

To: K McConnell

MINUTES OF THE NUCLEAR WASTE BOARD MEETING OF JUNE 17, 1988

Members Present:

Warren A. Bishop, Chair
Curtis Eschels, EFSEC
Dr. William Funk, WSU
Christine O. Gregoire, Ecology
Rep. Shirley Hankins
Rep. Dick Nelson
Rep. Nancy Rust
Terry Strong, DSHS

Introductory Remarks

The Chair introduced Christine Gregoire, director of the Department of Ecology, and Katherine Iyall, administrative assistant in the Office of Nuclear Waste. Staff were introduced.

Minutes

The minutes of the meeting of April 7 were approved as written.

Federal Funding for Hanford Defense Waste Cleanup

Jeff Breckel provided a report on funding status; a summary is attached.

In response to a question, Ms. Gregoire mentioned that the state does not now have a procedure for charging fees of federal nuclear facilities for regulatory activities, but that she has asked the Attorney General's office to research the issue.

Report of Northwest Citizens Forum on Defense Waste

Joel Merkel, a member of the Citizens Forum, reported on that group's final actions. The Citizen Forum's final conclusions were similar to the Board's; 90% of them were adopted by USDOE. He complimented USDOE for its handling of a very difficult issue.

Mr. Merkel cited the following remaining issues: the definition of high-level waste; groundwater concerns; funding; the relationship to the second repository; Nevada repository volume limits (which may not be sufficient to accommodate single-shell tank waste volumes if geologic disposal is necessary); the commitment to a supplemental EIS on remaining issues; and setting up a citizen advisory group on hazardous waste.

Mr. Merkel had the following observations about the Congressional funding question: 1) Congress favors funding--this issue has strong public support; 2) Sustained funding is aided if there is "hardware" on the site--it creates momentum; 3) Cleanup is a long-term project; 4) The effort to secure funding must continue, but near-term public safety is not endangered by a longer schedule; 5) Funding quests are hampered by the "zero-sum game" syndrome--Congress tends to take from one program in order to fund another; 6) USDOE

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priority-setting is interactive with Congress, so start working with Congress early; 7) USDOE has a tendency to fund activities in areas where they receive support--if an area is perceived as hostile, then the dollars may not be available; 8) Permanent funding is a worthwhile goal, but there is no way around the annual appropriations process; and 9) There will be substantial costs associated with RCRA over and above the cost of funding USDOE's preferred option.

In response to a question from Chairman Bishop, Mr. Merkel said that the group was disbanded in April 1988.

Representative Nelson and Mr. Merkel discussed the potential credibility problems associated with USDOE management of leaking single-shell tanks.

It was moved and seconded that the Board adopt Resolution No. 88-5, commending and thanking the members of the Citizens Forum on Defense Waste for their efforts. The resolution passed unanimously; a copy is attached.

Hanford Negotiations

Ms. Gregoire reported on the status of the negotiations among the Department of Ecology, USDOE, and USEPA. The state needs to proceed quickly but carefully, she said, adding that any agreement needs to be enforceable in order to be useful to the state. She reported continuing negotiations and a cooperative spirit, noting that Washington chose not to go the legal route at first. Ms. Gregoire said that interest groups had requested consultation, and that the Department had responded with one-on-one meetings and a very successful public workshop. At the workshops, citizens emphasized the need for an enforceable agreement, i.e., a consent decree. She reported substantial progress, but said that there are still many unresolved issues. She commended EPA, Mike Lawrence and USDOE, and Roger Stanley and Jay Manning for their efforts. Gregoire promised that any agreement reached would still be subject to a public process and cited the Board as contributing policy direction and a public forum.

Chairman Bishop introduced the resolution adopted by the Advisory Council regarding consultation with the Yakima Indian Nation during Hanford Negotiations. Russell Jim said that the established relationship relative to the NWPA is gone, but that the Yakima Indian Nation's possessory and usage rights to the Hanford Reservation continue. He said that he was impressed with the positive relationship with USDOE. He suggested a continuing relationship between the Board and the Yakimas and expressed the desire to continue working together on this issue.

