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Mission Plan Amendment Submitted to Congress

In July 1985, DOE submitted a Mission Plan to Congress pursuant to the Nuclear Waste Policy Act of 1982 (NWPA). Since the publication of the Mission Plan, a number of specific actions and developments have taken place and new information has become available. More recently, since DOE's actions of May 28, 1986, relative to the first and second repositories, issues have emerged that warrant advising Congress formally or Congressional action.

For these reasons, a draft amendment to the Mission Plan was submitted to affected States, Indian Tribes, and Federal agencies for their review and comment on January 28, 1987 (see *OCRWM Bulletin*, February 1987). Informational copies were also provided to Congress. DOE has received written comments from 58 respondents, including some members of Congress, providing valuable input. The Congressional hearings that have occurred since January 28 have also provided valuable opportunities for clarifying the issues. Taking these comments into account, DOE submitted a *Mission Plan Amendment* to Congress

in June 1987 together with copies of each of the comment letters and the DOE's responses to them.

The *Mission Plan Amendment* calls for indefinite postponement of site-specific work for a second repository which would result in a delay in achieving the July 1, 1989, date for selecting sites for characterization. With Congressional approval, DOE intends to begin a national survey of potential sites in 1995 which would allow ample time to develop a second repository prior to the first repository reaching its 70,000 metric ton capacity, as provided for in the NWPA. Based on comments, the amendment is more specific than was the draft about the schedule for renewal of site-specific activity.

DOE is also taking the opportunity to formally advise Congress via the *Mission Plan Amendment* of the extension of the date contemplated for operation of the first repository from January 31, 1998, to 2003 to allow time to carry out the necessary high-quality technical program. Despite its best efforts, DOE does not believe it will be able to meet the dates previously identified for the first repository.

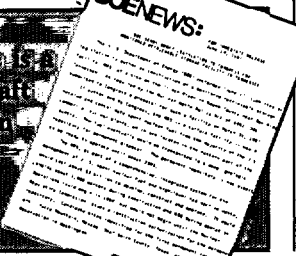
The extension is needed to carry out an extensive site characterization program, to prepare licensing documents to comply with Nuclear Regulatory Commission (NRC) requirements that have yet to be promulgated in their entirety, and to provide additional opportunity for consultation and cooperation (C&C) with affected States and Indian Tribes. Commenters generally either supported or acknowledged the need for a schedule extension.

(continued on page 2)

In This Issue . . .

	Page
Mission Plan Amendment Submitted to Congress	1
Nuclear Waste Fund Fee Adequacy: An Assessment	2
Storage and Transportation Initiatives	3
National Academy of Sciences Proposes Review of Technical Portions of DOE Program for Characterization of Candidate Repository Sites	3
Other Program Items	
Establishment of OCRWM Information Resources Management Division	4
State of Tennessee Litigation	4
Current Status of Texas Salt Repository Office	5
Extension of Comment Period by Nuclear Regulatory Commission on Definition of "High-Level Radioactive Waste"	5
Currently Scheduled OCRWM Short-Term Program Milestones	3
Selected Events Calendar	5
New Publications and Documents	6
DOE News Release: DOE Sends Draft Legislation to Congress for MRS Facility in Tennessee	6

Reproduced on the last three pages of this Bulletin is a news release announcing that DOE has sent draft legislation to Congress for the proposed MRS facility in Tennessee, Secretary Herrington's letter, and the accompanying bill.



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For further information about the national program or for copies of new publications and documents listed in the "OCRWM Bulletin" contact the U.S. Department of Energy, OCRWM, Office of Policy and Outreach, Mail Stop RW-40, 1000 Independence Avenue, SW, Washington, DC 20585 (202) 586-5722. The OCRWM Information Services Directory is available to provide sources of program information for the States, Indian Tribes, involved parties, and the public.

