

See file pocket 10 forward.

Dr. Paul Hildenbrand M 62355

BWIP
1955
Richland, WA 99352

BWI UPCOMING EVENTS
FEBRUARY 27, 1986
WM DOCKET CONTROL CENTER

Date	Event	'86 MAR 13 P2:16 Location	Contact	CODE
<u>HQ Meetings</u>				
March 11-13	Generic Requirements Document for ES	Las Vegas	Hudson ?	R
April 29-May 1	Review of BWIP Systems Integration Activities	Richland	Petrie	O
TBD	ES Licensability Workshop	TBD	Hudson/Mecca Davies	R
<u>Coordinating Group Meetings</u>				
March 6-7	Waste Package Coordination Group meeting	Tucson	LaMont	?
April 29	Environmental Coordination Group mtg.	HQ	Whitfield	O
March 24-26	Transportation Group meeting	Las Vegas	Petrie	?
April 22-23	QA Coordination Group Meeting	Las Vegas	Saget	O
TBD	Underground Testing Coordination Group	HQ	Dahlem	O
<u>State/Indian/Public Interaction</u>				
March 5	Confederated Tribes of the Umatilla Indian Reservation - briefing	Richland	Powell	O
March 12	Oregon Legislature's Hazardous Waste Materials Committee	Salem, OR	Dahlem Olson	O
March 17	Confederated Tribes of the Umatilla Indian Reservation - briefing	Richland	Powell/Squires	O
March 20	Wayne H. Fawbush, Oregon State Representative - briefing	Richland	Squires	?
March 20	Society of Automotive Engineers - briefing	Portland	Olson	O
April 10	Dr. Ruth Weiner - Western Washington State University - briefing	Richland	Dahlem Olson	O

B605080389 B60227
PDR WASTE PDR
WM-10

WM Record File
101

WM Project: 10
Docket No.

PDR
LPCR

CODE

O = Open to NRC Site Rep
R = Restricted
UN = UNKNOWN

Distribution:
Linehan
Hildenbrand
(Return to WM, 623-SS)

Mr. R. Cook, NRC

<u>Date</u>	<u>Event</u>	<u>Location</u>	<u>Contact</u>	<u>CODE</u>
<u>Internal Project Meetings</u>				
May	BWIP briefing for RL staff	Richland	OLson	O
<u>NRC Interactions</u>				
TBD	Geochemistry (workshop)	Richland	Furman/Mecca	O
TBD	Waste Package (workshop)	Richland	LaMont/Mecca	O
TBD	Geology Data Review (workshop)	Richland	Dahlem/Mecca	O
TBD	Exploratory Shaft Test Plan (workshop)	Richland	Dahlem/Mecca	O
TBD	In Situ Test Program (workshop)	Richland	Dahlem/Mecca	O
TBD	Repository Design (workshop)	Richland	Nicoll/Mecca	O
<u>Foreign</u>				
March 11	Japan-PNC - briefing	Richland	Squires	O
April 29-30	Federal Republic of Germany - briefing	Richland	Squires	O

Hanford Review Committee

<u>Members</u>	<u>Address</u>	<u>Telephone</u>	<u>Subcommittee Assignment</u>
Bill Dixon - Chair	Oregon Department of Energy 101 Labor & Industries Bldg. Salem, OR 97310	378-6469	
John Beaulieu/ Dennis Olmstead	Dept. of Geology & Mineral Industries 1005 State Office Building Portland, OR 97201	229-5580	Water
Lyn Hardy/ Archie Mustard/ Bob King	Emergency Management Division 43 State Capitol Building Salem, OR 97310	378-4411	Transport
Paul Henry	PUC - Motor Carrier Division 401 Labor & Industries Bldg. Salem, OR 97310	378-6736	Transport
Fred Lissner	Water Resources Dept. 555 13th St., NE Salem, OR 97310	378-8455	Water
Bill O'Neill	Oregon State Police 107 Public Service Building Salem, OR 97310	378-3071	Transport
Ray Paris	Oregon State Health Division Radiation Control State Office Building Portland, OR 97201	229-5797	Water
Ed Quan	Dept. of Environmental Quality 522 SW 5th Portland, OR 97204	229-6978	Water
John Ringle	OSU - Graduate School Ad S A300 Corvallis, OR 97331	754-2341	Transport
<u>ODOE Staff</u>			
Dave Stewart-Smith Bob Robison Marilyn Dawson Mary Lou Blazek	Oregon Department of Energy 102 Labor & Industries Bldg. Salem, OR 97310	378-3187 378-3194 378-2843 378-5544	Water Transport
<u>Liasons</u>			
Utility - Tom Walt	Portland General Electric 121 SW Salmon Portland, OR 97204	226-8128	
Wash. - Terry Hussman	High-Level Nuclear Waste Mgmt. Office Dept. of Ecology PV-11 Olympia, WA 98504	(206)459-6670	

**Hanford Advisory Committee
Mission Statement**

Because it is important that the people of Oregon have access to all available information on Hanford, and through this committee have input into Oregon's technical review process, the mission of the Hanford Advisory Committee is:

1. to advise the Hanford Review Committee regarding public concerns with the issues of the Review Committee is studying,
2. to assist the Review Committee in the development and implementation of a public information and involvement program, and
3. to assist other state and local institutions upon request.

MLB:m1
0930L/2 (D1/F1)
01/31/86

Hanford Advisory Committee

<u>Members</u>	<u>Address</u>	<u>Telephone</u>	<u>Subcommittee Assignment</u>
John Arum	Forelaws on Board 1318 SE Center Portland, OR 97202	228-0734	Transport
Bill Bellinger	Oregon State Building and Construction Trades Union 2215 SE Division St. Portland, OR 97202		Water
Dick Belsey, M.D.	Physicians for Social Responsibility Dept. of Clinical Pathology OHSU Mail Code L471 Portland, OR 97201	225-8586(B) 293-0709(H)	Water
Hon. Alan Berg	Mayor, City of Corvallis (President, League of Oregon Cities) P.O. Box 1083 Corvallis, OR 97339	757-6901	Transport
Sally Bourgeois	Radiation Education Council P.O. Box 705 Lakeview, OR 97630	947-4630	Water
Hon. Bill Bradbury	Oregon State Senator 1930 Beach Loop Rd. Bandon, OR 97411	347-9614	Water
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John DeFrance	Local Government Emergency Management Advisory Committee Columbia County Emergency Services Columbia County Courthouse St. Helens, OR 97051	397-2100(B) 397-0397(H)	Transport
Arno Denecke	Environmental Quality Commission 3890 Dakota Rd., SE Salem, OR 97302	585-1648 (B) 581-8777 (H)	Transport
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Hon. John Mabrey	Mayor, City of The Dalles City Hall 313 Court St. The Dalles, OR 97058	296-5481	Water
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Al Thompson	Energy Facility Siting Council 475 Cottage St. N.E. P.O. Box 2285 Salem, OR 97302	581-1654	Water
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Eugene Whitaker	Tri-State Transit Co. P.O. Box 113 Joplin, Missouri 64802	(417)624-3131	Transport
Glenn Youngman	Umatilla County Commissioner Umatilla County Courthouse Pendleton, OR 97801	276-7111	Water

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Bob Robison	102 Labor & Industries Bldg.	378-3194	Transport
Dave Stewart-Smith	Salem, OR 97310	378-3187	Water
Marilyn Dawson		378-2843	
Mary Lou Blazek		378-5544	

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Hanford Advisory Committee

Steering Group

Representatives from Water Subcommittee

<u>Members</u>	<u>Affiliation/Address</u>	<u>Telephone</u>
Jack Lentsch	Portland General Electric 121 S.W. Salmon Portland, OR 97204	226-8120
Dan Saltzman - Vice Chair	Oregon Environmental Council c/o CH ² M H111 2020 SW Fourth Ave., 2nd Fl. Portland, OR 97201	224-9190
Al Thompson	Energy Facility Siting Council 475 Cottage St. N.E. P.O. Box 2285 Salem, OR 97308	581-1654

Representatives from Transportation Subcommittee

John Arum	Forelaws on Board 1318 SE Center Portland, OR 97202	228-0734
Arno Denecke - Chair	Environmental Quality Commission 3890 Dakota Rd., SE Salem, OR 97302	581-8788 (H) 585-1648 (B)
Michael Eyer	Association of American Railroads Bureau of Explosives Box 571, 11th & Hoyt Sts. Portland, OR 97207	241-4560
Hon. Mike McCracken	Oregon State Representative 510 SE 4th Ave. Albany, OR 97321	926-2581

20. Robert E. Browning
MS 62355

BOOTH GARDNER
GOVERNOR

February 7, 1986

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**ENERGY FACILITY SITE
EVALUATION COUNCIL**

The Honorable John S. Herrington
Secretary of Energy
Forrestal Building
1000 Independence Avenue SW
Washington, D. C. 20585

Dear Secretary Herrington:

During recent months officials in the State of Washington have tried to gain a greater understanding of the issues surrounding the movement and storage of high-level nuclear wastes. We have taken a reasoned approach to a highly volatile subject. We have, however, been frustrated on occasion in securing a full measure of cooperation from all the organizations within the Department of Energy having responsibility for this subject. That cooperation is essential for us to assure our citizens that the Department is adhering rigorously to the highest levels of safety. One of our most difficult problems has been a public perception that there is a lack of candor in public disclosure by some of those organizations.