It was moved and seconded that the Board adopt Resolution No. 88-6, calling for continued consultation among the Department of Ecology, USDOE, USEPA, and the Yakima Indian Nation during Hanford Negotiations. The resolution also called for federal funding for the Tribe's review of and comment on negotiation-related issues. The resolution was adopted unanimously; a copy is attached.

Planning Task Force

Curt Eschels summarized the report of the Board/Advisory Council Planning Task Force on behalf of Ray Lasmanis who was called out of town due to a family emergency.

Terry Strong called for a continued emphasis on the continuing function of environmental monitoring. Dr. Funk concurred, noting that the Environmental Monitoring Committee has served as a forum for environmental issues. Mr. Strong added that the Committee could serve as technical back-up, should a Washington representative to Battelle's dose reconstruction study Technical Steering Panel be appointed.

Chairman Bishop said that the Planning Task Force would meet again to address comments provided on its report.

Proposed Rule on Redefinition of Greater-Than-Class-C Waste

Chairman Bishop explained that a state technical working group had been created to develop comments on a proposed rule regarding greater-than-class-C waste. Joe Stohr reported that the working group met the previous week to adopt a workplan. The group will meet June 24th; a first draft of state comments will be circulated to the working group, the Board, Advisory Council, and others for review. The comments will then be revised.

In response to Rep. Nelson's question, Mr. Stohr related the major issues involved: 1) Instead of classifying waste by hazard, it would be classified by source for all waste greater than class C; 2) Low-level waste must go to the repository unless disposed in an NRC-approved facility; 3) There are questions about the NRC role in licensing low-level waste facilities (this might impact single-shell tanks); 4) There is confusion regarding definitions; 5) There are equity questions if the material goes to a repository, and if only utilities contribute to funding the repository.

Environmental Monitoring Committee

Terry Strong reported that a decreased sampling effort is necessary due to a lack of funding.

He reported that Westinghouse is trying to decrease uranium contamination of groundwater near the U-1 and U-2 cribs. No further pumping or decontamination is proposed, as the plume is stable. Remedial action has been postponed due to the CERCLA process.

Regarding the air emission regulations--the regulations are out for comment and an August hearing date is proposed. USDOE is expected to comment at the hearing. The total cost of the program is expected to be \$850,000.

Rep. Nelson asked if DSHS was still working on the Iodine-129 issue. Mr. Strong said no. Don Provost reported that the state is trying to insure that monitoring wells are retained during reclamation to permit future sampling.

Transportation Report

Mr. Stohr reported on the activities of three interstate groups involved in WIPP- and NWP- related transportation issues: the Western Interstate Energy Board, the Pacific States Agreement Committee, and the Western Governor's Association.

BWIP Close-Out

Mr. Provost reported on continuing reclamation activities at the near-surface test facility, the exploratory shaft, and test boreholes.

PETT Report

Max Power reported that USDOE's draft rule on PETT was not expected before late July, therefore, USDOE's meeting with the state would not occur in June as scheduled. He mentioned that local governments are becoming frustrated, and that USDOE has provided some information to the Benton County Assessor. In response to Rep. Nelson's question about how much USDOE owes, Mr. Power said that it is too early to tell--that the local governments and the state Department of Revenue are doing the calculations now.

Health Studies

Chairman Bishop reported that the state is meeting with USDOE on a potential role in the dose reconstruction study.

Litigation Update

Charlie Roe reported that the state of Washington has asked that the court's dismissal of the environmental assessment and siting guidelines cases include vacation of the underlying decisions and documents. We are now awaiting a ruling from the 9th Circuit Court of Appeals.

Price-Anderson

Charlie Roe reported that the House and Senate have passed reauthorization bills. Mr. Roe said that there are no major issues left that touch the Nuclear Waste Board, and that the amount of compensation per incident will likely be increased from \$700,000 to \$7 billion. The current bill is a substantial improvement over previous versions, he said.

Public Comment

There being no public comment, the meeting was adjourned.

