

JOHN SPELLMAN  
Governor



WARREN A. BISHOP  
Chair

STATE OF WASHINGTON  
NUCLEAR WASTE BOARD

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NUCLEAR WASTE BOARD

Regular Meeting

WM Record File  
101.3

WM Project: 10  
Docket No. \_\_\_\_\_

PDR   
LPDR

September 21, 1984  
1:00 p.m.  
EFSEC Hearing Room  
Rowesix, Building 1  
4224 - 6th Ave. S.E.  
Lacey, Washington

Distribution:  
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AGENDA

- |                                                            |                   |
|------------------------------------------------------------|-------------------|
| 1. Approval of Minutes                                     |                   |
| 2. Report of Chairman                                      | Mr. Warren Bishop |
| 3. Discussion of Draft Comments<br>on Commingling Decision | Mr. David Stevens |
| 4. Discussion of C&C Agreement                             | Mr. Warren Bishop |
| 5. Committee Reports                                       |                   |
| - Monitoring                                               | Mr. Don Provost   |
| - Defense Wastes                                           | Mr. Warren Bishop |
| 6. Technical Report                                        | Dr. Bill Brewer   |
| 7. Report on Grant Requests                                | Mr. Gary Rothwell |
| 8. Administrative Activities                               | Mr. David Stevens |
| 9. Other Business                                          |                   |
| 10. Public Comments                                        |                   |

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MINUTES OF NUCLEAR WASTE BOARD MEETING

August 17, 1984  
1:00 p.m.

Hearings Room  
Building #1 - Rowsix  
4224 Sixth Avenue, S.E., Lacey, WA

Board Members Present:

Warren A. Bishop, Chair  
Senator Max Benitz  
Senator Sam Guess  
Senator Margaret Hurley  
Senator Al Williams  
Representative Shirley Hankins  
Representative Louise Miller  
Representative Dick Nelson  
Representative Nancy Rust  
Richard H. Watson  
Nicholas D. Lewis  
Ray Lasmanis, DNR Designee  
Dr. John Beare, DSHS Designee  
Dr. William Funk  
Donald W. Moos

The meeting was called to order by Warren Bishop, Chair, who expressed his pleasure at the full complement of Board members present.

The minutes were approved as published, with the option of members changing or correcting after having the opportunity of reviewing them.

Advisory Council Activities

Mr. Bishop introduced Anita Monoian, Advisory Council member, who is Chair of the Public Involvement Committee of the Council. Ms. Monoian reported her Committee met twice in the last month and had incorporated the comments and suggestions they received into the draft plan. She said they were focusing available funds on the issuance of a newsletter and hope to have the first copy published by the next Board meeting in September. She added the first issue would be very basic, including an introduction to the Board and Council activities, and covering some of the basics of the nuclear waste issue in the state.

Marta Wilder of the staff gave a brief overview of her work done in conjunction with the contractor, and reviewed the potential timeline of planned activities. She said the first newsletter was planned to run about six to eight pages, and would be issued every other month. Currently there is a mailing list of approximately 2500, which could increase to 4000 shortly. The newsletter will contain a return section asking for citizen comments and/or interest in receiving further copies.

Representative Miller inquired about the use of the slide show, and Marta responded by saying they would be used in public presentations, workshops, school programs, etc. In response to her question about the TV-radio coverage, Marta said they would make use of talk shows, interviews, more detailed projects, and perhaps even media tours. She said they planned to tie the activities to U.S. Department of Energy's key events.

Senator Hurley expressed the opinion that she felt much of the information for USDOE was not widely distributed, and she believed an 800 toll-free number established early would be valuable to the public.

Representative Hankins asked who would be preparing the slide shows and TV presentations, and if the Board would have an opportunity to view them. Marta replied the Working Group would be coordinating with the contractor to put these programs together and the opportunity would be given to the Board to review them.

#### Mission Plan

Richard H. Watson, Chair of the Mission Plan Review Committee, said that at the last meeting the Board had directed the staff to draft comments to be circulated to the members of the Committee for their study and suggested changes. This was done and the final report was transmitted to USDOE on August 6. Copies of the comments and transmittal letter were delivered to the Board. He said he considered the response hard-hitting, responsible, and constructive. Compared with the responses of some of the other states on the Mission Plan, he felt it was a temperate document.