Washingtonians are especially sensitive to radioactive waste matters. Our state is being considered as a repository for high-level radioactive waste. It continues to be a center of activity on defense high-level radioactive waste. Recently the Hanford reservation was selected as a site in which to bury decommissioned reactor compartments from Navy submarines. We continue to operate one of the Nation's few low-level radioactive waste sites.

Although our relations with the Department have been uneven in the past, I believe they have been improving. This improvement has been due, in large part, to increased candor about the Department's activities within the State. State officials feel far more confident pursuing constructive solutions with the Department when they feel they have full information about matters which affect the people of the State.

The recent disclosure that your Department will ship 36 casks of spent nuclear fuel rods from the Orient and the initial reluctance of federal officials to provide information about the shipments were setbacks in our relations with the Department and generated unnecessary conflict and problems for state and local officials.

John S. Herrington
February 7, 1986
Page 2

This high-level nuclear waste will be shipped on commercial vessels which will call at Seattle and Oakland and then proceed to Long Beach, California, where the casks will be unloaded and trucked across the country to Savannah River for treatment.

The manner of our first becoming aware of these shipments, and the decision process that was used early in the preliminary selection itself, raised major credibility problems. Despite these initial problems, we participated in good faith, discussing our concerns in a positive manner.

Our process provided opportunities for the general public, those who work on our state's waterfronts, state agencies with responsibility, environmental protection organizations, officials of our neighbor Oregon, local officials and those with a economic interest in international trade to share their views on how the proposed shipments would affect their interests.

While this process was going on locally, the Department carried on the remainder of its selection process and decided last month on Long Beach as the primary port of entry, with Oakland as the announced backup port. This decision was based primarily on project cost, shorter and therefore safer overland transportation distances, timeliness, DOT regulations, and the port and weather conditions. The Department's decision was relayed to us by officials from your Region X office.

At that time our attention shifted to examining the effects of having a ship call at Seattle while carrying the spent fuel but not unloading it here. We discovered that many of the original concerns had not been allayed.

We are now in possession of a letter from the Department to officials of Long Beach which states that Seattle is an alternate port of entry. This information is contrary to information provided directly to us by the Department.

If it is now the Department's position that it regards Seattle as a point of entry, I will insist that the Department and the State resume discussions about the matters of concern to us which we had begun to communicate during the selection process. In addition the Department must satisfy the State that it has complied with federal laws designed to protect the public health and safety.

The Department has not demonstrated that its proposed federal activity will be consistent with the Coastal Zone Management Plan of the State of Washington, as required by the Coastal Zone Management Act, 16 U. S. C. 1451 et seq. Please note that the Department of Energy is under an independent federal requirement to follow the procedures spelled out in the Act.

John S. Herrington
February 7, 1986
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The Department of Energy's proposed shipment of high-level waste may also not be in compliance with the Nuclear Non-Proliferation Act of 1978, 22 U. S. C. 3201-3282, 42 U. S. C. 2011-2016. The proposed return shipment of spent fuel rods must be undertaken pursuant to a cooperative agreement with the country of origin and a subsequent arrangement for return of the spent fuel, 42 U. S. C. 2153, 2160. The Department of Energy could satisfy the citizens of Washington State that it has complied with the Nuclear Non-Proliferation Act by promptly furnishing the State with copies of such cooperative agreements and subsequent arrangements.

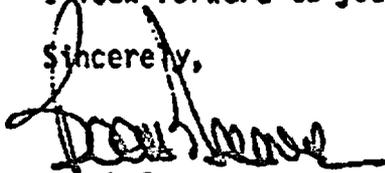
In addition the Department is required to obtain a license from the Nuclear Regulatory Commission before shipping the fuel, 40 C. F. R. 110. If Seattle is still under consideration as a port of entry for spent fuel, I would ask that you furnish us with a copy of that license.

Many of the legitimate public concerns over these shipments would be mollified if the Department of Energy undertook an environmental analysis under the National Environmental Policy Act, 42 U. S. C. 4321 et seq. To our knowledge the last environmental analysis performed regarding transportation of nuclear spent fuel occurred nearly ten years ago, in 1977. Not only is the analysis suspect as outdated, but we would question whether it adequately considers the risks which would be posed by these specific shipments.

I have discussed these matters with local and port officials in Washington State, and they share my concerns. As Governor my first concern must be the health and safety of Washington citizens. I believe those are clearly at risk from the proposed shipments. I consider it my responsibility to be assured full and complete compliance with the law.

I look forward to your prompt response.

Sincerely,



Booth Gardner
Governor

:99j

To: Robert E. Browning
MS 62355



OFFICE OF THE ATTORNEY GENERAL

February 12, 1986

WARREN A. BISHOP, Chairman
Nuclear Waste Board

CHARLES B. ROE, JR. *CB Roe*
Senior Assistant Attorney General

Litigation Status Report

This memorandum sets forth the general status of various litigation or potential litigation areas.

I. Litigation

A. Siting Guideline Litigation

State of Washington, Nuclear Waste Board v. United States Department of Energy, 9th Circuit Nos. 85-7128 and 85-7253.

The United States Department of Energy (USDOE) moved to dismiss the Nuclear Waste Board's case on the grounds that the guidelines are not "ripe" for review. All briefing on the motion by the parties was completed last summer. No date has been set for oral argument. It continues to appear that time for oral argument will be granted.

Earlier this month, Wisconsin filed a motion requesting an expedited ruling on the motion. This action was done in a companion case to the subject case in which Wisconsin is an intervenor.

B. Funding Litigation

1. Nevada v. Hodel, 9th Circuit No. 84-7846. This case involves Nevada's dispute with USDOE over the refusal of the federal agency to fund pre-site characterization physical activities proposed for conduct by Nevada. The federal Court of Appeals in San Francisco issued its Opinion on December 2, 1985. (See separate memorandum to you and Opinion attached thereto.) No motion for a rehearing was filed by USDOE. USDOE has advised Nevada that it has decided not to ask the United States Supreme Court to review the Opinion.

Very recently Benard Rusche of the Department of Energy issued a set of funding guidelines revised in light of the federal agency's loss in the subject case.

2. Potential Funding Litigation. The USDOE has denied Washington's request for funds to support litigation involving the federal government's implementation of the Nuclear Waste Policy Act. A review with other states indicates many states are interested. Utah has advised this office that it has taken the initial steps leading to possible litigation.

C. "Monitored Retrievable Storage" (MRS)

Tennessee v. Herrington, U.S.D.Ct. M.D. Tenn. No. 385-0959, relates to section 141 of NWPA. That section directs USDOE to report to Congress its recommendations relating to the establishment of a monitored retrievable storage (MRS) facility for the disposal of high-level nuclear waste. In July, 1985, USDOE recommended the location of such a facility in Tennessee. On August 20, 1985, Tennessee challenged USDOE's processing of the MRS provisions of NWPA contending that USDOE's actions were in conflict with "cooperation and consultation" requirements of NWPA and that NWPA, itself, conflicts with the federal Constitution, Art. I, sec. 7.

The United States moved to dismiss the case on jurisdictional grounds. That motion was denied by the district court on November 26, 1985 and, on December 5, 1985, USDOE appealed the district court's action to 6th Circuit Court of Appeals. On February 5, 1985, the United States District Court also ruled that the USDOE failed to "consult and cooperate" with the State of Tennessee as required by the NWPA in relation to USDOE's MRS siting activity. The Court has enjoined USDOE from presenting an MRS to Congress containing studies prepared in violation of NWPA.

D. EPA Standards Litigation

The Natural Resources Defense Council (NRDC) and several other environmental groups, along with the states of Minnesota, Maine, Texas, and Vermont, filed, on December 2, 1985, petitions to review the standards adopted by the United States Environmental Protection Agency relating to radioactive releases from high-level waste repositories. The challenges were based on "invalidity"

contentions pertaining primarily to ground water standards and procedures used in adopting the standards. The cases were all filed in various circuits of the United States Court of Appeals; namely, the First (NRDC, Maine and Vermont), Fifth (Texas), and Eighth (Minnesota) circuits. No change in the status of the litigation has taken place since the last reporting period.

NRDC has indicated it may wish to negotiate a settlement of its litigation, and has invited us to join therein if negotiations are begun.

III. Potential Areas of Litigation

A. Water Rights

I continue to work on this matter with Warren Bishop and Terry Husseman on this important subject.

B. Defense Wastes

This very important area continues through close coordination with Terry Husseman and you.

C. Section 114(f) - Preliminary Determination of Suitability

Since the last meeting, I have discussed the various potential avenues to test USDOE's interpretation of section 114(f) as set forth in USDOE's "mission plan." The discussion continues to center on some USDOE action taken in the "environmental assessment issuance, nomination" context. I am now in the process of preparing an "in-depth" memorandum to be sent to you.

I trust this will assist you in the conduct of your Board's February meeting.

CBR:lt

cc: Terry Husseman
Jeff Goltz

To: Robert E. Browning

MS 62355



OFFICE OF THE ATTORNEY GENERAL

February 12, 1986

TO: Warren A. Bishop, Chairman
Nuclear Waste Board

FROM: Charles Roe *CRoe*
Senior Assistant Attorney General

SUBJECT: Proposed Federal Legislation -
Nuclear Waste Policy Act
(Other Than Liability Legislation)

This is a status report on currently pending federal legislative proposals relating to the Nuclear Waste Policy Act (other than "liability" legislation).