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Nuclear Waste Fund Fee Adequacy: An Assessment

The NWPA prescribes that the owners and generators of nuclear waste will pay the full costs of the disposal of their own wastes and establishes a Nuclear Waste Fund (NWF) to ensure the full cost recovery funding of a safe and environmentally acceptable program. Each year an analysis is made to determine the adequacy of the fees assessed to cover the federal government's costs for the disposal of high-level radioactive wastes. Based on results of the evaluation, OCRWM may recommend that the ongoing fee be adjusted, if necessary, but the adjustment of the fee requires Congressional approval. The principal recommendation of this year's analysis of the adequacy of the ongoing civilian high-level waste disposal fee for the NWF is that it should remain at 1.0 mill per (net) kilowatt-hour (kWh) for 1987.

The analysis, *Nuclear Waste Fund Fee Adequacy: An Assessment*, is the fifth annual report in the series, and is based on the assumptions contained in the *Draft Mission Plan Amendment* (see page 2), under which the first repository will open in 2003 and second repository in 2023. In addition, this analysis features an Improved Performance System, a major component of which is a proposed (but currently unauthorized) monitored retrievable storage facility that is assumed to open in 1998. This report also incorporates an assessment of the impact of the costs and fees associated with disposal of defense high-level wastes as a result of the Presidential directive that a common repository system be used for wastes resulting from both atomic energy defense activities and high-level civilian wastes.

Major findings of the assessment include:

- The current 1.0 mill per kWh fee is projected to produce revenues

sufficient to offset estimated total system life-cycle costs for high-level civilian radioactive waste disposal for a reasonable range of program cost, nuclear electric generation, and interest rate forecasts, as detailed in the assessment. It is assumed that defense waste fees will be adequate to cover the defense share of the program costs using the method proposed in the Federal Register notice of December 2, 1986 (see *OCRWM Bulletin*, December 1986).

- The margin of revenues over costs varies considerably among the cases analyzed. In a number of cases the present fee is barely adequate, while many others show substantial margins of receipts over outlays. In the latter cases, if cost and commercial nuclear electric generation estimates are correct, the cumulative program costs could be recovered by a reduced fee, or program costs higher than the current estimates could be recovered by the 1.0 mill per net kWh fee. However, these margins are within the uncertainty

range of the electric generation, program cost, inflation, and interest rate estimates, so a fee adjustment is not warranted at this time. Fee revisions may be recommended within a few years, when more accurate program cost estimates will be developed as the program matures and if interest rate and/or inflation expectations should rise.

- For many of the scenarios examined, future program cost increases due to general inflation or real price increases could be recovered by indexing the fee to an inflation or other cost index. Indexing is an alternative to larger, less frequent fee adjustments. This analysis does not provide a compelling case for recommending that indexing be initiated at this time.

The general methodology employed in this year's report projects NWF cash flows and resulting balances based on estimated program costs and revenues, including both NWF investment earnings and interest expenses for borrowing. ☆

Mission Plan Amendment Submitted to Congress

(continued from page 1)

DOE is submitting to Congress both a report on the status of C&C negotiations and a certification report regarding DOE's good faith efforts relating to negotiating formal C&C agreements with affected parties. The DOE believes that it is in the interest of all parties to conclude C&C agreements, but that the greatest beneficiaries would be the public of the affected States and Indian Tribes for whom a C&C agreement would provide enhanced assurances of State and local involvement in major decisions.

DOE's reports also urge Congress to consider the need for authority for direct funding of local governments and to clarify matters related to the definition of special units of taxation as discussed in the Amendment and responses to the comments.

Copies of the *Mission Plan Amendment* are being sent to all affected States and Indian Tribes, Federal agencies, commenters and the approximately 7,000 parties on the OCRWM mailing list. ☆

Currently Scheduled OCRWM Short-Term Program Milestones

June 1987	Submit <i>Mission Plan Amendment</i> to Congress.
June 1987	Submit fifth annual Fee Adequacy Report to Congress.
July 1987	Issue final <i>Federal Register</i> notice on Defense Waste Fee.
July 1987	Issue first annual Capacity Report.
Aug. 1987	Issue Site Characterization Plan for tuff site.
Sept. 1987	Issue draft Environmental Regulatory Compliance Plans.
Oct. 1987	Issue Site Characterization Plan for basalt site.