Mr. Stevens commented briefly on the process of preparing the comments, which were an in-depth study of a formidable document. He highlighted some of the points contained in the comments:

- repository schedule;

- inconsistencies in meeting the 1998 date, which he said was not mandated in the Act but was implied from the standpoint of when the Federal government is committed to accept the waste;
- a call for more realism in scheduling events to come, assuming there would be no significant delays, such as absence of litigation, lack of notice of disapproval by any state which might be selected as either the first or the second repository, and others;
- inadequate time provided for review by the public and the state of certain documents. He said the state has tried to point out the need for the USDOE to have a fairly uniform process for review of documents.

Mr. Stevens read a letter from Charles R. Head, Acting Director, Operations Division, Office of Civilian Radioactive Waste Management, USDOE, which was received just this morning. Mr. Head acknowledged receipt of Mr. Bishop's letter of transmittal and the comments of August 6, assuring the comments would be carefully considered, along with others received on the Mission Plan. Mr. Head also said the Department planned to make comments received available for public inspection in the USDOE Headquarters in Washington, D.C. and in the twelve departmental Regional Offices. In addition, a comment response document would be prepared and made available to the public, with notice to be published in the Federal Register announcing availability of the comments.

Mr. Stevens said the Office had requested copies of comments received, and when received they will be available in our Public Reference Center.

Continuing on the subject of review period for documents, Mr. Stevens said in the case of the Environmental Assessment, the Department did issue a draft EA which was not required in the Federal Act. However, in doing so they have indicated they would give the states and public a 60-day period in which to comment. He said the state felt that in reviewing a document of this magnitude more than 60 days would be needed, and a formal request has been submitted for an extension of the review period to 120 days. He said there is some indication the Department may provide 90 days.

Mr. Stevens said the Department was hoping to get the Mission Plan revised based on the comments, issue a final, and

present it to Congress so they would have it for the required 30 days while the Congress was in session this year. He said that might not be possible because of the volume of comments received, and it would appear the document might not be completed and submitted before Congress adjourns for the year. Thus, the review of the Mission Plan might not take place until the first of next year.

Mr. Stevens said he had learned from conversations with USDOE staff there are at least fourteen categories of comments, many of them similar to those of this state. Some of these are in the area of defense wastes which has very little comment in the Mission Plan; the unrealistic nature of the repository schedule; the preliminary determination of suitable sites; the size of the second exploratory shaft (which may have been resolved by the comments of Mr. Bennett who said the second shaft would now be the same as the first shaft, six feet in diameter); meeting the 1998 date for repository operation; elaboration on transportation issues; criteria for the development of an MRS; schedule for the first and second repository; quality assurance; and defining site selection methodology.

Mr. Stevens added there was also reference to the C&C Agreement, and the question of foreign wastes addressed in the comments.

In the discussion that followed, Senator Guess said his impression of the first draft was that the tenor of the review was somewhat querulous. He said he thought there were some issues addressed that were not in the Act and it was not reasonable for the State Committee to suggest to the USDOE that the Mission Plan correct the oversights of Congress. He said perhaps the state was editorializing in areas where it should not have been. He also expressed his concern about the C&C Agreement, and felt both documents could be boiled down. He said he would prefer to see them sent out in more of a telegraphic style, and perhaps the Mission Plan comments could have been stated in a more suggestive style.

Senator Benitz said he shared Senator Guess' views to a great extent and wondered if several of the Legislators could be accorded the privilege of signing a "Minority Report". No action was taken on this request by the Board.

Senator Hurley expressed her opinion as being opposite to those of Senator Guess. She approved the tone of the comments, and felt the state should make strong statements to protect the interest of the citizens and the environment.

She said she was in complete accord with the statements in the transmittal letter and the comments on the Mission Plan.

Representative Nelson said without commenting on the tenor of the letter and the comments, he wished to give the staff credit for compiling a response in a very short period of time. He said he thought this was indicative of the quality of the staff and the hard work performed by them and he thought they should be duly recognized.

Representative Hankins said she thought it was appropriate for the staff to do the work required, but did not feel it was appropriate to state the entire Board agreed to it when not every member had the opportunity to review it prior to transmittal.