Hanford Defense Waste Cleanup
Funding Status
June 17, 1988

1. Background.

Governors Gardner and Goldschmidt have joined in calling for the expeditious and safe cleanup and permanent disposal of the radioactive and chemical wastes at Hanford. It is the goal of the Governors that the cleanup and disposal work at Hanford be completed within 30 years.* As the first step in achieving this goal, the Governors are seeking \$150 million for US DOE cleanup work at Hanford in FY 1989. The FY 1989 US DOE budget request for Hanford cleanup work is about \$96 million.

The \$54 million increase proposed by the Governors is based on a careful and thorough review of US DOE's cleanup program, activities, and budget. Care was taken to ensure that the proposed increase was both technically and fiscally sound. US DOE's Richland office has stated that the Governors' proposal is feasible and that the additional funding could be effectively used. The following is a summary of the US DOE request and the Governors' proposal:

	US DOE FY 89 Request	Governors' FY 89 Proposal
Vitrification Plant		
Operations	7.4 million	12.5 million
Construction	22.5 million	27.5 million
Waste Pretreatment (B Plant)	16.9 million	21.0 million
Grout Operations	27.7 million	29.0 million
Environmental Restoration	21.3 million	53.0 million
WRAP (TRU Processing)	0	5.0 million
Transportation (Planning & Emer. response)	0	2.0 million
Total	95.8 million	150.0 million

2. House Authorization and Appropriation Status

The House accepted a floor amendment offered by Representatives Dicks and AuCoin increasing the funding authorization for Hanford cleanup work by \$35 million. The amendment provided \$5 million for vitrification plant construction, \$12 million for Hanford waste operations, and \$18 million for environmental restoration at Hanford. It was anticipated that the funding needed to bring the

the total increase to \$54 million could be obtained through a reprogramming of Hanford AQ tank farm funds. Funds for the tank farm are no longer needed due the shutdown of N reactor.

The House Appropriations Committee approved an additional \$35 million for Defense Waste and Environmental Restoration. However, the only portion earmarked was \$5 million for the Hanford vitrification plant. The committee cited the need to maintain a balanced approach in cleaning up US DOE sites and facilities as the reason for not earmarking the remaining \$30 million for Hanford.

3. Senate Authorization and Appropriation.

The Senate Armed Services Committee did not authorize any specific increase in funding for Hanford cleanup. It did, however, authorize a general unearmarked increase of \$50 million for environmental restoration.

The Senate did accept an amendment offered by Senators Adams and Evans to increase Hanford cleanup funding. The amendment authorized the transfer of \$44.25 million in unobligated N reactor construction funds to support cleanup work. The N reactor construction funds including those for the AQ tank farm are no longer needed due to the reactor shutdown. Unlike the House amendment, the Senate action created no new budget authority.

The availability of the unobligated balances relied upon by the Adams/Evans amendment is questionable. It appears that US DOE is planning to spend a major portion, if not all, the funds to support WIPP roads in New Mexico.

The Senate Appropriation Committee did not approve any specific increase in Hanford cleanup funding. Following the lead of the Armed Services Committee, it did approve an additional \$40 million for environmental restoration. No portion of the increase was earmarked for a specific site. The committee took no action to implement the transfer authorized by the Adams/Evans amendment. This is presumably due to the questionable availability of the funds and the potential conflict with WIPP roads.

4. Authorization and Appropriation Conferences

As can be seen above, the House and Senate took totally different approaches to authorizing increases for Hanford cleanup. The House created and earmarked \$35 million in new budget authority for Hanford cleanup. The Senate authorized the transfer of \$44.25 million in prior year unobligated balances to support specific Hanford cleanup activities. The Senate did not earmark any additional appropriation for Hanford. The House appropriation earmarked only \$5 million for the vitrification plant.

Since authorization and appropriation bills have passed both the House and Senate, reconciliation of the differences in FY 89 funding levels will be accomplished by conference committees. The House and Senate Armed Services conference is currently working to reconcile

authorization levels. It appears at this time that the conference committee will retain the Adams/Evans amendment authorizing the transfer of \$44.25 in unobligated balances to Hanford cleanup activities. It remains uncertain, however, as to how much of the unobligated balances will be available. Additionally, the committee will likely retain the \$50 million unearmarked addition to environmental restoration authorized by the Senate. The \$35 million House authorization will likely be dropped.