National Academy of Sciences Proposes Review of Technical Portions of DOE Program for Characterization of Candidate Repository Sites

To help provide an independent oversight of the DOE site characterization activities, the Board on Radioactive Waste Management of the National Academy of Sciences/ National Research Council's Commission on Physical Sciences, Mathematics and Resources has submitted a proposal to evaluate key technical aspects of the DOE site characterization program at each site for completeness and accuracy and to provide a mechanism for assuring that valid technical concerns from outside the DOE program are given appropriate and timely consideration.

The proposed plan of action is to establish three panels of approximately twelve members, one for each site to be characterized. The members of each panel will have expertise in the fields of geological sciences; environmental science; socio-economic science; radiobiology and health physics; public policy, including law and regulatory practices; systems analysis; and repository engineering. Meetings will, to the extent feasible, be held at the sites being characterized. Notice of and an invitation to attend each

meeting will be sent to the designated technical representative of each affected State and Indian Tribe. These technical representatives will be encouraged to participate in all open sessions of the panels, to comment on materials presented to the panels, and to provide written and oral comments on all released panel reports.

The results of the panel reviews will be reports that assess the technical basis for portions of the DOE Site Characterization Program and, when necessary, indicate a need and rationale to consider additional factors. The reports will review and should clarify selected and important technical aspects underlying the process for characterizing sites, should clarify uncertainties, and should facilitate the recommendation by DOE of a single repository site by helping to separate the technical and non-technical aspects of site evaluation.

The proposal from the National Academy of Sciences is currently under review and a determination is expected shortly. ☆

Storage and Transportation Initiatives

Transportation Legislative Data Base

OCRWM will support the continuation and enhancement of a computerized data base on State nuclear transportation legislation. Previously operated by the Oak Ridge National Laboratory on behalf of another DOE program, the Legislative Data Base is a compilation of laws and statutes passed by all 50 States governing the transportation of radioactive and hazardous materials.

The data base represents a valuable information resource for the OCRWM Transportation Program. It is the only comprehensive source of such information in existence related solely to transportation. State legislation and regulation of nuclear transportation has been an extremely active and controversial area in the last five to ten years. There are a substantial number of State laws, many of which are not the same from one state to another, that will apply to future NWPA shipments. This data base provides quick access to this voluminous information and can be used for program planning as well as actual transportation operations.

OCRWM intends to enhance the data base and improve its use and accessibility to interested parties. In particular, the data base will be gradually expanded to include State regulations; strict quality control will be implemented to improve confidence and credibility in the information contained in the system; and useful periodic reports will be developed and distributed to interested parties. It is also expected that the system will be made available on a mainframe computer with user-friendly software that will make direct access much easier than before. The Battelle Memorial Institute Office of Transportation Systems and Planning, the prime support contractor for the DOE Chicago Transportation

(continued on page 4)

Storage and Transportation Initiatives

(continued from page 3)

Office, will be responsible for these improvements and future operation of the data base. The physical transfer and full implementation of these activities is expected to be completed by the end of 1987. The data base, however, will continue to be accessible in its current form through Battelle. Further information will be provided as soon as available.

Companies Selected to Begin Contract Negotiations for Development of Nuclear Fuel Shipping Casks

Several companies have been selected to negotiate contracts to develop shipping casks for transporting spent nuclear fuel and high-level waste to facilities developed under provisions of the NWPA. The designs to be developed include legal weight and overweight truck, rail/barge, and dual purpose storage/transport casks. Selected companies include GA Technologies, Westinghouse, Babcock and Wilcox, Nuclear Packaging, Nuclear Assurance, and Combustion Engineering. The cask development tasks range in value from \$5-12 million.

Spent Fuel Storage Technical Exchange Meeting, Germantown, MD,

On May 12-13, 1987, a Spent Fuel Storage Technical Exchange Meeting took place in Germantown, MD. There were 123 registered attendees, and 16 utilities were represented. The meeting, sponsored by DOE and the Electric Power Research Institute, was intended to provide information on technologies (NRC licensed or soon-to-be-licensed) that are available to utilities for enhancing spent fuel storage capacity.