Mr. Bishop stated it was extremely difficult to respond in a timely basis to the many Federal reports requiring comments, but he would make every effort to involve the entire Board. In the case of the Mission Plan response, the Board did authorize the Review Committee--which encompassed six members of the Board, Legislative staff, Office staff, and the Office of the Attorney General--to draft the final response because the actual date for comment had expired on July 9. He said the first draft, which each Board member received, was changed based on comments received to make it more professional and objective. He pledged to try to find ways to direct the staff to balance the philosophical views and levels of views of all the members of the Board since this is such a very significant public policy issue. He said his goal is to keep from reflecting any bias and yet protect the interests of the citizens of the state. In the future responses, he said, every effort would be made to weigh carefully factors to communicate the message strongly without being irritating or suggesting changes be obligatory.

Concerning the subject matter covered in the response to the Mission Plan, Mr. Bishop said he thought the concerns were legitimate ones which should reasonably be brought out by the state for consideration and some kind of reflection in the Mission Plan. He said should a Minority Report be perfected it will be transmitted. He added should the Board feel they do not speak as one, perhaps a mechanism could be developed to express the will of the Board in both the terms of the majority and the minority. He said he believed this state's response would stand the test. He went on to say some of the other state's responses were very strident and unprofessional in his opinion, and the Office will try to send them out to the Board to read.

Senator Guess commented in his opinion enough manpower could accomplish any task within any time constriction--both at

the national level and the local level. He cited other seemingly impossible accomplishments, such as the Manhattan Project and putting a man on the moon. He said if we can do that he thought a way could be found to put radioactive waste in a hole.

Senator Williams expressed some concern about any division on the Board and reminded the Board they had given the authority and trust to the Chair with the Review Committee to make a final comment on the Mission Plan. He questioned the possibility of a Minority Report in that the wrong signal would be sent to the Federal government. He felt one Minority Report would lead to others, and the whole process could be disjointed to the detriment of the state of Washington in putting its best position forward to the Federal government.

Representative Miller said she thought rather than saying, as all the other states seem to be saying, that the wastes won't be put in our backyard, the Board should be looking at where the safest and best place is. She also expressed concern about the costs to the ratepayers as nuclear power is developed, and the expense of duplication of information gathered by the Indian tribes and the state.

#### Environmental Monitoring Review

Don Provost reported the Environmental Review Committee met in Richland on July 26 to get information from USDOE. There were presentations from the Department on their environmental surveillance program, covering surface environmental surveillance, and ecological research. They included a spring study carried out on groundwater seeps into the Columbia River, groundwater surveillance at the Hanford site, meteorological and climatological services. There were also presentations from the major contractors, UNC, Rockwell, and Battelle. The Committee expressed an interest to tour some of the facilities as their next activity. This could be in mid- or late-September.

Discussion centered on the question of the need or value of an independent monitoring of the water in the Columbia River, which Senator Hurley supported, and the need for legislation to require it. Don Provost explained that the proposed monitoring would be a check system on current monitoring programs.

Dr. Beare elaborated on the question of DSHS going on the Hanford site to monitor, and stated they could do it, but only with the concurrence of the Federal government. He said he would want their legal counsel to check to see if present statutory language is broad enough to allow DSHS to place a rather sophisticated monitoring program beyond that

which they already have around the periphery. He said further, as Don Provost had previously mentioned, this would be a rather extensive and expensive system. Representative Rust asked if concurrence could be requested without legislation, and Dr. Beare believed it could. He pointed out, however, there would probably be a question of Federal approval without a monitoring plan. He also said in their conversations, USDOE had pledged full support in working with DSHS toward that end, but he still felt they would want to know what it was DSHS wanted to do.

Senator Hurley raised the question of possible contamination of agricultural crops raised with irrigated water. Senator Benitz replied the agricultural community was constantly monitoring this water with professional assistance, and felt there was no danger of any contamination.

The Chair remarked that one of the purposes of establishing the Monitoring Committee was to attempt to establish some guidelines on the very questions being discussed. He said the issue cannot be addressed very well until there is more information.

Don Provost reviewed the Resolution contained in the July minutes and set out the duties of the Monitoring Review Committee.

Mr. Lasmanis asked if NRC had a monitoring process since they do the licensing. Mr. Provost said NRC does not have a monitoring program for the facilities that are there. Should they be involved in the licensing of a facility, they would then have a monitoring program. Mr. Lewis added that the comment is correct with regard to the federal facilities, but NRC and the state of Washington both monitor the commercial power plants, including the Supply System projects. The Department of Social and Health Services, under contract with the Siting Council, does the monitoring for the state. He went on to say the range fire of the last week burned up most of the monitors and they are now having to be replaced. He added he was very supportive of the Monitoring Review Committee efforts.