The only bill introduced since my memorandum to you of January 8, 1986 is S. 2032. That bill, sponsored by Senators Warner and Tribble of Virginia, provides that a monitored retrievable storage facility cannot be located within 400 miles of a repository. The bill also directs the secretary of the Department of Energy to amend the Department's Mission Plan to comply with the 400-mile standard.

By earlier memorandums (and presentations to the Board), I described the following bills:

1. H.R. 1985 by Representative Oakar relating to restrictions and conditions on the transportation of high-level radioactive waste.
2. S. 1162 by Senator Hart of Colorado relating to the incorporation of various transportation impacts into the selection process for high-level radioactive waste.
3. S. 1235 by Senator Simpson relating to the establishment of a government agency to take over Nuclear Regulatory Commission activities.

OFFICE OF THE ATTORNEY GENERAL

Warren A. Bishop
February 12, 1986
Page 2

4. S. 1927 by Senator Proxmire and H.R. 3932 by Representatives Moody and Obey relating to the establishment of a licensing system, administered by the Nuclear Regulatory Commission, that applies to shippers of high-level waste or spent fuel.

No hearings or other activities have been conducted during the past month relating to these bills.

CBR:gb

cc: Jeff Goltz

To: Robert E. Browning

MS 62355



**OFFICE OF THE
ATTORNEY GENERAL**

February 12, 1986

TO: Warren A. Bishop, Chairman
Nuclear Waste Board

FROM: Charles B. Roe, Jr. *CBR*
Senior Assistant Attorney General

SUBJECT: Status Report - Federal High-Level Nuclear
Waste Liability Legislation

Attached is a status report on federal high-level nuclear waste liability legislation prepared for the Nuclear Waste Board meeting of February 21, 1986.

In relation thereto, I am attaching an outline of draft legislation that you, Terry Husseman, and I have been working on over the past few days.

I trust this will be of assistance to you.

CBR:gb

Attachments

cc: Jeff Goltz

CONGRESSIONAL PROPOSALS

February 11, 1986-R

ON

FEDERAL LIABILITY FOR HIGH-LEVEL NUCLEAR WASTE ACTIVITIES

Proposals	Amendment to Price-Anderson Act	Expressly Applicable to Waste Program	Strict Liability	Direct Federal Liability	Compensation Objective	Funding Source	Congressional Status
A. Senate							
1. S. 1225 (by Senator Dole NOTE: prime sponsors are Senators McClure and Simpson)	Yes	Yes	No--(covers only those injuries relating to "extraordinary nuclear occurrences" as defined by USDOE regulations)	No	Full compensation as to those covered.	1. First \$2.4 billion from Nuclear Waste Fund of NWP. 2. Remainder to be provided from source under expedited procedure requiring Congress to act on compensation plan submitted by President within 60 days.	Last hearings held on Oct. 22 and 23, 1985 before Subcommittee on Senate Environment and Public Works, Nuclear Resources Subcommittee (chaired by Senator Simpson). No further hearings presently scheduled. Committee.)
2. S. 445 (by Senator Hart)	Yes	No	? (Waiver of defenses applies to all nuclear incidents)	No	Full compensation.	?	"
3. S. 1761 (by Senator Stafford)	Yes	Yes	? (Waiver of defenses applies to all nuclear incidents)	No	Full compensation.	Nuclear Waste Fund	"
B. House of Representatives							
1. H.R. 51 (by Rep. Price)	Yes	No	? (Waiver of defenses applicable to all nuclear incidents)	No	\$1 billion per incident limitation.	?	Last hearings held on June 6, 1985 by the House Interior and Insular Committee's
2. H.R. 445 (by Rep. Seiberling)	Yes	No	? (Waiver of defenses applicable to all nuclear incidents)	No	Full compensation.	?	Subcommittee on Energy and the Environment.

Proposals	Amendment to Price-Anderson Act	Expressly Applicable to Waste Program	Strict Liability	Direct Federal Liability	Compensation Objective	Funding Source	Congressional Status
3. H.R. 2524 (by Rep. Morrison and Rep. Dicks)	Yes	Yes	Yes(?) (Waiver of defenses applies to all USDOE waste activities)	No	Full compensation.	1. First \$5 billion from Nuclear Waste Fund of NWPA. 2. Remainder from general federal revenues.	"
4. H.R. 2665 (by Rep. Weiss)	Yes	No	? (Waiver of defenses applies to all USDOE activities).	No	Full compensation.	?	"
5. H.R. 3653 (by Rep. Udall)	Yes	Yes	? (Waiver of defenses applies to all USDOE activities.)	No	Full compensation.	?	House "mark-up" sessions were held by an Interior Committee Subcommittee on October 29, 1985, November 19, 1985, December 10, 1985. The Subcommittee reported a bill to the full committee at the latter session. Chairman Udall announced that no consideration of his reported bill would take place until 1986. No hearings have been set.

Proposed

Federal High-Level Radioactive Waste Liability Legislation

Outline - Major Elements

I. Liability Policy

- a. "Strict liability"
 - 1. Liability regardless of fault
 - 2. Federal government directly liable
- b. Unlimited liability - no "cap" on damages per incident
- c. Scope of liability policy
 - 1. Covers all high-level radioactive wastes, e.g., commercial, defense, transuranic
 - 2. Limited to nuclear-related incidents only

II. Source of Funds For Damages

- a. First layer payments:
 - 1. Nuclear Waste Fund - section 301, Nuclear Waste Policy Act - for commercial wastes
 - 2. USDOE "Defense" monies - for other wastes
- b. Second layer payments - from sources provided by Congress
- c. Commitment to pay all damages (with procedures to ensure expedited payment)

III. Hold Harmless

United States "holds harmless" states and Indian tribes from all liability arising from its role in implementation of all federal nuclear waste disposal programs, including, among others, the Nuclear Waste Policy Act program.

IV. Procedures for Filing and Ruling Upon Claims

Ruling on claims by United States Department of Energy with right of review of ruling in a United States Court of Appeals

20. Robert E. Browning
MS 623 SS

ANDREA BEATTY RINKER
Director



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Mail Stop PV-11 • Olympia, Washington 98504-8711 • (206) 459-6000

M E M O R A N D U M

February 14, 1986

TO: Washington State Nuclear Waste Board/
Washington State Nuclear Waste Advisory Council

FROM: Office of High-Level Nuclear Waste Management Staff

SUBJECT: Status of Significant Issues

Issue - Hanford Defense Waste EIS

In mid to late March USDOE is expected to issue the long delayed Hanford Defense Waste Draft EIS. This 1100 page document will describe the wastes currently stored at Hanford and describe alternatives for permanent disposal or stabilization of wastes accumulated at Hanford since 1944. Major Washington State issues include the potential masking of premature releases from a deep repository and the possibility of increasing the radionuclide budget of the Columbia River.

A Radioactive Defense Waste Coordinating Group has been established to identify Draft EIS review priorities, to help arrange state agency support and to review Draft EIS technical comments. We will also have contractor support and contractor selection should be completed by the March Board meeting. Staff Contact: Bill Brewer, 459-6676.

Issue - Status of CDC Request

The Center for Environmental Health (CEH), Centers for Disease Control (CDC) has expressed interest and support for the Nuclear Waste Board resolution requesting independent expert assistance to assess the feasibility and usefulness of conducting further epidemiologic studies of delayed health effects on and around the Hanford site. On December 20, the Nuclear Waste Board passed Resolution 85-7 requesting assistance. In a January 21 letter to CEH Director Dr. Vernon Houk, Chair Warren Bishop listed specific questions

needing answers. In a January 31 letter, Dr. Houk indicated CDC would be happy to participate as a member or convene a scientific group to examine and evaluate present data and the potential for additional studies. A meeting of the Environmental Monitoring Committee is scheduled for February 18. Representatives from CDC, the Indian Health Service, the affected tribes, and USDOE have been invited to participate in the planning for the study. Staff Contact: Don Provost, 459-6718.

Issue - Liability Legislation

We are working with staff from other states, Congressional staff and USDOE staff to develop legislation which encompasses the following elements:

1. strict and direct federal liability for all injuries arising from nuclear incidents during implementation of the NWPA;
2. establishment of a federal policy providing for full compensation for injuries sustained as a result of a nuclear incident;
3. hold harmless provision for states, local governments and tribes for liability arising from implementation of the NWPA;
4. coverage of all high-level radioactive waste, including high-level and transuranic defense waste; and
5. inclusion of all of the foregoing elements in a section of law separate and apart from the existing Price-Anderson structure.

We should have specific information concerning possible Congressional action on this issue before the next months' Board/Council meetings. Staff Contact: Terry Husseman, 459-6670.

Issue - Transportation

Governor Gardner, on January 15, directed the formation of a group to review the plans, policies and procedures for the near term transportation of high-level nuclear waste into and through the state of Washington. Curtis Eschels, Chairman of the Energy Facility Site Evaluation Council, was designated by the Governor as the senior member of the state working group.

The intent of this program is to identify risks to public health and safety that may result from shipments of high-level nuclear waste and to seek a solution. The review is to be completed in six months.

High on the group's list of tasks is the development of a Principle of Understanding between the Department of Energy and the state of Washington and the preparation of a report of findings and conclusions for the Nuclear Waste Board.

