

OCRWM Bulletin

April 21, 1986

United States Department of Energy
Office of Civilian Radioactive Waste Management
Washington, D.C. 20585

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For further information about the national program, write to: Office of Civilian Radioactive Waste Management,
U.S. Department of Energy, Mail Stop RW-40, Washington, D.C., 20585; phone (202) 252-5722.

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DRAFT AREA RECOMMENDATION REPORT PUBLIC BRIEFINGS AND HEARINGS COMPLETED

The Nuclear Waste Policy Act of 1982 requires the Department of Energy (DOE) to site, construct, and operate one geologic repository and to find a suitable site for a second repository. The Crystalline Repository Project Office conducts the investigation of potential sites that are located in crystalline rock for the second repository. Both repositories will permanently dispose of spent nuclear fuel from commercial reactors and both commercial and defense high-level wastes.

After a lengthy screening process, DOE issued on January 16, 1986, a draft Area Recommendation Report (ARR) that proposed 12 potentially acceptable sites in crystalline rock bodies in seven States as part of the program to find a suitable site for the second repository. In addition, eight sites in four States will be retained as candidate areas. (See OCRWM Bulletins, February and March 1986.)

In order to obtain informed public comment on the draft ARR, DOE conducted more than 70 briefings and hearings that began on February 10 and ended on April 15, 1986. These meetings were held in 15 States and were attended by more than 20,000 persons.

A wide variety of issues and problems were identified at these briefings and hearings. Questions were raised regarding the site selection process, transportation, safety, construction and technical issues, and liability and socioeconomic problems.

Following consideration of the comments received, the final ARR is scheduled to be released later this year. In the upcoming area phase, that will start after the final ARR is issued, DOE will do field studies at each of the potentially acceptable sites. Field work will include collection of geologic and environmental data as well as socioeconomic studies.

Waste Record File
Project File
PDS
EPR
2
(see also WPP of 1986)

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FINANCIAL ASSISTANCE TO INDIAN TRIBES THAT MAY BE AFFECTED BY DEVELOPMENT OF A SECOND REPOSITORY

On October 16, 1985, the Department of Energy (DOE) issued guidance for provision of financial assistance to those Indian Tribes that may be affected by the siting program for the second repository. At that time, grants were authorized to those Indian Tribes with reservations that are underlain by crystalline rock under consideration by DOE and those Indian Tribes with federally-defined possessory or usage rights off-reservation within the 17 States under consideration.

The use of initial grants to Indian Tribes were limited to review of the draft Area Recommendation Report (ARR) and related documents, and travel. Grants were authorized for a one-time, three-month project up to \$30,000. The DOE has now determined that supplemental funding up to \$30,000 should be made available to Indian Tribes for the period May 1, 1986 (or upon expiration of their present grants) through December 31, 1986, for activities that will allow them to maintain a reasonable degree of familiarity with the crystalline rock program until their status is clarified after publication of the final ARR. Those Indian Tribes that are underlain by crystalline rock under consideration by DOE are eligible for funding beyond this additional \$30,000. The DOE has determined that it is necessary to distinguish program needs between the Indian Tribes that may be affected based on their off-reservation treaty and those actually underlain by the rock. This distinction is based on: (1) the five Indian Tribes named in the draft ARR are analogous to the seven proposed Potentially Acceptable Site States because the issue of their affected status is assured by the fact that they are underlain by the rock; (2) the status of the other Indian Tribes is in question until the Department of the Interior receives their petitions for affected status and determines that affected status exists.

To facilitate the grant application process, guidance will be provided to those Indian Tribes requesting assistance regarding statements of work, grant limitation and funding conditions, use of funds, travel, and other pertinent requirements.

For further information on financial assistance to Indian Tribes that may be affected by development of the second repository, contact Rick Schassburger, Crystalline Repository Project Office, U.S. Department of Energy, 9800 South Cass Avenue, Argonne, IL 60439, (312) 972-2570.

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COOPERATIVE AGREEMENT SIGNED WITH ATOMIC ENERGY OF CANADA FOR RESEARCH AND TESTING IN CRYSTALLINE ROCK

The OCRWM has entered into a cooperative agreement with Atomic Energy of Canada, Limited (AECL) for research and testing in crystalline rock. The agreement, a subsidiary to the Master Agreement for Cooperation in Radioactive Waste Management of 1982, was signed by Ben C. Rusche, Director of OCRWM and by Dr. W. T. Hancox, AECL Vice President for Waste Management. The Crystalline Repository Project Office (CPO) will fund and administer the cooperative program that is scheduled for about a four-year period ending in September 1989. The program has a projected cost of \$60.9 million with the Department of Energy funding \$24.4 million in direct contribution and participation of United States personnel. The cooperative program provides CPO with a unique opportunity to gain experience and knowledge, at high quality research facilities, in the characterization and behavior of crystalline rock.