The House and Senate Energy and Water appropriation conference committee has also started its deliberations and is expected to set appropriation levels which will be consistent with the final authorized levels. Specifically, any increase in funding for Hanford cleanup will come from reprogrammed prior year unobligated balances plus any portion of the \$50 million unearmarked increase in environmental restoration funding that US DOE decides to allocate to Hanford.

While a substantial increase funding for Hanford cleanup is likely, reliance on the unobligated prior year fund balances makes it difficult to project at this time exactly how large the increase will be. The full amount of unobligated funds available will not be known until the end of the current federal fiscal year on September 30. It also remains uncertain as to what extent the funding of WIPP roads and other projects will affect the funding available for Hanford.

WASHINGTON STATE NUCLEAR WASTE BOARD

RESOLUTION 88-5

June 17, 1988

WHEREAS, the Northwest Citizens Forum on Defense Waste was formed by the U.S. Department of Energy (USDOE) to review the Draft Environmental Impact Statement (EIS) on Disposal of Hanford Defense High-Level, Transuranic, and Tank Wastes, and;

WHEREAS, assiduous efforts by the Northwest Citizens Forum members resulted in comprehensive, thoughtful comments on the EIS, and;

WHEREAS, the Citizens Forum final report provides cogent comments and suggestions.

NOW, THEREFORE, BE IT RESOLVED that the Nuclear Waste Board expresses its appreciation and gratitude to each Northwest Citizens Forum member for a job well done. The Board agrees that the Citizens Forum process is a process which bears repeating by USDOE.

Approved at Olympia this 17th day of June 1988.


WARREN A. BISHOP, CHAIR
NUCLEAR WASTE BOARD

**WASHINGTON STATE NUCLEAR WASTE BOARD AND
NUCLEAR WASTE ADVISORY COUNCIL**

RESOLUTION 88-6

June 17, 1988

WHEREAS, large volumes of radioactive and chemical wastes have accumulated at the Hanford Reservation over the 44 years of its operation; and

WHEREAS, the Governor has stated his support for cooperative efforts with the Yakima Indian Nation regarding hazardous waste management at the Hanford Reservation; and

WHEREAS, the Yakima Indian Nation's primary goals are to protect the health and safety of its members and residents within its area of governmental concern, its treaty-reserved resources and rights, and the environment that sustains these human and natural resources; and

WHEREAS, different cultural backgrounds raise differences in perspective and viewpoint; and

WHEREAS, the Washington Department of Ecology ("Ecology"), the U.S. Environmental Protection Agency ("USEPA"), and the U.S. Department of Energy ("USDOE") are currently negotiating a Three-Party Agreement and a Hanford Action Plan in order to resolve Hanford waste management issues; and

WHEREAS, the Hanford Reservation lies within the ceded land boundaries of the Yakima Indian Nation; and

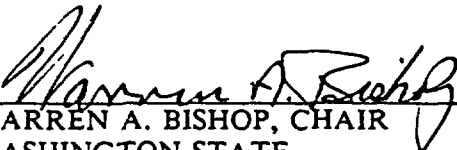
WHEREAS, Nuclear Waste Board Resolution 87-9 recognizes the need for tribal involvement in defense waste management decision making; and

WHEREAS, adequate funds are needed for the Yakima Indian Nation to monitor the Three Party Agreement and the Hanford Action Plan;

NOW, THEREFORE, BE IT RESOLVED that the Washington Nuclear Waste Board and the Nuclear Waste Advisory Council recognizes the Yakima Indian Nation's legitimate interest in the Three Party Agreement and the Hanford Action Plan negotiations, and recommends:

1. That Ecology, USEPA, and USDOE continue to consult with and recognize the concerns of the Tribe during the negotiation of the Three-Party Agreement and Hanford Action Plan.
2. That USDOE and USEPA provide funds to the Tribe for review of and comment on these important issues.

Approved at Lacey, Washington, this 17th day of June, 1988.



WARREN A. BISHOP, CHAIR
WASHINGTON STATE
NUCLEAR WASTE BOARD AND
NUCLEAR WASTE ADVISORY COUNCIL