Based upon the group's review of pending shipments of reactor spent fuel, Governor Gardner on February 7 sent a letter to Secretary John Herrington, USDOE, questioning the selection of Seattle as an alternate port of entry for the offloading of high-level nuclear waste and raised the following four issues: (1) consistency with the Coastal Zone Management Act, (2) compliance with the Nuclear Non-Proliferation Act, (3) licensing by the Nuclear Regulatory Commission, and (4) adequacy of NEPA compliance.

The state group is meeting weekly and plans one joint federal/state meeting each month. Further information can be received from Jim Connolly at (206) 459-6490. Staff Contact: Jerry Parker, 459-6678.

Issue - MRS Status

Two major recent actions in Tennessee have had a major effect on the status of the proposal of the USDOE to construct a Monitored Retrievable Storage (MRS) facility at Oak Ridge, Tennessee. Under provisions of the Nuclear Waste Policy Act the USDOE was to submit to Congress by June 11, 1985, a proposal for construction of one or more MRS facilities. As a result of the decision by DOE to make the MRS facility "an integral component of the waste management system", rather than a backup to a geologic repository, the submission of the proposal to Congress was delayed to January, 1986.

A draft of the proposal was made available in late December. This proposal, accompanied by comments of the NRC and the EPA, was scheduled for submission to Congress in early February.

On January 21 Tennessee Governor Lamar Alexander announced that were Congress to approve the DOE proposal, he would exercise his power provided in the Nuclear Waste Act to disapprove the MRS facility at Oak Ridge. He based his unconditional opposition on two major findings of his Safe Growth Cabinet Council; (1) the facility is not needed; and (2) the facility would have a major negative impact on economic growth in the region. Specifically, he stated the site to be located "in an integral part of a three county Knoxville area which is becoming one of the most attractive magnets in America for good new jobs". He concluded that the facility "would run away many many more jobs then it would ever attract". The Governor's conclusion contrasted with the findings of the local government task force in Oak Ridge, which had earlier expressed approval, subject to major social and economic commitments by USDOE. The Tennessee State Assembly, which also has the power to disapprove under the Nuclear Waste Policy Act, has not

taken formal action but has before it a resolution similar to the Governor's findings. Approval of the resolution is likely. Members of the Tennessee Congressional delegation have expressed opposition to the facility but the delegation as a whole appears aware of the potential of Congress to override the state's disapproval and, consequently, continues to emphasize conditions to mitigate potential impacts.

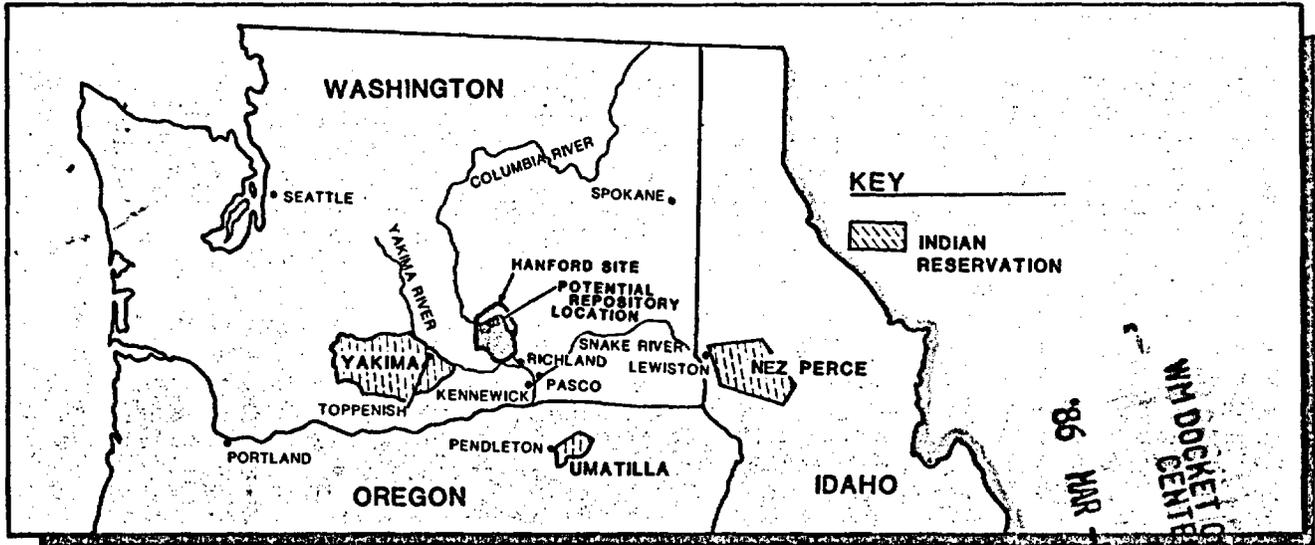
The second major MRS development is of even greater consequence. On February 5 Judge Wiseman of the U.S. District Court at Nashville granted a declaratory judgment finding portions of the USDOE MRS proposal in violation of the Nuclear Waste Policy Act. This judgment was in response to a complaint for declaratory judgment and injunctive relief entered by the state of Tennessee on August 20, 1985. Judge Wiseman found that the USDOE had failed to consult and cooperate with the state in the site selection process and that such failure was in violation of Section 117(b) of the Act. On February 7 Judge Wiseman granted a permanent injunction against submission by USDOE of any portion of the MRS proposal relating to site selection to the Congress. The USDOE intends to appeal to the Sixth Circuit Court of Appeals in Cincinnati. The Department's appeal will assert that the requirement for state participation is effective after, not before, Congress responds to the USDOE proposal. Neither the judgment nor the injunction addressed what actions USDOE might take to enter into compliance with the Act. The USDOE has not yet commented on effect of the Court decision on the schedule for the MRS program, and the effect of any delay in the MRS program on the overall repository program. Staff Contact: Jerry Parker, 459-6678.

20. Robert E. Browning MS 623 SS

NEWS LETTER

'86

WASHINGTON NUCLEAR WASTE BOARD WASHINGTON NUCLEAR WASTE ADVISORY COUNCIL



Reservations of the Yakima, Umatilla, and Nez Perce tribes.

"AFFECTED INDIAN TRIBES" REVIEW NUCLEAR WASTE ISSUES

The Yakima Indian Nation, the Confederated Tribes of the Umatilla Indian Reservation, and the Nez Perce Indian Tribe have each been granted the status of an "Affected Indian Tribe," due to the potential impacts of a proposed repository at the Hanford Site.

The 1982 federal Nuclear Waste Policy Act describes an "Affected Indian Tribe" as one:

- Whose reservation boundaries include a proposed monitored retrievable storage facility, test and evaluation facility, or repository for high-level radioactive waste or spent fuel; or
- Whose federally defined treaty rights to other lands outside of the reservation's boundaries may be substantially and adversely affected by such a facility.

To receive this status a tribe must petition and demonstrate to the U.S. Department of the Interior that it fits into one of these categories. The U.S. Department of the Interior then reviews the request and grants "affected status" as appropriate.

The three tribes have organized their review programs to study potential repository impacts and to inform the public about their concerns. On January 16, a representative from each

of the three affected tribes spoke to the Washington State Nuclear Waste Board and Advisory Council. Each tribal representative described how treaty rights might be affected by the Nuclear Waste Policy Act. They stressed their concern with environmental quality, fisheries, gathering of natural foods and medicinal herbs, and socioeconomic issues.

YAKIMA INDIAN NATION

The Yakima Indian Nation became acutely aware of possible environmental damage in the Hanford area in 1978. In the tribe's efforts to draw attention to its special status under the Treaty of 1855 it passed a resolution in June 1979, banning the transportation of nuclear materials across the reservation. This resolution helped to emphasize the Yakima's responsibilities to their land and people. The Yakimas were also the first tribe to testify before a Senate sub-committee in Washington, D.C., on issues relating to the development of the Nuclear Waste Policy Act. Their testimony on January 24, 1980, contributed to the parent legislation that became Public Law 97-425, and included "Affected Indian Tribes" as a significant participant in the management of nuclear waste.

What's Inside?...

- Yakima Indian Nation
- Umatilla Indian Tribal Council
- Nez Perce Tribe
- Who's Who on the Advisory Council
- Update on Nuclear Waste Board Committees
- New Publications
- Upcoming Events

January/February 1986

Soon after President Reagan signed the Act into law the Yakimas petitioned for "affected" status. That status was granted on March 20, 1983, because of the Yakima's "possessory and usage" rights in the ceded area that includes Hanford.

In late 1983 the Yakima Tribal Council formed a Radioactive/Hazardous Waste Committee composed of three Tribal Council members. This committee supervises the Yakima Nation Nuclear Waste Program and, in 1984, hired a program manager, an administrative assistant, and an office assistant.

The committee and staff administer a current \$19 million grant from USDOE to help fulfill tribal responsibilities under the Nuclear Waste Policy Act (NWPA). Approximately \$1.6 million is for contractor assistance, including contracts with the law firm of Hovis, Cockrill, Weaver and Bjur, experts in treaty rights from Yakima, Washington, that is assisted by Harmon & Weiss, an environmental law firm in Washington, D.C.; EWA, Inc., environmental water quality specialists from Minneapolis, Minnesota; Linda Lehman, a consulting hydrogeologist from Savage, Minnesota; and Geo-Trans, Inc., a hydrology and geo-chemistry firm from Herndon, Virginia. Additions to the staff will include a technical advisor, a librarian and a media liaison. The Tribe maintains a well-informed organization that is responsive to the requirements of the nuclear waste program.