The program has identified four major areas of cooperation centering on the use of Canadian research areas including the Underground Research Laboratory (URL) in eastern Manitoba. The areas of cooperation are:

- o Participation in Experiments at the URL
- o Performance Assessment Studies
- o Field Testing Investigations
- o Shaft Extension and Characterization

The URL experiments involve the planning and pre-analysis of seven experiments similar to those planned for Exploratory Shaft Facilities in the United States. The performance assessment studies will result in the exchange of computer codes for modeling groundwater flow and radionuclide transport, and in laboratory evaluation of geochemical processes. The field testing investigations will be used to evaluate drilling and testing methods for rock mass characterization during the Area Phase investigations for the Crystalline Repository Project. During the shaft extension and characterization, the URL shaft will penetrate a major water-bearing fracture zone allowing demonstration of both characterization and sealing techniques. The shaft will be deepened from the present depth of 255 meters to a depth of 455 meters to allow the execution of experiments at a depth more representative of an anticipated repository.

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PROJECT DECISION SCHEDULE ISSUED

In accordance with the requirements of the Nuclear Waste Policy Act of 1982, the Department of Energy (DOE) has issued a Project Decision Schedule (PDS), in cooperation with affected Federal agencies, that will provide for:

- o Portrayal of the optimum schedule for the attainment of operation of a geologic repository by January 1998;
- o Identification of, on an agency-by-agency basis, the key activities, decision points, and deadlines for Federal agency actions to be taken throughout the course of the development and operation of the system;
- o A notification mechanism for potential or actual delays in the program that may be caused by the failure of an agency to take a specified action within the time frame established by the PDS; and
- o Updating on either a periodic or on an as needed basis.

The PDS is derived from the current reference schedule that has been developed through analyses of the activities required to develop and operate the Radioactive Waste Management System. This reference schedule is consistent with the DOE's strategy to ensure the quality and sufficiency of information used to support program decisions while still adhering to the statutory requirement to begin accepting waste for disposal by January 1998.

In preparation for the development of the PDS in its current form, a preliminary draft PDS (DOE/RW-0018) was issued on January 4, 1985, and a notice of its issuance published in the Federal Register (50 FR 1616). Comments received were considered and, as appropriate, incorporated into a draft PDS that was published in July 1985 (50 FR 28972). Copies were distributed to affected Federal agencies for comment, and to Governors, designated State Executive Branch contacts, affected Indian Tribe representatives, national organizations, and other interested parties for their information. To obtain a copy of the PDS, see New Publications and Documents, p. 12.

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OCRWM RECOMMENDS NO CHANGE IN DISPOSAL FEE FOR 1986

The Nuclear Waste Policy Act of 1982 (NWPA) directs that the owners and generators of nuclear waste will pay the full cost of its disposal, and established a Nuclear Waste Fund (NWF) to ensure the recovery of costs for funding a safe and environmentally acceptable program. This fund receives revenue from an adjustable ongoing fee charged quarterly for all electricity generated by commercial nuclear facilities beginning April 7, 1983, as well as a one-time fee, estimated to produce a total of \$2.4 billion for nuclear waste produced prior to April 7, 1983. On April 8, 1985, the President directed that the Department of Energy Defense Programs make use of the OCRWM system for the disposal of Defense High Level Waste (DHLW). Revenues to cover the full cost of disposal of DHLW, which includes a share of the common costs, will be received by OCRWM. Revenues from these sources, as well as earnings from investments in U.S. Treasury securities, are deposited to the NWF, and disbursements are made to cover costs as the program progresses.

The NWPA calls for an annual review of the adequacy of the waste disposal fees to recover waste disposal program costs. The analysis of the fee adequacy examines the costs and financing of the authorized program described in the OCRWM Mission Plan of June 1984. The evaluation of fee adequacy is based on the principle of "full cost recovery", under which OCRWM is to be reimbursed for all costs related to the waste disposal services it provides. Based on the results of the evaluation, the ongoing fee may be adjusted, if necessary. Fee adjustment requires Congressional approval.

In the fourth of its annual reports on the adequacy of the fees assessed to cover the Federal Government's costs for the disposal of high-level radioactive wastes, OCRWM recommends that the ongoing fee remain at 1.0 mill per (net) kilowatt-hour (kwh) for 1986. As detailed in the report, the current 1.0 mill per kwh fee is projected to produce revenues sufficient to offset estimated total system life-cycle costs for a reasonable range of program cost, nuclear electric generation, and interest range forecasts.

To obtain a copy of Nuclear Waste Fund Fee Adequacy: An Assessment, see New Publications and Documents, p. 12.