Presentations were made on cask performance testing, cooperative demonstrations, rod consolidation demonstrations and technology, and spent fuel storage technology. An update on international spent fuel information was provided, and utility panels discussed future storage plans. The meeting was followed by a workshop on non-fuel bearing components.

Abstracts of the presentations are available from Ruth Dollar, (509) 375-2586. ☆

Other Program Items

Establishment of OCRWM Information Resources Management Division

On June 7, 1987, the Information Resources Management Division (IRMD) was established within the Office of Resource Management. The IRMD provides staff support to OCRWM in all information system activities that cut across programmatic areas, sites, and issues. Its functions include:

- managing the development, acquisition, and implementation of OCRWM Headquarters and programwide information systems, including the Information Management System and Licensing Support System;
- preparing strategic information resources and telecommunications plans for OCRWM;
- managing the analysis, planning, and allocation of resources required

to support OCRWM information systems;

- providing data base administrative oversight for OCRWM information systems;
- managing program-wide information system quality assurance activities;
- providing a focal point for OCRWM automated office support systems, automated data processing services and computer timesharing needs; and
- managing contracts involving the development and operation of information systems or automated data processing services to OCRWM.

Dr. Barbara A. Cerny, who was formerly Assistant Manager for Information Systems and Technology in the Office of Scientific and Technical Information in Oak Ridge, TN, will be the Director of the IRMD. Other professional staff include Charles Head, Richard August, James Martin, and Hubert Joy. ☆

State of Tennessee Litigation

On April 30, 1987, the Governor of Tennessee filed suit in the U.S. District Court for the District of Columbia against the President of the Senate, the President *pro tempore* of the Senate, and the Speaker of the House, in their official capacities. The Governor sought a declaratory judgment that the 60-day period for submittal of a Notice of Disapproval of a monitored retrievable storage (MRS) facility [established in Section 116(b) of the NWPA, and made applicable to MRS facilities in Section 141(h)] began on March 30, 1987, the date the MRS proposal was submitted to Congress. The Governor requested and received an expedited schedule so that the case could be reviewed before the 60-day period after submittal expired.

The Senate defendants moved to dismiss on the grounds that the case did not present a justiciable *case or controversy* under Article III of the Constitution and is thus a request for an *advisory opinion*.

(continued on page 5)

Other Program Items

(continued from page 4)

The Speaker defendant declined to argue either justiciability or the merits in detail, professing to have no institutional interest in the case or in any possible ruling. DOE petitioned and was granted leave to intervene, arguing that the U.S. Court of Appeals for the 6th Circuit decision in *Tennessee v. Herrington* effectively established that the state participatory rights, made applicable to MRS facilities by Section 141(h), are operative only after Congress has authorized an MRS facility. Oral argument was held on May 20. On May 26, the Court dismissed the complaint against all defendants on grounds that the plaintiff lacked standing to bring suit. ☆

Current Status of Texas Salt Repository Office

In February 1987, the Salt Repository Project Office opened a temporary project office in Vega, TX, next to the

DOE Information Office. Five DOE and five contractor (Battelle Memorial Institute) staff were relocated to the Panhandle. In early May the office location was moved permanently to Hereford, the county seat of Deaf Smith County. Two 10,000 square foot buildings were leased, and at the present time there are 64 Salt Repository Project staff assigned to Texas. This represents a total of 34 staff transferred from Columbus, OH (DOE, Battelle, and Parsons-Redpath), 29 local hires, and one non-local hire. The Vega office trailer will be used for extra staff offices, a meeting center, and a training center for new staff. Staff moves will continue throughout the summer and early fall until the project is completely relocated to Texas. All but one of the DOE staff will be located in Texas by the end of July. The Salt Repository Project Office's new address is: 110 N. 25 Mile Avenue, Hereford, TX 79045. The telephone number is (806) 374-2320. ☆

Extension of Comment Period by Nuclear Regulatory Commission on Definition of "High-Level Radioactive Waste"

On February 27, 1987, the Nuclear Regulatory Commission (NRC) published for comment an advance notice of proposed rulemaking indicating its intention to amend the definition of "high-level radioactive waste" (HLW) in its regulations governing disposal of HLW (52 Federal Register 5992). The notice proposed to revise this definition to conform more closely to the statutory definition of HLW in the Nuclear Waste Policy Act of 1982. The comment period for the notice expired April 29, 1987.