The major milestone of 1985 was the Yakima's 159 pages of comments on USDOE's Draft Environmental Assessment (draft EA). Although the tribe's comments were submitted by USDOE's March 20 deadline, the Yakimas believed that the comment period was too short to address all of the tribe's concerns. The Yakima's primary concern was that the draft EA was unjustifiably optimistic about geochemical conditions at Hanford, the mechanical strength of wastes packages, the time it takes for groundwater to reach the accessible environment, the potential for major flooding, erosion and earth movement at the proposed repository area, and the potential conflict with national security activities at Hanford. Also criticized were the inadequate analysis of transportation issues, defense waste quantities and onsite population, and the ranking methodology of sites.

As a culturally-oriented people, the Yakima believe the repository activities have conflicted with their treaty rights and may affect all that is sacred to their people. They emphasize that the primary objective must be to ensure that the process of choosing the site for the nation's first high-level radioactive waste repository is based on objective and technically-credible consideration of geologic suitability. They also note that the decision will affect everyone's future, and must therefore be credible in the eyes of the public.

The Yakima Indian Nation has been consistent in its views it is neither pro-nuclear nor anti-nuclear, but "pro-safety for all people."

UMATILLA INDIAN TRIBAL COUNCIL

The Confederated Tribes of the Umatilla Indian Reservation were granted affected status on July 13, 1983, based on the potential impacts on their off-reservation fishing and hunting rights near the Hanford Site. The Umatilla reservation is located in Umatilla County in northeastern Oregon, approximately 75 miles from the proposed repository site.

The tribes' nuclear waste review project began in October 1984. A full-time director, secretary, and attorney staff their project office located in Mission, Oregon.

The tribes' 1985 budget was approximately \$600,000, of which \$369,000 was used for contractor technical support. With a 1986 budget of \$1.1 million, approximately \$700,000 will be used for contractual support. The tribe plans to add three more full-time staff in early 1986, including a librarian, a public information specialist, and an administrative assistant.

The Confederated Tribes of the Umatilla Indian Reservation receive all their technical support through an independent contract with the Council of Energy Resource Tribes in Denver, Colorado. This non-profit group reviews all USDOE documents regarding the Hanford Site. The Council reviewed USDOE's draft EA and highlighted the following major concerns for the tribe:

- **Transportation** of nuclear waste. The tribes' reservation is bisected by Interstate 84 and the Union Pacific Railroad so they are concerned about potential accidents. This tribal concern is not just hypothetical — a truck carrying low-level waste was involved in an accident on Interstate 84 on the Umatilla Reservation in December 1985. The Confederated Tribes of the Umatilla Indian Reservation are more than an affected tribe. According to a tribal spokesman, "they're an alarmed tribe." Also, if barge transportation is used, the tribe is concerned about potential radioactive contamination of the Columbia River and its impact on fisheries.
- **The potential cultural and socioeconomic impacts** on the tribes' possessory and usage area. This includes the tribes' reservation, ceded lands, and off-reservation sites where they have treaty-protected rights such as fishing, hunting, and grazing. The potential radioactive contamination of the Columbia River would also affect the tribes' culture and economy.

NEZ PERCE TRIBE

Representatives of the Nez Perce Tribe were not actively involved in high-level nuclear waste management issues until September 1984, when the tribe applied for and received affected tribe status from the U.S. Department of the Interior. Affected status and funding were granted because of the tribe's treaty fishing rights in the Columbia River. USDOE provided funding for the Nez Perce program in early 1985. The Nez Perce are concerned about the potential adverse impacts if a repository is developed on the Hanford Site. The Nez Perce Reservation is about 135 miles from the proposed repository site. Both tribal headquarters and the Nez Perce Nuclear Waste Policy Act (NP-NWPA) Project Office are located in Lapwai, Idaho.

With a 1985 budget of about \$500,000, the Nez Perce's program included four staff members at Lapwai and a technical services subcontract with the Council of Energy Resources Tribes (CERT). The 1986 request for approximately \$2 million will provide more local staff, such as a public information coordinator, and continued technical services, plus an expanded legal services subcontract. Approximately 75 percent of this year's budget is slated for subcontractors.

With technical assistance from CERT, the tribe reviewed the draft Environmental Assessment of the Hanford Site. Major concerns raised in this review were the issues of hydrology, geology, and socioeconomic, cultural, demographic, and environmental conditions. Generally, the tribe believed that there was not enough time to respond fully to the document, and that the document was deficient in the significant anadromous fisheries in the Columbia River, Snake River, and the respective tributaries.

The tribe also published a two-volume report prepared by the CERT entitled *Nez Perce Tribe Scoping Study*. The report contains environmental and ecological descriptions of the region near the proposed Hanford Site, particularly as they relate to the Nez Perce's possessory and usage rights. Also described are some possible impacts on the tribe with a repository at Hanford, and a list of recommendations and conclusions regarding future actions available to the tribe.

Another concern has been the recent Nuclear Regulatory Commission (NRC) hearing on the interpretation of the Nuclear Waste Policy Act (the Act) regarding when preliminary determination of site suitability could or should be made. USDOE interpreted the Act to allow the decision before site characterization studies have been completed. The tribe believes this decision violates an understanding reached between USDOE and NRC. At an earlier meeting between the agencies, Mr. Ben Rusche, speaking for USDOE's Office of Civilian Radioactive Waste Management, stated that the determination would be made after site characterization testing. The tribe believes that this change in position erodes public confidence in the process.

The tribe is currently preparing to negotiate a Consultation and Cooperation Agreement with USDOE but has not formally offered such a plan. This agreement would be a binding written agreement between the Nez Perce Tribe and the U.S. Department of Energy. It would describe the process and procedures to assure the tribe's monitoring and review involvement in federal repository siting activities. As consultants to the Nez Perce Tribe, CERT and the tribe's legal services sub-contractor will prepare the groundwork for these negotiations.

USDOE TO PAY FOR INDEPENDENT STUDIES

On December 2, 1985, the U.S. Circuit Court of Appeals in San Francisco ruled that the federal government should pay for independent tests at proposed nuclear waste repository sites. The unanimous decision by the 3-judge panel clarified the role of the states in the Nuclear Waste Policy Act. The judges ruled that states may conduct their own evaluations, rather than being limited to the review of federal studies.

The court action is the result of the U.S. Department of Energy (USDOE) denying Nevada financial support to conduct underground hydrologic and geologic testing at the proposed Yucca Mountain Site. The request for \$1.5 to 2.2 million was denied because USDOE believed Nevada's independent tests would duplicate those already completed by the federal government. Nevada's suit was supported by the State of Washington.

The judges' decision means that more money will be available for independent state review and, perhaps more importantly, that the Congressional intent of the law "to promote public confidence" has been clarified.

UPCOMING EVENTS - 1986

- Nuclear Waste Board Meetings (1:30 p.m.)
- Advisory Council Meetings (9:30 a.m.)

February 21

March 21

The meetings are held in the:

Energy Facility Site Evaluation Council
EFSEC Hearings Room
4224 6th Avenue S.E.
Building 1
Lacey, Washington

The U.S. Department of Energy will hold public meetings in early 1986 on its draft Defense Waste Environmental Impact Statement. For more information contact Richard Holten at (509) 376-3963.

WHO'S WHO ON THE ADVISORY COUNCIL

The August/September '85 issue of our newsletter featured the Nuclear Waste Board. This edition focuses on the Nuclear Waste Advisory Council. All members were recently appointed by Governor Booth Gardner to serve two-year terms.

The Nuclear Waste Advisory Council is charged by state law with creating a major public information and involvement program. In addition, the Council advises the Board in policy development and other aspects of the state high-level nuclear waste management program. The Council's role is unique in that it not only is a "sounding board" for citizens, but it also has the ear of the Nuclear Waste Board policy makers who govern the program. Council members represent citizens and local governments. The Yakima Indian Nation also has a representative on the Council.



Professor Phillip Bereano
Engineering professor, University of Washington. Former Cornell University professor. Degrees in regional planning, law, and chemical engineering. Special interest in the politics and public understanding of complex issues.
206/543-9037



Warren Bishop
Chair, Nuclear Waste Board, Nuclear Waste Advisory Council. Management consultant and former state budget director. Former vice president of Washington State University.
206/459-6670