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OCRWM SUBMITS ANNUAL REPORT FOR FISCAL YEAR 1985 TO CONGRESS

The OCRWM's Third Annual Report covering Fiscal Year 1985 was submitted to Congress on March 28, 1986. The report summarizes activities and expenditures of OCRWM in implementing the Nuclear Waste Policy Act of 1982 (NWSA) and serves as an accounting for all those interested in the safe, timely, and cost-effective disposal and storage of radioactive waste.

During Fiscal Year 1985, substantial progress was made in all aspects of the program including planning, outreach, systems integration, siting the first geologic repository, and program management. The following were among the most significant accomplishments:

- o Publication of the Mission Plan that sets forth OCRWM's overall goals, objectives, and strategy for implementation of NWSA.
- o Creation of a systems integration capability to conduct analyses that showed improved performance can be achieved by considering all elements of the program as part of a single system, optimized as a unit to meet program requirements.
- o Publication of draft environmental assessments on all nine potentially acceptable sites for the first repository.
- o Development of a Program Management System and implementation of a comprehensive approach of "managing for quality" in all program activities.
- o Development of new initiatives and more consistent interactions in the area of institutional relationships.

Copies of the Annual Report have been distributed to State Governments, Indian Tribes, utilities, and others interested in the Civilian Radioactive Waste Management Program. To obtain a copy, see New Publications and Documents, p. 12.

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OTHER PROGRAM ITEMS

Litigation Affecting OCRWM Program

Repository Grant Litigation

On December 2, 1985, the U.S. Court of Appeals for the Ninth Circuit issued a decision in State of Nevada v. Herrington. The court established definitive criteria that must be met before certain pre-site characterization activities, such as independent scientific data collection, can be funded by a Nuclear Waste Policy Act grant, and found that certain provisions in the Department of Energy's (DOE) site characterization grant guidelines are unduly restrictive. On January 28, 1986, the State of Nevada filed a motion to clarify and enforce the mandate of the court. On February 6, 1986, the court denied the motion.

Second Repository Program Litigation

On February 14, 1986, the State of Maine filed suit in the U.S. Court of Appeals for the First Circuit to set aside DOE's decision to limit to 90 days the comment period on the draft Area Recommendation Report for the second repository program. The State of New Hampshire subsequently initiated litigation requesting similar relief and the two cases have been consolidated. On March 14, 1986, DOE filed its response. On April 7, the court heard oral arguments.

Availability of OCRWM Speakers and Exhibits

In addition to the information materials now available to the public, members of the OCRWM program staff are available to speak to various groups who are interested in the nuclear waste disposal program. Qualified speakers can address the program in general, or discuss specific topics of special interest to a particular organization. In addition, OCRWM is able to provide, based on availability, OCRWM exhibits for display. For further information, write or call the Department of Energy, OCRWM, Office of Policy and Outreach, 1000 Independence Avenue, S.W., Washington D.C. 20585, (202) 252-5722.

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Release of Environmental Assessments and Site Recommendation

The Environmental Assessments are scheduled for release in mid-May 1986. At that time, the Director of OCRWM, Ben C. Rusche, will recommend to the Secretary of Energy, John S. Herrington, the nomination of at least five sites as suitable for site characterization. In a related action, the OCRWM Director will recommend to the Secretary of Energy three sites for detailed characterization and make preliminary determination of site suitability, and publish the report that provides the basis for recommendation of the three sites. Affected parties will be notified of the site nomination, the site recommendation, and release of documents accompanying these actions.

CURRENTLY SCHEDULED OCRWM SHORT-TERM PROGRAM MILESTONES

4/86 Submit Fee Adequacy Report to Congress.

4/86 Issue Notice of Proposed Rulemaking for Defense Waste Fee.

5/86 Issue Environmental Assessments.

5/86 Nominate at least five sites as suitable for site characterization.

5/86 Recommend three sites for detailed characterization and make preliminary determination of site suitability.

5/86 Issue Program-Level Financial Assistance Guidelines.

6/86 Issue Request for Proposal (RFP) for Transportation Cask Development

6/86 Issue Transportation Institutional Plan.

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SELECTED EVENTS CALENDAR

- April 22 NRC/DOE Licensing Support System Coordinating Group Meeting, Forrestal Building, Washington, D.C. Contact Charles Head (202) 252-5625.
- April 23 Briefing by DOE on DOE's Site Decision-Aiding Methodology, 1:00 p.m., NRC Willste Building, Room 106, Silver Spring, MD.
- April 23-24 Quality Assurance Coordinating Group Meeting, Las Vegas, NV. Contact Carl Newton (202) 252-9300.
- April 24-25 NRC/DOE Discussion on Site Characterization, Forrestal Building, Washington, D.C. Contact Jim Knight (202) 252-5792.
- April 25-28 National Conference of State Legislatures Legislative Working Group on High-Level Waste, Richland, WA. Contact Sheryl Runyon or Barbara Foster (303) 623-7800.
- April 29-30 Demonstration of NRC's Licensing Support System and discussion on streamlining licensing progress with HLW State and Tribal Representatives and DOE, Alexis Park Hotel, Las Vegas, NV. Contact Kathy Russell (301) 427-4020.
- May 15 The Meeting of the Nevada Commission on Nuclear Projects, Las Vegas City Council Chamber, Las Vegas, NV. Contact Sally Cox (702) 885-3774.
- June 18-20 Mid-Year Meeting of the National Congress of American Indians, Albuquerque, NM. Contact Gail Chehak (202) 546-9404.

