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REPORT ON THE QUARTERLY MEETING WITH FIRST REPOSITORY STATES AND INDIAN TRIBES

On April 16, 1986, the quarterly meeting with first repository States and Indian Tribes took place in Albuquerque, New Mexico. There were 25 participants from the States and Indian Tribes, 14 from the Department of Energy (DOE), and 3 from other groups.

Coordination Groups

State and Tribal participation in coordination groups was discussed in-depth. The DOE presented an overview of the Quality Assurance Coordinating Group's (QACG) charter, membership, and future meeting dates. In response to a request that QACG meetings be opened to States and Indian Tribes, it was agreed that these meetings would be comprised of two sessions; open and closed. In the closed sessions, DOE would discuss personnel matters, proprietary data, pre-award status of contracts, and internal business items. The open portions of these meetings would be attended by the States and Indian Tribes where any QA issues or concerns could be discussed.

The DOE reiterated its intent to provide States and Indian Tribes with agendas and minutes of meetings promptly, and to the extent possible, to give 30 days notice. The Institutional/Socioeconomic Coordination Group, that the States and Indian Tribes already attend, will meet on June 17-19 in St. Louis, Missouri.

Risk Assessment

The DOE presented a status report on risk assessment efforts. Three risk assessment reports are in progress. An interim report, consisting of a review of current risk assessment literature, is near completion. A second report that evaluates the current literature on risk is expected to be completed by the end of Summer 1986, and an in-depth risk analysis report should be available for publication by Summer 1987.

Revised Grant Guidelines and Procedures

The DOE distributed a handout containing items for discussion on OCRWM-wide grant guidelines and procedures, and asked for comments on these items from the States and Indian Tribes. It was suggested that the roles of Headquarters and Project Offices be better defined, and that standards for approving or disapproving grants be made clear.

It was agreed that DOE would seek States and Indian Tribes views on the draft OCRWM-wide financial assistance guidelines. DOE will also provide information on existing DOE appeal grant procedures.

Site Characterization

A handout was distributed on shaft licensability. The handout explicitly states that if the exploratory shaft is to be part of the repository it must meet all repository requirements. An updated site characterization plan schedule will be sent to the States and Indian Tribes as soon as possibl

Next Meeting

The next meeting will be held in Eugene or Portland, Oregon, and will be hosted by the Yakima, Umatilla, and Nez Perce Tribes. The meeting is tentatively scheduled for the first or second week of August. Yakima representive Russell Jim will chair the meeting and Barry Gale will be the DOE contact.

SUMMARY STATEMENT BY OCRWM DIRECTOR, BEN C. RUSCHE, BEFORE THE SUBCOMMITTEE ON ENERGY CONSERVATION AND POWER, COMMITTEE ON ENERGY AND COMMERCE, U.S. HOUSE OF REPRESENTATIVES, APRIL 23, 1986

I appreciate the opportunity to appear before you today to discuss issues relating to the siting of a second repository for the disposal of spent nuclear fuel and high-level radioactive waste. While DOE's activities relating to crystalline rock investigation have been highlighted recently as "second repository activities", the "Crystalline Repository Project" and the "Second Repository Project" are not synonymous -- the crystalline project is a component of the second repository program.

The Nuclear Waste Policy Act of 1982 (NWPA) states that for the second repository, DOE may consider (1) sites identified as potentially acceptable but not nominated for the first repository; (2) sites characterized but not chosen for the first repository site; and (3) sites found potentially acceptable from rock formations not previously studied in the first repository selection process. The NWPA does not authorize the actual construction of a second repository, but it does require DOE to conduct siting activities. For construction of a second repository, it would be necessary for DOE to obtain Congressional authorization to proceed. Furthermore, the NWPA stipulates that the first repository is to have a limited capacity of 70,000 metric tons of uranium equivalent (MTU) until the second repository is in operation.

In addition to commercial spent fuel, defense high-level waste will also be disposed of in the "civilian" repository or repositories, thus requiring additional disposal capability beyond that required for commercial waste. While projections of spent fuel plus defense high-level waste are still beyond the capacity of 70,000 MTU, Congress kept for itself the final decision on the need for a second repository by requiring Congressional authorization to construct.

There are many opportunities for effective participation by affected parties. They include formal consultation and cooperation; regular formal and informal meetings and discussions; financial

assistance for review of documents and help to support attendance at meetings; program and project briefings; availability of informal working documents; announcements, bulletins, and drafts; and communications systems and computerized data bases. In addition, numerous public briefings and public hearings are held on various aspects of the program. Effective participation is, I believe, participation for the purpose of ensuring that the resulting decisions will adequately protect the public health, safety, and environment.

The development of the screening methodology which has been used to propose crystalline areas as potentially acceptable sites and to conduct field investigations has been through extensive discussions, workshops, and review of the draft screening methodology with States. The screening methodology is also based on the repository Siting Guidelines which also went through an extensive review process.

CANADA AND THE UNITED STATES CONSULT ON THE U.S. HIGH-LEVEL NUCLEAR WASTE REPOSITORY PROGRAM

Canadian and United States officials met on April 4, 1986, in Washington D.C., to discuss the site selection process for a second U.S. high-level nuclear waste repository. This was the third in a series of such consultations, and its main purpose was to address Canadian concerns regarding the draft Area Recommendation Report that was issued on January 16, 1986 for public comment by the Department of Energy (DOE).

Canadian concerns center on the areas being considered for the site of a high-level nuclear waste repository that are in or near drainage basins flowing into Canada or into boundary waters, namely, areas in the St. Croix River Basin, the Great Lakes Basin, and the Red River Basin.