The NRC has extended the comment period to June 29, 1987. Written comments or suggestions should be submitted to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch. ☆

Selected Events Calendar

- July 14-15 National Academy of Sciences Board on Radioactive Waste Management Meeting, Seattle, WA. Contact Peter Myers (202) 334-3066.
- July 21-23 Institutional/Socioeconomic Coordinating Group Meeting, Seattle, WA. Contact Wilma Probst (202) 586-5684.
- July 26-31 National Conference of State Legislatures, Annual Meeting, Indianapolis, IN. Contact L. Cheryl Runyon (303) 623-7800.
- July 28-29 Southern States Energy Board, Radioactive Materials Transportation Advisory Committee, Atlanta, GA. Contact John Rozier (404) 455-8841.
- Aug. 4-5 Performance Risk Assessment Coordinating Group Meeting, Washington, DC. Contact Norm Eisenberg (202) 586-1239.
- Aug. 24-28 International Conference on Nuclear Fuel Reprocessing and Waste Management (ANS/ENS), Paris, France. Contact (206) 526-3083.
- Sept. 15-17 Environmental Coordinating Group Meeting, Washington, DC. Contact Jerry Parker (202) 586-5679.
- Sept. 22-23 Geosciences Coordinating Group Meeting, Washington, DC. Contact Don Alexander (202) 586-1238.
- Oct. 6-7 Transportation Coordinating Group Meeting, Marriott Hotel Southeast, Denver, CO. Contact Susan Denny, (202) 586-2439. For reservations contact Marriott at (303) 758-7000.

For details on DOE/NRC meetings call (1/800) 368-2235 for a recorded message. In the Washington, DC, area call 479-0487.

A telephone recording service has been established for the announcement of upcoming meetings related to the waste management program of the NRC. The number is (1/800) 368-5642, Ext. 79002. Washington, DC, area residents should call 427-9002.

For information on meetings and events occurring between issues of the "OCRWM Bulletin" use OCRWM INFOLINK, an electronic bulletin board that can be accessed through a standard computer communications capability on (202) 586-9359. The "OCRWM Bulletin" is now available through INFOLINK ☆

U.S. DEPARTMENT OF ENERGY
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 OAK RIDGE, TN 37831
 TELEPHONE: (615) 578-0885

DOENEWS:

FOR IMMEDIATE RELEASE
 June 18, 1987

DOE SENDS DRAFT LEGISLATION TO CONGRESS FOR MONITORED RETRIEVABLE STORAGE FACILITY IN TENNESSEE

The U.S. Department of Energy (DOE) yesterday (June 17) submitted draft legislation to authorize construction of a monitored retrievable storage facility (MRS) at a site on the Clinch River in Roane County near Oak Ridge, Tennessee. As required by the Nuclear Waste Policy Act of 1982, DOE submitted to Congress a proposal for such a facility on March 31, 1987.

If authorized by Congress, the MRS — a surface facility — would receive and consolidate spent nuclear fuel from the majority of the U.S. commercial nuclear plants, which are located in the eastern part of the country. The fuel eventually would be transported to a deep, geologic repository for permanent disposal. The permanent repository is not expected to be ready to operate until about 2003.

The MRS, as part of a comprehensive, integrated system for the management of U.S. spent nuclear fuel and high-level radioactive waste, would cost about \$3 billion to develop, construct and operate. It would employ about 1,000 workers during construction and 600 during operation. Operations could begin in 1998, but would not begin until the Nuclear Regulatory Commission issues a construction authorization for the permanent repository. Candidate sites identified for the first permanent repository are: Yucca Mountain, Nevada; Deaf Smith County, Texas; and DOE's Hanford Reservation in Washington.