A telephone recording service has been established for the announcement of upcoming meetings related to the waste management program of the Nuclear Regulatory Commission. The number is (1/800) 368-5642, Ext. 79002, or 427-9002 for Washington area callers.

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) 252-9359.

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NEW PUBLICATIONS AND DOCUMENTS

Managing the Nation's Nuclear Waste

A series of Fact Sheets that answer some of the most commonly asked questions about the nuclear waste management program:

What Will a Nuclear Waste Repository Look Like? DOE/RW-0055

What is Nuclear Waste? DOE/RW-0056

What is Spent Nuclear Fuel? DOE/RW-0057

Can Nuclear Waste be Transported Safely? DOE/RW-0058

Radiation and Nuclear Waste - How Are They Related? DOE/RW-0059

How Much High-Level Nuclear Waste Is There? DOE/RW-0060

What Rock Types Are Being Considered for Nuclear Waste Repositories? DOE/RW-0061

Implementation of the Nuclear Waste Policy Act of 1982 DOE/RW-0062

Waste Management Systems Requirements and Description DOE/RW-0063

This document provides an overall description of the Waste Management System and its requirements, and represents the highest document in a hierarchy of requirements and description documents.

OCRWM International Procedures Document DOE/RW-0064

This document provides guidance and assistance for OCRWM and OCRWM Project Offices, contractors, and subcontractors in conducting international activities and coordinating United States interactions and commitments with other countries and international organizations.

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Transporting Spent Nuclear Fuel

DOE/RW-0065

This booklet provides a basic understanding of the reasons for transportation of spent nuclear fuel, the methods by which it is shipped, the safety and security precautions taken for its transportation, emergency response procedures in the event of an accident, and the DOE program to develop a system appropriate to the transportation requirements of the Nuclear Waste Policy Act of 1982.

Project Decision Schedule

DOE/RW-0067

This document presents the optimum schedule for attainment of operation of a geologic repository by January 1998. Also, it identifies the key activities, decision points, and deadlines, on a Federal agency-by-agency basis, for actions to be taken throughout the course of the development and operation of the Waste Management System. Copies of the Project Decision Schedule may be obtained by writing to the Technical Information Center, U.S. Department of Energy, P.O. Box 62, Oak Ridge, TN 37831.

OCRWM Annual Report

DOE/RW-004/2

A review of OCRWM programmatic activities and status for Fiscal Year 1985.

Nuclear Waste Fund Fee Adequacy: An Assessment

DOE/RW-0020

The fourth in a series of annual reports to evaluate the adequacy of the fee assessed to cover the Federal Government's costs for the disposal of high-level radioactive waste.

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OCRWM Backgrounder: Characteristics and Inventories of Nuclear Waste

DOE/RW-0034

This Backgrounder describes the characteristics and inventories of the various forms of nuclear waste that are generated during the production of electricity in nuclear power plants or during the production of nuclear materials for national defense.

To obtain copies, unless indicated otherwise, contact Department of Energy, OCRWM, Office of Policy and Outreach, RW-43, 1000 Independence Avenue, S.W., Washington D.C. 20585.

OCRWM

In 1982 Congress passed the Nuclear Waste Policy Act that established the nation's nuclear waste program. The Office of Civilian Radioactive Waste Management was created by the act to fulfill the Congressional mandate. The program is funded by the generators and consumers of nuclear electricity and by the nation's defense activities. For further information about the national program, write to:

**Office of Civilian Radioactive Waste Management
U.S. Department of Energy
Mail Stop RW-40
Washington, D.C., 20585
(202) 252-5722**

For additional information about specific site studies, write to:

Salt Project

Salt Repository Project Office
U.S. Department of Energy
505 King Avenue
Columbus, Ohio 43201-2693
(614) 424-5916

Tuff Project

Public Affairs Office
U.S. Department of Energy
Box 14100
Las Vegas, Nevada 89114
(702) 295-3521

Basalt Project

Public Affairs Director
U.S. Department of Energy
825 Jadwin Ave
P.O. Box 550
Richland, Washington 99352
(509) 376-7501

Crystalline Project

Crystalline Repository Project Office
U.S. Department of Energy
9800 South Cass Avenue
Argonne, Illinois 60439
(312) 972-2570