Representative Nelson raised the question of funding the monitoring. He said he understood the Act covers baseline monitoring, so state appropriations would not be needed for that, but if the state went beyond the baseline monitoring, it would have to look for an appropriation. Mr. Provost said this was correct, but if individual discharge monitoring or emission monitoring were involved there could not be funding from the grant.

Representative Nelson wondered if the C&C Agreement was sufficient in description of this area. He said Article 6 speaks of access to information, but does not specifically mention "baseline". He wondered if the Committee had looked at the Agreement to determine if there might be a need to make it more specific to back up some things baseline would require. Mr. Provost said he felt the C&C wording was sufficient.

Senator Guess said that since he was on the site three years ago he noted in this visit by the Committee that USDOE had added a great deal more monitoring to the system. He went on to say the volume of information was overwhelming, and Don Provost was the only person on staff in a position to keep track and sort out the information. In the discussion that followed Don Provost pointed out that in the organizational plan for the Office, an On-site Coordinator was planned. He said that position would be most valuable and would give the state confidence in the data collected.

#### Technical/Contractor Activities

Dr. Brewer prefaced his report by referring to Representative Millers' earlier question about the possibility of duplication of state and Indian tribes programs. He said all meet together at technical sessions and exchange information. He felt in the technical areas there was very little chance of unplanned duplication.

Issues Tracking. Dr. Brewer said the NRC is installing a system of its own, and has asked for a meeting at Richland on the 27th of this month with this Office, the BWIP staff, and the NRC Headquarters. This will be a discussion of technical systems only, he said, not on the issues themselves. The aim will be for as much compatibility as possible.

Tectonic Map. The in-house tectonic map of the Pacific Northwest is finished. Dr. Brewer said this map is a type of geologic map which attempts to identify structures and forces, rather than rocks and formations and its application is in the area of seismicity at the site and in possible avenues for groundwater to escape from a non-ideal system into acceptable environment. The map has been through one internal review with DNR and will go through others with consultants. More seismic data is come from the Geophysics Department of the University of Washington. Dr. Brewer said he had visited Richland to discuss the map with Rockwell and BWIP technical staffs and another meeting is planned to discuss implications for the site characterization program.

He added there is a very good technical exchange with this group and he considered this a bright spot in the program.

Well-Logging. Dr. Brewer referred to his memorandum of August 16 to David Stevens concerning Hydrology Documentation and NRC Test Plan. The memorandum was included in the members' packets, and discussed briefly the well-logging project. Dr. Brewer said the project was not a dead issue, although USDOE had not yet given their approval. However, he said new evidence is being produced and the project is being included in the fiscal year 1985 grant request to USDOE.

Mr. Moos asked what the basis for rejection was from USDOE. Dr. Brewer replied he wasn't exactly sure, but they did say it was not the business of the state to go out and do hydrology work, but they did authorize the same project for Nevada. Mr. Olson actually said it was "site characterization related", and the state's function was more to review and comment than to pursue active investigations.

Dr. Brewer then reported on a meeting of the salt states, Texas, Mississippi, Louisiana, and Utah, held in Columbus, Ohio early this month. The subject was transportation of wastes in all its aspects, except for liability, which was postponed. The Department of Transportation was there and gave a lucid presentation on their policy which is to confine waste shipments to the interstate system to the closest point to a repository as a general rule. In the discussion they indicated they would be flexible on that, and the degree of flexibility depended upon who was speaking at the moment. However, Dr. Brewer said at least the issue is on the road to resolution. Battelle calculated there will be about 200 units, including rail car and oversize trucks, involved full-time in the transportation of high-level waste from the reactors to the repository sites. Tremendous concern was expressed by not only the representatives of the potential repository states, but other states and regional organizations over the effects of these shipments on the corridor community.

The Western Interstate Energy Board is conducting a study with USDOE funding of the more site specific transportation aspects in the sixteen western states. The draft report will be ready by the end of next month, and the Office will analyze and present to the Board a digest or summary of the report.

Representative Nelson asked if USDOE was going ahead with the well-logging, and Dr. Brewer replied in the negative. However, he said since this is still in the process of negotiation, he could not state any formal position they might

take. He said he would like to go back to talk with their technical people and present the new evidence he has collected to see if it could be worked out informally and try to secure a reconsideration. He added he was hopeful this could be accomplished and was hopeful the NRC would support the state position. He did admit there was some lost time, but he felt it was not an irretrievable loss. By planning ahead, he felt the same basic objectives could be reached in the next fiscal year.