Attached are the transmittal letter to Congress and the draft legislation. Copies of the three-volume proposal (DOE/RW-0035) were made available to the public when submitted to Congress in March. Additional copies may be obtained by telephoning (202) 586-5575 or by writing to:

U.S. Department of Energy
 MRS Proposal
 Room 1E-182
 Forrestal Building
 1000 Independence Avenue, S.W.
 Washington, D.C. 20585

— DOE —

News Media Contact: Jim Alexander, (615) 576-0885

R-87-027

Attachment

(NOTE: This information is being issued simultaneously with DOE Headquarters in Washington, D.C.)

New Publications and Documents

Annual Fee Adequacy Report, DOE/RW-0020 (Revised), June 1987

This report summarizes the results of the analysis for the adequacy of the current 1.0 mill per net kilowatt-hour civilian high-level waste disposal fee. This is the fifth annual report in a series that evaluates the adequacy of the fees assessed to cover the federal government's costs for the disposal of high-level radioactive wastes.

Mission Plan Amendment, DOE/RW-0128, June 1987

The Mission Plan Amendment supplements the 1985 Mission Plan by providing information to Congress, program participants, and the public about program achievements, a five-year extension of the schedule for the first repository, postponement of site-specific activities for the second repository, the monitored retrievable storage facility proposal, and actions taken to better define the consultation and cooperation process.

Correction:

Please note that the grant award shown to the Utah Department of Community and Economic Development on page 7 of the *OCRWM Bulletin* for April 1987 should indicate that the designated agency is the Governor's High-Level Nuclear Waste Office.



THE SECRETARY OF ENERGY
WASHINGTON, D.C. 20635

June 17, 1987

Honorable George Bush
President of the Senate
Washington, D.C. 20510

Dear Mr. President:

I am pleased to forward to you a legislative proposal that will contribute greatly to achieving the goal of the Nuclear Waste Policy Act of 1982 to establish a comprehensive, integrated system for the management of the Nation's spent nuclear fuel and high-level radioactive waste.

Need for this Legislation

When the Congress was considering the Nuclear Waste Policy Act of 1982, it saw the potential value of a facility for the monitored retrievable storage (MRS) of spent fuel prior to emplacement in a permanent repository. Accordingly, section 141 of that Act required the Secretary of Energy to conduct a detailed study of the need for and feasibility of, and submit to Congress a proposal for, the construction of one or more MRS facilities, recognizing that Congress would have to take further action to authorize an MRS facility.

The proposal required by section 141 was submitted to Congress on March 31, 1987. In it, the Department proposes to construct and operate an MRS facility for spent fuel at a site on the Clinch River in the Roane County portion of Oak Ridge, Tennessee.

What the Bill Would Do

The enclosed bill would authorize the Department to carry out its recommendations made in the report. More specifically, the bill would authorize the construction and operation of an MRS facility at a site on the Clinch River in the Roane County portion of Oak Ridge, Tennessee.

In addition, the bill would require the Secretary to implement the proposal and program plan submitted to Congress on March 31, 1987, in order to provide a program to govern the construction and operation of the MRS. Provisions contained in this submittal include:

- a limit on the amount to be stored at the MRS facility of 15,000 metric tons of heavy metal, or its equivalent
- a prohibition on storing waste at the MRS facility until the Nuclear Regulatory Commission has issued a construction authorization for the first permanent repository
- a program for State and local government participation
- financial assistance for preoperational and operational phases

The Value of an MRS Facility

An MRS facility would receive and prepare spent fuel for emplacement in the permanent, geologic repository. The principal waste-preparation functions would be the reconfiguration and sealing of spent fuel into uniform canisters. These canisters would facilitate handling, shipping, and further processing at the repository.

These spent fuel canisters would be stored temporarily at the MRS facility pending shipment to the repository. This storage would be conducted in a manner to allow continual radiation monitoring and easy retrieval for shipment to the repository.