Canada opposes any development that would pose transboundary threats to the welfare of Canadians or the integrity of the Canadian environment. There are mutual obligations, under the Boundary Water Treaty of 1909 that boundary waters "shall not be polluted on either side to the injury of health or property of the other".

The U.S. reaffirmed its commitments that there would be ongoing consultations regarding Canadian concerns; that the 15-year screening process being carried out by DOE is intended to ensure that there are no harmful effects on either side of the border; that any site that would require field work in Canada would be dropped from further consideration; and that international obligations would be considered as a distinct element in the U.S. site selection process.

OTHER PROGRAM ITEMS

Public Briefings and Hearings on Draft Area Recommendation Report Generate Intense Public Interest and Participation

On January 16, 1986, the Department of Energy (DOE) issued for public comment a draft Area Recommendation Report (ARR) as part of the Crystalline Repository Project to identify a suitable site for a second repository (See OCRWM Bulletin for February, March, and April 1986.) In order to obtain public comment on the draft ARR, DOE conducted 39 briefings and 38 hearings in 15 States. from February 10 to April 15

These briefings, which were conducted for a total of 144 hours, were attended by more than 18,000 people. Additionally, more than 3,200 persons provided comments on the draft ARR at the DOE public hearings that lasted over 240 hours. This extensive public participation process also has played an important role in generating tens of thousands of comments from public officials, interest groups, and private citizens that are now being considered.

Following consideration of the comments received, a schedule for the preparation and release of the final ARR will be developed.

OCRWM Backgrounders

As part of its public information activities, OCRWM publishes periodically an OCRWM Backgrounder that provides in-depth information on a topical subject pertaining to the repository program. To date, three OCRWM Backgrounders have been released:

- Shipments of Spent Nuclear Fuel in Support of Nuclear Waste Policy Act Research and Development Programs (DOE/RW-0034/1)
- The Status of the Nuclear Waste Fund (DOE/RW-0034/2)
- Characteristics and Inventories of Nuclear Waste (DOE/RW-0086)

Three more OCRWM Backgrounders will be available soon covering the geographic distribution of nuclear waste; employment projections for site characterization and repositories; and construction activities during the site characterization phase of the first repository program.

As in the past, all recipients of the OCRWM Bulletin will receive a copy, when available, of each OCRWM Backgrounder. Additional copies can be obtained from the Department of Energy, OCRWM, Office of Policy and Outreach, RW-33, 1000 Independence Avnue, S.W., Washington D.C. 20585.

Quarterly Meeting of the Quality Assurance Coordinating Group

The quarterly meeting of the Quality Assurance Coordinating Group (QACG) of the Office of Geologic Repositories took place in Las Vegas, Nevada on April 22-24, 1986. Four State representatives and seven Indian Tribes representatives attended the meeting.

In accordance with its charter, the QACG meeting provided a forum for the exchange of information on quality assurance programs between the Department Energy (DOE) Headquarters, four DOE Project Offices, and major project contractors. Quality assurance related issues affecting the repository program were discussed, such as, the dissemination of information to the projects, program-wide training and qualifications of personnel, and a workshop on specific supplementary quality assurance requirements.

The next meeting of QACG is tentatively planned to be held in Denver, Colorado in July 1986.

Litigation Affecting the Second Repository Program

The State of Maine filed suit on February 14, 1986 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. The State of New Hampshire subsequently initiated litigation requesting similar relief and the two cases were consolidated. DOE filed its response on March 14. On April 7, the Court heard arguments, and on May 5, the Court dismissed the suit.

The Lakes Environmental Association of Bridgton, Maine, filed suit on April 25, 1986 in the U.S. Court of Appeals for the First Circuit to set aside certain provisions of the DOE Siting Guidelines and the Region-To-Area Siting Methodology for the Crystalline Repository Project. The Association also requested that DOE be required to amend the Guidelines and revise the Screening Methodology accordingly.

CURRENTLY SCHEDULED OCRWM SHORT-TERM PROGRAM MILESTONES

5/86	Issue Environmental Assessments for first repository. Nominate at least five sites as suitable for site characterization. Recommend three sites, as candidate sites for detailed characterization and make preliminary determination of site suitability for development of a geologic repository.
5/86	Issue Notice of Proposed Rulemaking for Defense Waste Fee.
5/86	Issue Draft Program-Level Financial Assistance Guidelines.
6/86	Issue Request for Proposal (RFP) for Transportation Cask Development.
6/86	Issue Transportation Institutional Plan.

SELECTED EVENTS CALENDAR

June 15-19	American Nuclear Society Annual Meeting, Reno, NV. Contact Mary Jane Keenan (312) 352-6611.
June 17-19	Meeting of Institutional/Socioeconomic Coordination Group, St. Louis MO. Contact Barry Gale (202) 252-1116.
June 18-20	Mid-Year Meeting of the National Congress of American Indians, Albuquerque, NM. Contact Gail Chehak (202) 546-9404.
July 23-24	Quality Assurance Coordinating Group Meeting, Denver, CO. Contact Carl Newton (202) 252-9300.
August 4-8	Annual Meeting of National Conference of State Legislatures, New Orleans, LA. Contact Cheryl Runyon (303) 623-7880.
September 14-18	American Nuclear Society International Conference on Low-Level, Intermediate, and High-Level Waste Management, Decontamination, and Decommissioning, Cheyenne, WY. Contact John Knabensch (716) 942-4295 or American Nuclear Society Meetings (312) 352-6611.
September 24	Western Legislative Conference, High-Level Waste Subcommittee Meeting, Colorado Springs, CO. Contact Patty Spangler (415) 986-3760.

For details on Department of Energy/Nuclear Regulatory Commission meetings call (800) 368-2235 for a recorded message. In Maryland call (800) 492-4610.

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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