#### Federal Actions

Pre-Draft Environmental Assessment. Mr. Stevens reported the Office had received a copy of the Pre-Draft Environmental Assessment which was issued to the states to familiarize them with the kinds of issues and elements that will appear in the draft EA when it is formally submitted to states and others. No comments have been requested on this document, but the comment period for the draft EA expected now in October would be 60 days. The Office, in a letter of August 14, has formally requested 120 days for comment.

Commingling Report. Mr. Stevens referred to the Executive Summary of the report on the Disposal of Defense High-Level Waste, which was just received in the Office. He said as soon as copies could be made, the full report would be sent to the Board. He said the Act specifies there will be commingling, subject to a Presidential study to determine if that will conflict with national security. The largest justification for this, he said, is the savings in cost. The state has until September 24 to make comments and the staff will begin a review in conjunction with the Consultant, with the Board giving any comments at the next meeting.

In response to Representative Nelson's inquiry as to whether some of the major issues have been identified, Mr. Stevens said in a preliminary view he could define a few:

1. Implication on Cost. The cost would be charged to the Defense Department, rather than the ratepayers.
2. Impact on repository design and waste acceptance schedule;
3. Transportation.

NGA Task Force on High-Level Waste. Mr. Stevens reported last week he attended a meeting of the National Governors' Association Task Force on High-Level Waste as Co-Chair of that group. They were able to meet with the new Director and with his new staff. Copies of the reorganization chart were distributed to the Board which show the

establishment of a "Policy Integration and Outreach Office". He said this would be of special interest to the state. At the same meeting they had a presentation by NRC Waste Management people on the revisions of the NRC Regulations as they relate to state participation on the licensing side of the repository.

AM/FM Panel. Mr. Stevens said as a member of this Panel, which is looking at alternative means of managing and financing, he has been attending their monthly meetings and the Panel hopes to get out a report to the Secretary of Energy by the middle of October.

C&C Agreement

The Chair referred to his memorandum to the Board, dated August 14, contained in the packets. He said this was submitted to give the Board the status of the Agreement at the present time, and outline the comments of the USDOE. He said it pointed out the defense waste issue and the liability issue which remain unresolved. Accompanying his own memorandum, were three others concerning the C&C Agreement: (1) one from Representative Nelson with his comments; (2) from Nick Lewis concerning proposed language on the liability issue; and (3) one from Dr. Beare with his comments on the subject. He said he hoped negotiations could continue, and in his conversation with Ben Rusche, the new Director of the Radioactive Waste Department, he was somewhat optimistic another effort would be made.

Mr. Bishop said another reason not to push forward to a conclusion on the Agreement was the issue of defense wastes. He proposed the Board recommend a grant proposal be submitted to the U.S. Department of Energy to fund a separate study of the defense waste issue.

This action, he said, would remove the defense waste issue from the C&C Agreement. Resolution 84-20, which was presented to the Board, would authorize the establishment of a Working Group of the Board with USDOE to develop an agreement on defense waste. It would also authorize the Board to file a grant proposal for this program with the USDOE.

Mr. Moos moved Resolution 84-20, the Defense Waste Proposal. Extensive discussion followed and amendments were offered by Senator Guess, Representative Dick Nelson, and Nick Lewis. All amendments were adopted.

Dr. Beare moved that the Board approve the proposed Resolution 84-20, as amended. Motion carried and the Resolution was adopted.

Charlie Roe, Assistant Attorney General, suggested the wording of the Resolution be changed to eliminate all "defense" description of wastes, as "high-level and transuranic radioactive defense wastes" are described in the first WHEREAS. This change did not require a motion, as it was just a legal technicality (see attached Resolution 84-20).

Don Moos moved to place on the table proposed Resolution 84-19, the Grant Request.

The Chair stated the C&C Agreement would be left in place, and work would start immediately on the defense waste issue. He said that we would initiate discussions with Mr. Rusche on the issue of liability. It was suggested the other comments made by members should be included in the conversations, and it was agreed this would be done. The Chair continued that the Working Group would begin work on a plan immediately to establish relationships for an agreement on defense wastes. He requested any member of the Board volunteer to serve on the group. Nick Lewis announced he would be willing to serve.