An MRS facility, as an integral part of the waste-management system, would improve significantly the performance of the total system. The most significant advantages of an integral MRS facility are that it would

- improve the Department's ability to develop the complete waste-management system by permitting it to proceed immediately with detailed planning for the implementation of portions of the system, such as waste acceptance, transport from the reactors, and major waste packaging operations, prior to development of the repository
- permit acceptance and removal of waste from the utilities by 1998, thus reducing the need for new temporary storage at reactor sites and permitting the Federal waste-management system to begin operation as soon as possible
- improve the reliability and flexibility of the waste-management system operations by adding significant Federal storage capacity and separating spent fuel acceptance operations from repository emplacement
- simplify the waste-handling facilities and operations of the repository and control the rate of waste transfer to the repository
- reduce the number of total shipments to the repository and minimize the distances of less-efficient spent fuel shipments
- provide institutional benefits through the experience gained from interactions with the State of Tennessee and affected local governments and the early opportunity to demonstrate that facilities developed under the Act are safe.

These advantages are discussed more comprehensively in the MRS proposal submitted to Congress. All of these advantages suggest that the operation of an MRS will provide: the public with the confidence that the waste-management system can be operated successfully; the utilities with a firmer basis for planning the transfer of spent fuel to the Department; the States and affected Indian Tribes with additional opportunities to provide input into the process, for example on route-specific transportation planning; and the Department with an opportunity for progress in a portion of the system that will have a positive effect on contributing to the success of the total, integrated waste-management system.

Cost and Budget Data

The expenditures for the MRS project from the time of Congressional approval to the start of operations are estimated at \$907 million in constant 1986 dollars, of which about \$710 million would be used for construction. The annual operating expenses for the facility, which would employ about 600 workers, would be about \$73 million, not including financial-assistance and tax-equivalency payments. The cost of decommissioning the facility at the end of operations would be approximately \$83 million. All costs would be borne by the waste generators and hence paid from the Nuclear Waste Fund. The DOE has made provision for the MRS project in the President's budget proposal for fiscal year 1988, should the Congress approve the system.

The cost of the total system with an MRS facility is estimated to be about 5 percent higher than that of the system without an MRS facility. To provide some perspective, this cost is within the range of uncertainty associated with cost estimates for a total system without an MRS facility and is considered small in comparison with the expected benefits. The costs of constructing and operating an MRS facility would be partially offset by savings in the cost of constructing and operating the repository surface facilities, which would be simplified; by the savings realized by the rate-payers in not needing to pay for additional at-reactor storage; and by the savings resulting from the institutional benefits to the overall waste-management system. The increase of about 5 percent is considered an upper limit because the estimates for MRS implementation are based on well-developed designs at specific sites, whereas the costs of the remainder of the total system are subject to more uncertainty.

The Office of Management and Budget advises that the enactment of this legislation would be in accord with the program of the President.

Yours truly,

John S. Herrington
John S. Herrington

Enclosure (see page 8)

Editor's note: This Bill is the enclosure which was included with Secretary Herrington's letter.

A BILL

To authorize construction of a monitored retrievable storage facility, and for other purposes.

1 Be it enacted by the Senate and House of
2 Representatives of the United States of America in Congress
3 assembled, That the Secretary of Energy (the "Secretary")
4 is authorized consistent with section 141 of the Nuclear
5 Waste Policy Act of 1982 to construct and operate, as part
6 of an integrated waste management system, a monitored
7 retrievable storage facility at a site on the Clinch River
8 in the Roane County portion of Oak Ridge, Tennessee. For
9 purposes of this Act, "monitored retrievable storage
10 facility" means the facility described in the Department of
11 Energy document entitled "Monitored Retrievable Storage
12 Submission to Congress, Volume 1, The Proposal, March 1987".

13 SEC. 2. In carrying out this Act, the Secretary
14 shall implement the monitored retrievable storage proposal
15 and program plan submitted to Congress in March 1987,
16 including but not limited to provisions relating to
17 financial assistance and measures designed to be responsive
18 to the concerns and recommendations of the State of
19 Tennessee and affected local governments.