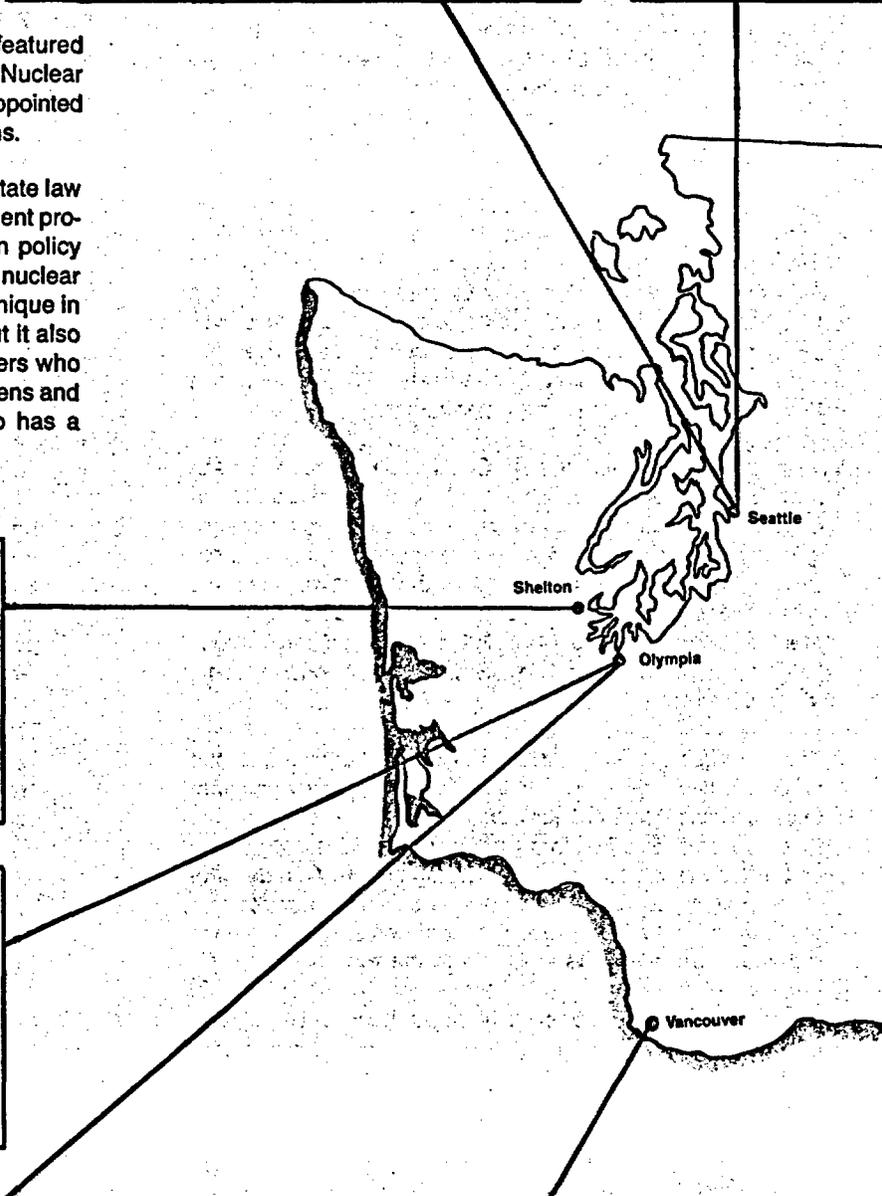
Sam Reed
Affiliate associate professor, University of Washington. Southwest Regional Coordinator, Washington State Health Association. Forty-two years in environmental health with substantial governmental and industrial experience. Degrees in microbiology, environmental health, and health education.
206/352-9979



Robert Rose
A former manager for General Electric at Hanford and ex-director of the Washington Department of Commerce and Economic Development. Law degree from Southern Law School, Memphis, Tennessee.
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Phyllis Clausen
Coordinator of the White Salmon River Fish Enhancement Program. Member, Clark County League of Women Voters. Board member, Friends of the Columbia Gorge. Graduate teaching degree, Seattle University.
206/893-1530



Stella Leopold
 Director of Botany and Forest
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 Environmental biologist, interested in environmental
 quality issues. 2nd-term
 Council member.
 509-545-1151



Betty Shreve
 Retired home economist and public
 relations specialist. Community
 volunteer with degrees in food, nutri-
 tion, and communications, University
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Nancy Hovis
 Attorney with Hovis, Cockrill, Weaver
 and Bjur. Law degree, University of
 Puget Sound. Undergraduate degree
 in English, University of Washington.
 509/575-1500



Pam Behring
 Adjunct faculty member of Gonzaga
 University. Chair of Spokane League of
 Women Voters' 1984 Nuclear Waste
 Study. Masters degree in anthropology,
 Washington University, St. Louis, MO.
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Terry Novak
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 manager of Columbia, Missouri.
 Doctorate in public administration,
 University of Colorado.
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Harry Batson
 City Council member, Millwood. Thirty-
 nine years aircraft maintenance techni-
 cian with Northwest Orient Airlines.
 Secretary, Industrial Development
 Corporation of Spokane County.
 509/926-5550

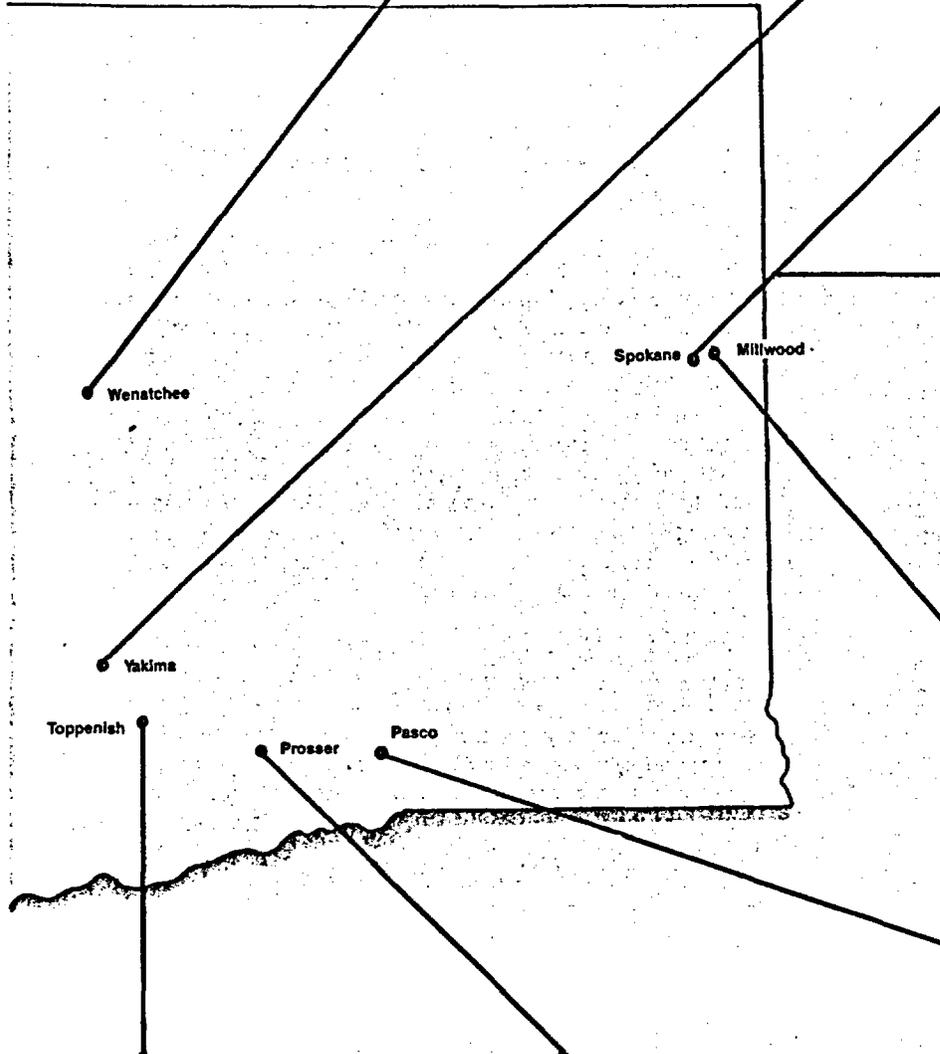


Jim Worthington
 Ranch-owner and 2nd-term Council
 member. Executive board member and
 Executive Secretary, Washington State
 Building and Construction Trades.
 509/547-3453



William Sebero
 Benton County Commissioner, 5 years,
 and 2nd-term Council member. Twenty
 years with Washington State Patrol. At-
 tended Washington State University.
 509/786-4278

Russell Jim
 Manager, Nuclear Waste Program,
 Yakima Indian Nation. Governor
 appointee, Washington State
 Commission for the Humanities.
 Former president, Affiliated Tribes of
 Northwest Indians.
 509/865-5121



UPDATE ON NUCLEAR WASTE BOARD COMMITTEES' ACTIONS

The Nuclear Waste Board appointed five committees to concentrate on specific nuclear waste issues. The committees are composed of Board members and representatives of the Advisory Council, state agencies and associations, High-Level Nuclear Waste Management Office staff, and attorney general representation. The following is an update of each committee's activities:



Environmental Monitoring Committee

On December 20, the committee recommended and the Board gave approval to an epidemiological study of the Hanford Site and the surrounding area by the Centers for Disease Control in Atlanta, Georgia. This study would review past and current epidemiological studies on the correlation between radiation exposures and the impacts on the health of Hanford workers and others in the area.

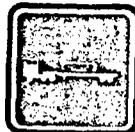
The committee is continuing to review the environmental monitoring program that is performed by the Department of Social and Health Services at the Hanford Site. This program is designed to monitor how much radioactive contamination exists in groundwater, surface water, soil, vegetation, and the air.



Defense Waste Committee

On December 19, USDOE described its Defense Waste Management Program and public information plans to the Nuclear Waste Board, Advisory Council, and the public. The committee is using information from USDOE to prepare for the state's review of USDOE's draft Defense Waste Environmental Impact Statement, which is expected to be released in early 1986.

The committee reviewed and approved a focus paper on "The Defense Waste Issue for Washington State." This paper provides information on government-generated or "defense" nuclear waste at Hanford and discusses its significance in the high-level nuclear waste repository siting process. The paper is now available to the public. To receive a copy contact the High-Level Nuclear Waste Management Office at (206) 459-6670, Department of Ecology PV-11, Olympia, WA, 98504-8711.



