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Hydrogeology • Mineral Resources Waste Management • Geological Engineering • Mine Hydrology

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Mr. Jeff Pohle
Division of Waste Management
Mail Stop 623-SS
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

RE: SALT

Dear Jeff:

This letter fulfills our obligation to review the conceptual groundwater flow models for the Palo Duro Basin. This semiannual review is conducted under Subtask 3.3. We described our original thoughts on the conceptual models in Communication #51.

We have not seen additional information in the intervening time since our last six month update that would warrant the alteration or elimination of those original conceptual models. The latest document we have read (Bair, 1987) is a reiteration of earlier work conducted by Bair as an employee of Stone and Webster Engineering Corporation. The subject document further describes the current conceptual model developed by DOE contractors for the Palo Duro Basin. The DOE conceptual model hypothesizes lateral flow in HSU A which consists of the Ogallala Formation and the Dockum Group. This freshwater hydrostratigraphic unit overlies HSU B which is portrayed as shale and evaporite sequences that act as an aquitard. Flow is believed to be downward through the aquitard to HSU C. The Wolfcamp Series and the Pennsylvania System comprise the deep basin flow system known as HSU C. HSU C is dominated by lateral flow components. HSU B and HSU C are characterized by high total dissolved solids contents which ranks the groundwaters as brines.

DOE and its contractors still envision one conceptual model for the Palo Duro Basin. We believe that their conceptual model is valid but we believe also that alternate conceptual models may be appropriate as we outlined in our original letter (Communication #51).

Sincerely,

Gerry Winter
Gerry Y. Winter

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Feds ask court to dismiss states' nuke dump suit

Associated Press

SAN FRANCISCO — A Reagan administration lawyer tried to persuade a federal appeals court Friday that a 47-month suspension of the search for a second nuclear waste dump is no grounds for court intervention.

While refusing to concede that Energy Secretary John Herrington had violated the law by halting work on a second site from May 1986 to October 1987, Justice Department lawyer John Bryson said Herrington is following the law now and "there is no reasonable expectation that misconduct will occur."

Therefore, Bryson told the 9th U.S. Circuit Court of Appeals, a suit by the state of Washington and five other states seeking a court order declaring Herrington's responsibilities under the law was moot and should be dismissed.

But Washington Assistant Attorney General Narda Pierce said Herrington "is not fully committed to this two-site process" and there is no guarantee that he won't suspend the search again.

The panel of Circuit Judges Thomas Tang and Robert Beezer and U.S. District Judge Eugene Lynch of San Francisco, sitting by assignment, heard 90 minutes of arguments and will rule at a later date.

The dispute involves a 1982 law requiring selection of sites for the nation's first high-level, long-term nuclear waste storage site.

Herrington has narrowed the choices for the first site to Washington, Nevada and Texas, but said in May 1986 that the search for a second site would be suspended for 40 years because the need was less pressing than previously expected.

After Congress refused to change the law, Herrington said this February that he would resume the search Oct. 1, though he could not possibly meet a June 30, 1989, deadline to name the second site.

The suit asks the court to find that Herrington violated the law

and to define his responsibility to select a second site. It also seeks a court order that the Department of Energy give the states a timetable for the search.

On one side are Washington, Nevada and Texas; Oregon and Idaho, which would be affected by shipment of wastes to Washington; and Nebraska, a transportation corridor for cross-country waste shipments.

On the other side, along with the federal government and the utility companies, are six states under consideration for the second site: Maine, New Hampshire, North Carolina, Minnesota, Virginia and Wisconsin.

Most of the argument involved whether the first group of states had anything legally at stake in Herrington's action, or inaction, on the second site.

Pierce said the two site searches were connected: more delays in the search for a second site would make it more likely that only one site would be selected, increasing the burden on that site and causing cross-country shipments of nuclear wastes, in conflict with the intent of Congress in 1982.

Although Herrington cannot possibly meet the mid-1989 deadline for choosing the second site, states on the first-site list have a right to expect him to use his best efforts to move ahead in the selection process, she said.

But Maine Assistant Attorney General Peter Brann said the 1989 deadline was not binding and had no legal consequences for Washington or any other state on the first-site list. In addition, he said, a court order aimed at speeding up the second-site selection might further slow the choosing of the first site.

Richard Samp, a lawyer for the utilities, was blunter: the lawsuit, he said, was "an attempt to stop all repositories." He agreed with a Department of Energy study saying only one dump site, with a capacity of 70,000 metric tons, would be needed until 2025.

Bill would create independent panel to review nuclear waste site selection

Associated Press

WASHINGTON — Amid renewed charges that efforts to find a home for the nation's first high-level nuclear waste dump were based more on politics than science, a House subcommittee Thursday began work on a bill to set up an independent panel to review the site-selection process.

The compromise legislation would allow congressional leaders to appoint a three-member commission to study the Department of Energy's implementation of the 1982 Nuclear Waste Policy Act.

