uses of radioactive materials and re-emphasize the necessity for safely, effectively, and efficiently disposing of LLRW now, and in the future.

Does cooperation, confrontation, and communication work? The answer is a resounding yes. The interesting part is that we are still learning and adapting to situations and tasks with these three elements of change during the process.