Transportation Committee

Committee members are developing a state transportation work plan to identify issues of state concern such as route selection, transportation risk analysis, details of the waste container systems, waste shipment notification requirements, and emergency response plans. The committee is reviewing USDOE's Transportation Institutional Plan which was released in October 1985. Comments were sent to USDOE by December 31, 1985.

The state Department of Emergency Management gave a presentation to the committee summarizing its responsibilities on nuclear waste transportation. This department also has a representative on the committee.



Socioeconomic Committee

The committee has contacted local governments in the areas surrounding the Hanford Site to invite them to assist in preparing a request for "Grants Equivalent to Taxes." (Under provisions of the Act, local government units in which a site for a repository is approved are entitled to grants equivalent to taxes.) This is a mechanism by which the U.S. Department of Energy will grant funds to state and local governments to offset some of the impacts on local services and facilities which may occur from repository site characterization activities, construction, and operation. The committee is working with the state Department of Revenue to clarify Grants Equivalent to Taxes and to determine its financial implications to the state and local governments.

A contract also is being negotiated with Washington State University. Under this contract, a "request for proposal" will be drafted that calls for contractor assistance in writing a socioeconomic impact report on the Hanford Site. This report is required by the Nuclear Waste Policy Act to support a state request for impact assistance for repository construction and operation. The study is expected to begin in May 1986 and take 3-1/2 years to complete. The report will identify potential socioeconomic impacts on schools, housing and community services, and potential issues such as transportation routes, accidents, release of material from the repository, and public anxiety that such events may occur.



Mission Plan Committee

Committee members finished their assignment to review and comment on USDOE's final 1985 Mission Plan, although no response was requested by USDOE. The committee will cease to exist until a revised Mission Plan is published. The Mission Plan represents the "...objectives, strategy, schedules, activities, and management approach...to the civilian high-level nuclear waste management program."

WRITE TO KNOW

Here are a number of questions that we have received from our readers. If you have other questions that you would like answered, please send them to us using the form on the back of this newsletter.



What federal agencies are responsible for high-level nuclear waste management issues?



Several federal agencies are responsible for different aspects of high-level nuclear waste management, according to the Nuclear Waste Policy Act and other federal laws. The U.S. Environmental Protection Agency (EPA) sets standards on the amount of radiation people can receive from handling and disposal of radioactive wastes. The U.S. Nuclear Regulatory Commission (NRC) develops and enforces rules to implement the EPA standards. The NRC also licenses nuclear facilities, including a repository. Plans for repository sites must be reviewed and approved by the NRC. The U.S. Department of Energy (USDOE) studies and recommends repository locations, then supervises construction and operation of the facilities. Congress intended that these agencies work under a system of checks and balances, and as a complementary team.



How can I get more information and become more involved in repository siting decisions?



There are several sources where people can get information on nuclear waste management. Staff at the State Office of High-Level Nuclear Waste Management will help answer your questions. The office is located at 5826 Pacific Avenue, Lacey (note: not mailing address), and maintains a resource center on nuclear waste issues. To add your name to our mailing list or for more information, call the office at (206) 459-6670, or write to:

**The Office of High-Level Nuclear Waste Management
Department of Ecology, PV-11
Olympia, WA 98504**

You can also become *involved* in siting decisions if you:

1. Contact Nuclear Waste Board or Council members,
2. Attend various public meetings and hearings on nuclear waste issues,
3. Write to our Congressional representatives, state officials, legislators, or local government representatives,
4. Contact the U.S. Department of Energy at 1-800-368-2235; or,
5. Contact local organizations that may have an interest in nuclear waste issues.

NEW INFORMATION FLYERS AVAILABLE

Our office now has two new information flyers available for the public — one explains the state's review program and the other describes various publications, slide shows, and information available to the public. If you would like one or both flyers, please check the boxes on the back page of the newsletter and return it to us or call the Office of High-Level Nuclear Waste Management at (206) 459-6670.

NEW PUBLICATIONS IN THE PUBLIC REFERENCE CENTER

Creighton, James L. A REPORT TO THE UTILITY NUCLEAR WASTE MANAGEMENT GROUP: THE U.S. DEPARTMENT OF ENERGY'S IMPLEMENTATION OF THE CONSULTATION PROVISIONS OF THE NUCLEAR WASTE POLICY ACT. Saratoga, CA, Creighton & Creighton, August 1985. 61 p.

National Conference of State Legislatures. A GUIDE AND DIRECTORY TO THE HIGH-LEVEL RADIOACTIVE WASTE REPOSITORY PROGRAM. Denver, CO, 1985.

Organization for Economic Co-operation and Development. Nuclear Energy Agency. TECHNICAL APPRAISAL OF THE CURRENT SITUATION IN THE FIELD OF RADIOACTIVE WASTE MANAGEMENT. A collective opinion by the Radioactive Waste Management Committee. Paris, France, OECD, 1985. 47 p.

Oak Ridge National Laboratory. EVALUATION OF RADIO-NUCLIDE GEOCHEMICAL INFORMATION DEVELOPED BY DOE HIGH-LEVEL NUCLEAR WASTE REPOSITORY SITE PROJECTS. Annual Progress Report for Oct. 1983 - Sept. 1984. A.D. Kelmers et al. For NRC. Sept. 1985. 61 p. (NUREG/CR-3851).

Battelle Pacific Northwest Laboratory. GROUNDWATER MONITORING AT THE HANFORD SITE. January - December 1984. C.S. Cline et al. For USDOE. Richland, WA, Sept. 1985. 54 p. Appendices. (PNL-5408).

Envirosphere Company. THE DEFENSE WASTE ISSUE FOR WASHINGTON. December 1985.

This newsletter is issued by the High-Level Nuclear Waste Management Office under direction of the Nuclear Waste Advisory Council. It is funded in part through a federal grant from the U.S. Department of Energy.

STAMP

High-Level Nuclear Waste Management Office
Department of Ecology PV-11
Olympia, WA 98504-8711

We Want to Hear From You....

I'd Like a Fact Sheet on:

- 1. Overview: High-Level Nuclear Waste Management in Washington
- 2. What is High-Level Nuclear Waste?
- 3. Finding a Repository Site - Step by Step
- 4. Repository Concept: Deep Geologic Disposal
- 5. Transportation
- 6. Geology/Hydrology at the Hanford Site

I'd Like a Flyer on:

- Program Overview
- Program Information Available

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Clip this page, fold it in thirds, and use the label below as the return address for mailing. Thank you for sending us your views.



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Dr. Robert E. Browning
MS 62355

Nuclear Waste Policy Act

Monitored Retrievable Storage Submission to Congress

Volume 1

Proposal for the Construction of a
Monitored Retrievable Storage Facility

REVISION COPY
December 1985



U.S. Department of Energy
Office of Civilian Radioactive Waste Management
Washington, D.C. 20585

1 EXECUTIVE OVERVIEW

The U.S. Department of Energy (DOE) proposes to construct and operate a facility for the monitored retrievable storage (MRS) of spent fuel at a site on the Clinch River in the Roane County portion of Oak Ridge, Tennessee. This proposal was prepared in response to Section 141 of the Nuclear Waste Policy Act of 1982 (the Act), which directs the Secretary of Energy to perform a detailed study of the need for, and the feasibility of, monitored retrievable storage and to submit to Congress a proposal for the construction of one or more MRS facilities.

As required by the Act, the DOE developed designs for two alternative storage concepts at three alternative sites. The preferred storage concept is surface storage in sealed concrete casks; the alternative is storage in field drywells. The three alternative sites are all located in the State of Tennessee on land owned and controlled by the Federal Government. The preferred site is the former site of the Clinch River Breeder Reactor in Oak Ridge; the alternatives are a site on the DOE Oak Ridge Reservation and the former site of a proposed nuclear power plant in Hartsville. The Secretary of Energy is to recommend the site-and-design combination that he deems preferable.

In accordance with the Act, this proposal includes an environmental assessment (Volume 2) that examines the three alternative sites and six site-and-design combinations as well as a program plan (Volume 3) that includes plans for funding and plans for integrating the MRS facility into the DOE's waste-management system. Site-specific designs, specifications, and cost estimates are included by reference in Volumes 2 and 3. Also provided will be [are] comments by the State of Tennessee, the Clinch River MRS Task Force, the Nuclear Regulatory Commission, and the Administrator of the Environmental Protection Agency. The facility recommended in this proposal would be capable of performing all of the functions specified by the Act in Section 141(b)(1).

The Act provides the framework for a comprehensive system for the safe and environmentally sound management of spent nuclear fuel and high-level waste,* including disposal in one or more geologic repositories that would permanently isolate the waste from the accessible environment. An important objective of the study of MRS need and feasibility was to determine whether and how an MRS facility could most effectively contribute to the achievement of this goal.

Having completed the need-and-feasibility study, a careful analysis of the provisions of the Act, and an evaluation of programmatic options, the DOE has concluded that an MRS facility located at the Clinch River site and designed to be an integral component of the waste-management system would significantly improve the performance of the system. This conclusion was also influenced by the experience of the past 3 years in implementing the provisions of the Act and the resultant perception of the managerial,

*For brevity, the terms "radioactive waste" and simply "waste" are often used here to denote both spent fuel and high-level waste.

regulatory, and institutional complexities of waste management, particularly of the activities that must precede final disposal, which are often underestimated.