The measure allows the commission "broad scope" in conducting its review, but requires that the panel, at a minimum, examine the need for a second repository, and review the possibilities of creating a public corporation to implement the waste program and a permanent advisory council to oversee it.

Under the measure, the com-

mission would have six months to complete its work and make recommendations to Congress. Congress would then have six months to approve any changes and, if it didn't act, the Energy Department could proceed with its current program.

The compromise bill drew quick criticism from some members of the subcommittee of the House Interior Committee, who said the deadlines may be unworkable and that the revised measure narrowed the scope of the commission's review from the original proposal.

"I am specifically concerned about the life of the commission being reduced from 18 months to six months," said Rep. Barbara Vucanovich, R-Nev.

"Basically, it requires the commission to look to the future of the Nuclear Waste Policy Act and provides no obligation to go back to enactment and see where it all went wrong," she

said.

Rep. Philip Sharp, D-Ind., voiced similar concerns and charged that in picking three possible sites for the repository the Energy Department "clearly manipulated the data, especially involving the Hanford site."

The Energy Department has selected three sites for further study: the Hanford nuclear reservation in south-central Washington, Yucca Mountain, Nev., and Deaf Smith County, Texas.

Sharp said the department had played a "political game" in selecting those sites and "while it may have had short-term expedience, it didn't pay off."

Rep. Wayne Owens, D-Utah, said DOE's selection process might have been based more on politics than on scientific data:

"We in the West are concerned that we will get all the waste and the East gets all the power," said Owens.

The bulk of the waste stored in the underground repository will be used fuel from nuclear power plants.

The subcommittee, after brief debate over the size of the commission, agreed on a three-member panel and approved an amendment that would give the group subpoena powers. But the committee delayed considering a string of other amendments until next week.

The original measure, proposed by Rep. Morris Udall, D-Ariz., essentially would have imposed an 18-month moratorium on DOE investigation of the sites while the commission assessed the selection process.

Under the compromise, DOE would be allowed to proceed with some work, but would be prohibited from drilling exploratory shafts at the three sites. The department has said it would be technically impossible to sink the shafts in the next six months.

Craig blasts moratorium on waste site search

By LINDA KEENE
States News Service

WASHINGTON — Despite objections by Rep. Larry Craig, R-Idaho, a House subcommittee Tuesday approved legislation imposing an 18-month moratorium on most work at Hanford and finalist sites in Nevada and Texas for a high-level nuclear waste dump.

Approved by the House Interior's Energy and Environment Subcommittee, the bill would create an independent commission to review the embattled waste program. It would also allow a special waste negotiator to seek an agreement with a state or Indian tribe to build a temporary, above-ground monitored retrievable storage (MRS) facility.

The bill goes to the full House Interior

Committee next week, where its passage it expected, but only after a battle with several members, including Craig.

Following the meeting, Craig argued that 18 months was too long to suspend the program. "It could grind the whole thing to a halt if we're not careful," he said, noting that it would also delay a search for a second repository in the East.

Other committee members, including Rep. Edward Markey, D-Mass., warned that the bill's MRS provision "will deflate all political will to find a deep geological site."

Committee Chairman Rep. Morris Udall, D-Az., disagreed and scolded Markey for his "pessimistic" outlook.

"Deep geological storage is the way to

go and we can still make it work," Udall said.

But not for at least 18 months.

According to the legislation, an independent commission would be formed to conduct a 12-month review of the administration's nuclear waste program. Congress would have an additional six months to review the commission's recommendations. During the moratorium, exploratory shaft excavation at the finalist sites would be prohibited.

In the meantime, a special negotiator would be directed to pursue an agreement with a state or tribe for development of an MRS. The negotiator would be allowed to consult with other agencies about the technical qualifications of potential sites, and would forward its recommendation to Congress

for final approval. The Department of Energy (DOE) would be required to conduct an environmental impact statement on the proposed site.

The MRS amendment was offered by Rep. Jerry Huckaby, D-La. Huckaby was expected to present a more sweeping amendment that would have authorized the DOE to select a Western repository by January 1989 while canceling the search for a second site in the East. The proposal duplicates a bill by Sens. James McClure, R-Idaho, and J. Bennett Johnston, D-La., who have successfully piloted it through several Senate committees.

On Tuesday, however, Huckaby declined to offer the proposal and pushed for the MRS amendment instead.

Some speculated that the MRS mea-

sure would become the potential vehicle for any compromise that the House and the Senate must reach on the contentious nuclear waste disposal issue before any law is enacted.

The moratorium bill is on a collision course with the Johnston-McClure bill, which would accelerate siting activities at one finalist site, widely considered to be Yucca Mountain, Nevada. The Johnston-McClure bill is amended to make it nearly impossible to select Hanford as the site for exploration.

An aide to Craig said that the Midvale Republican preferred to see all three sites characterized at the same time and for that reason had reservations about the Johnston-McClure bill. Craig does not, however, fully support the moratorium bill because of its extended delay.

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