An MRS facility would receive and prepare spent fuel for emplacement in the geologic repository. The principal waste-preparation functions would be spent-fuel consolidation and loading into canisters. Being uniform in size and free of surface contamination with radioactive material, these canisters would facilitate handling, shipping, and further processing at the repository. Consolidation would be performed by extracting the spent-fuel rods from the hardware that holds them together in assemblies and rearranging them in a tighter array for greater efficiency in storage, handling, transportation, and disposal.

The canisters of spent fuel would be loaded into shipping casks and shipped to the repository in dedicated trains. An area for temporarily storing the spent-fuel canisters pending shipment to the repository would be provided in the principal waste-handling building of the MRS facility. The MRS facility would also contain a large storage yard in which the canisters of spent fuel would be stored in sealed concrete casks that would allow radiation monitoring and easy retrieval for shipment to the repository. The DOE is proposing that the total storage capacity be limited to 15,000 MTU; this will provide significant operational benefits to the Federal portion of the waste-management system and provide a firmer and earlier basis for the utilities to plan their storage needs.

The MRS facility would be designed and operated with the fundamental objective of protecting the health and safety of the public, the workers at the facility, and the quality of the environment. It would be licensed by the Nuclear Regulatory Commission and hence subject to both routine and unannounced inspections by NRC staff. It would be a shielded confinement-and-containment facility that would limit any releases of radioactive material to well below established regulatory limits, and its safety-related features would be based on available and proved technology.

For improved logistics, the MRS facility would not receive any spent fuel from reactors located in the western United States (west of longitude 100°). The spent fuel discharged by these reactors, which will constitute less than 10 percent of the total U.S. spent-fuel inventory, would be shipped directly to the repository for preparation and disposal.

The construction and operation of the MRS facility would be under the purview of a DOE project office established in the DOE Oak Ridge Operations Office. The day-to-day management of the facility would be the responsibility of a DOE project manager during the preoperational phase and a plant manager during operations. This DOE manager would have formal responsibilities relative to an MRS Steering Committee that would include members recommended by and representing the State and local governments.

The most significant advantages of an integral MRS facility can be summarized as follows:

1. Improvements in system development. The MRS facility would allow the DOE to separate a major part of the waste-management process (acceptance, transportation from the reactor sites, consolidation,

and sealing in canisters) from uncertainties about the repository and to proceed immediately with detailed planning for, and implementation of, that part. This would provide the utilities with a firmer basis for planning the transfer of spent fuel to the DOE. The development and specification of the transportation system would also be advanced because the approval of the MRS facility would allow specific routing, logistics, and equipment requirements for shipments from reactors to be determined up to 5 years earlier. The early accomplishment of these separable steps of the waste-management process would significantly enhance confidence in the schedule for the operation of the total system. Moreover, the facility would provide a focal point for early system integration.

2. Accelerated waste acceptance from the utilities. By starting in 1996 and reaching full operations by 1998, the MRS facility would allow the system to receive spent fuel at full-scale rates 5 years sooner than does the system without an MRS facility. This would significantly reduce the need for new temporary storage capacity at reactor sites and the attendant spent-fuel handling operations, licensing efforts, and costs. It would also provide greater assurance that the Federal waste-management system will begin operations by 1998 as prescribed in the Act and specified in the contracts between the DOE and the owners and generators of spent fuel.
3. Improvements in the reliability and flexibility of the waste-management system. These improvements would be realized by separating the acceptance of spent fuel from reactors from emplacement in the repository and adding significant operational storage capacity to the system. They would produce identifiable improvements in the manageability of the system and allow the DOE to better accommodate the circumstances of the future.
4. Advantages for the repository. By performing waste-preparation functions, the MRS facility would simplify the waste-handling facilities and operations of the repository. Furthermore, the repository would receive fewer shipments; the waste canisters received from the MRS facility would be uniform in size and free from surface contamination with radioactive material; and a large portion of the inventory-accountability function would be performed at the MRS facility. Another important advantage would be the constant rate of waste throughput, which would enhance the efficiency of repository operations.
5. Improvements in the specification and performance of the transportation system. Since consolidated fuel would be shipped in dedicated trains, the MRS facility would significantly reduce the number of shipments to the repository and minimize the distances of spent-fuel shipments in less-efficient truck-mounted casks. Being centrally located for most reactors, it would serve as a hub for transportation operations, focus the control and management of transportation operations, and reduce the number of cross-country shipping routes. Moreover, by allowing early identification of routes to the MRS site, the MRS facility would provide institutional benefits because it would increase the time available to work with the States, Indian Tribes, and the public in route-specific planning.

6. Institutional benefits. The development of the MRS facility would produce institutional benefits through the experience gained from interactions with the State of Tennessee and by allowing the DOE to demonstrate earlier that it is willing and able to be a responsible corporate citizen and neighbor. Early progress in waste management, starting with the designation of a specific site and facility construction, would help provide needed momentum for implementing the entire system.

Studies performed for this proposal show that, though there are other ways to achieve some of the advantages of an integral MRS facility, none of the alternatives examined in the need-and-feasibility study presents the same range of benefits while also providing equivalent benefits in terms of feasibility, flexibility, system development, and managerial control.

The expenditures for the MRS project from the time of Congressional approval to the start of operations are estimated at \$970 million in constant 1985 dollars, of which about \$700 million would be used for construction. The annual operating expenses for the facility, which would employ about 600 workers, would be about \$70 million, not including financial-assistance and tax-equivalency payments. 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 FY87 budget proposal should Congress approve the system. The cost of the total improved-performance system is estimated to be no more than 5 to 8 percent higher than that of the system without an MRS facility; the cost is thus 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 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 ratepayers in not needing to pay for additional at-reactor storage; and by the savings resulting from the institutional benefits, discussed in this proposal, to the overall waste-management system. The increase of 5 to 8 percent is considered an upper bound 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.

No significant incremental adverse environmental impacts are expected from an integral MRS facility. Quantitatively, the estimated total-system risks and environmental costs do not differ significantly between systems with and without an MRS facility. The social and economic impacts that might result from the MRS facility would be prevented or mitigated by the measures proposed herein.

Some potential adverse programmatic effects have also been postulated by various parties, but most are perceived and avoidable rather than inevitable. The one most often cited is concern that an MRS facility would diminish the resolve to develop a geologic repository. To allay such concerns and to reinforce this country's unwavering commitment to the geologic-repository program, the DOE proposes that Congress link the startup of the MRS facility to the schedule of the repository: no waste may be accepted at the MRS facility until a construction authorization for the first repository is received from the Nuclear Regulatory Commission. Furthermore, the DOE proposes that Congress limit the MRS storage capacity to 15,000 MTU.

The institutional challenges faced by the waste-management program were anticipated by Congress in the Act, which prescribes unprecedented measures for public involvement as well as consultation and cooperation with affected States and Indian Tribes. The MRS project has a unique opportunity to establish its credibility as a responsible corporate citizen and neighbor, and the DOE is proposing measures to make the most of this opportunity. These measures include (1) the provision of opportunities for State and local governments to participate in the project, (2) assurances about safety and environmental quality, and (3) financial assistance. They are based in part on comments submitted by the State of Tennessee and the Clinch River MRS Task Force. The former has provided comments but has not taken a position to date. The latter is a 31-member group appointed by Roane County and the city of Oak Ridge to determine whether the community they represent should accept an MRS facility and if so, under what conditions. After the Task Force identified these conditions and formulated recommendations for meeting them, the City Council of Oak Ridge and Roane County Commission passed conditional resolutions accepting the development of an MRS facility at the Clinch River site.

Immediately after the approval of this proposal, the DOE would seek to enter into a written consultation-and-cooperation agreement with the State of Tennessee. This agreement would serve as an "umbrella" contract between the DOE and the State of Tennessee and would formalize arrangements for further State and local involvement. The DOE proposes that one of the key features of such involvement be the establishment of an MRS Steering Committee that would provide advice, conduct performance evaluations, and recommend corrective actions. The Committee could play an important role in providing information to the public about the safety of the facility as well as ensuring that State and local perspectives are fully considered in all key programmatic decisions. For example, the Committee could participate in the planning for the collection of preoperational data on the environmental, demographic, and socioeconomic conditions of the site and the local community. The collection of such data would continue throughout the lifetime of the facility and would provide a basis for demonstrating the safety of the project.

To allow the State and the local communities to plan and prepare for the MRS facility, the DOE proposes to provide the State and local governments annual financial-assistance payments during the preoperational period. For the operational phase, financial assistance would be provided to the State and local units of government in the form of impact-mitigation funds and annual payments equal to the taxes that would have been collected had the MRS facility been subject to taxation. This financial assistance would be in addition to reimbursements to the State and local governments for work performed for the MRS project.

Recognizing the harmful effects incurred by the local community from the canceled breeder-reactor project, mindful of the community's desire to diversify its industrial and commercial base, and aware that the Clinch River site was considered the prime site for this diversification, the DOE also proposes certain considerations in procurement for the MRS facility and in land usage should land at the DOE's Oak Ridge Reservation become surplus to the DOE's programmatic needs.

In summary, the DOE recommends that Congress approve an integral MRS facility constructed at the Clinch River site in Roane County, Tennessee; limit the interim-storage capacity of the MRS facility to 15,000 MTU and preclude waste acceptance by the MRS facility until a construction authorization for the first repository is received from the Nuclear Regulatory Commission; authorize the DOE to implement its recommended program for State and local participation, including the financial assistance plans proposed for both the preoperational and operational phases; and direct the DOE to proceed in the manner prescribed in the program plan.