A letter from WashPIRG concerning the C&C Agreement was distributed to the Board.

Discussion followed on Resolution 84-19, and Gary Rothwell was asked to explain the elements of the grant request for FY 1985. Attached to the Resolution was a copy of the major parts of the grant application with a total requested amount of \$1,892,697, which he pointed out requires the concurrence of the Nuclear Waste Board. This figure is broken down in the Budget Summary Section. The package also included the Milestone Log of the tasks to be performed by the Office, including policy review, technical review, and public involvement.

In response to a question, Mr. Rothwell said this budget proposal does not include the grant for the Joint Science and Technology Committee to the Legislature. Last year, he said, their funding was an addendum to the Office grant but he understood we would not be requested to do this, although the travel of the Legislature Board members is included in the Office grant.

Dr. Beare mentioned the \$60,000 figure included in the grant request for the Monitoring Review Committee. He said this amount might fund one additional person with clerical support, but without knowing the extent of the work involved in this effort, it could not be considered sufficient to fund the entire program.

Representative Rust remarked that with the largest share of the budget going to Envirosphere, she would be interested in what tasks they are doing. Mr. Rothwell responded they are involved in all three areas--deeply involved in the Public Information Program, the Technical and the Policy Program. He said the breakdown would be roughly 40% Policy, 40% Technical, and 20% Public Involvement. She thought for the future it would be helpful for the Board to have a little better breakdown of this area.

Mr. Rothwell added that the grant application is changeable at any time should unexpected events occur. However, should Hanford be chosen for site characterization, the Office would be forced to do some more staffing. Mr. Rothwell said that contingency was covered in the wording in the grant application.

Mr. Lasmanis asked if the Office were preparing a state budget, which might be more descriptive than the grant request. Mr. Rothwell said he was certain the Department's Office of Management and Budget has some submittals where the dollars are translated into the state budget request, and the Office would be able to secure this information for the Board when it is available.

Mr. Lewis inquired what the Board's relationship in the budget process was to the appropriation process. Is the Board required to file a budget request? The Chair requested Mr. Rothwell to do the necessary research to answer this question.

Mr. Watson moved Resolution 84-19.

The motion was adopted.

Mr. Lewis asked for clarification of the C&C Agreement status, and the Chair affirmed his understanding that it was being placed over for further review, with the aim of possible submittal of the Agreement to the Legislature for review at the next session.

#### Meeting Reports

Mr. Lewis reported he and Dr. Beare had attended a meeting in Washington, D.C. with the Department of Energy and Department of Defense officials last week on the subject of defense wastes. The subject of the Department of Defense's proposal to bury nuclear submarine reactors on the Hanford Reservation was discussed. He said Lynda Brothers, Assistant Director of the Department of Ecology, and Dr. Beare discussed the low-level waste issue. As a member of the

High-Level Nuclear Waste Board, he said that before the state was going to be in a position to discuss any further activities at Hanford there would have to be a comprehensive agreement reached between the state of Washington and the Federal government on the question of defense wastes. He added the representative of those departments said they clearly understood that. He said he had a good feeling there could be an agreement reached with the Federal government.

Dr. Beare said he wished to clarify Mr. Lewis' statement about the proposed burial of the submarine parts at Hanford. He said that clearly referred to the USDOE low-level waste site, not the commercial site licensed by the state of Washington.

Charlie Roe, Assistant Attorney General for the Department of Ecology, reported he had attended the National Association of Attorneys General Meeting in Biloxi, Mississippi on August 2 and 3. He said the basic role of the subcommittee he chaired in place of Ken Eikenberry, Attorney General of the state of Washington, was to monitor the Federal Act to insure the Federal government is carrying it out in fashion consistent with the Federal statute. All of the six first repository states were represented and in addition there were representatives from Wisconsin and Minnesota. There were twenty representatives in all at the meeting. He said the major omission from the agenda was that at the last minute Ben Rusche, head of the federal Civilian Radioactive Waste Management Office, respectfully declined to attend.

Among the issues discussed were the efforts of the state of Washington in reaching a C&C Agreement. He said the only state that has any aspirations at the moment toward beginning a C&C Agreement is the state of Mississippi, although the steps they have made are minor. Concerning the litigation potential, he said there was a roundtable discussion and an executive meeting. He stated that no state has any potential major litigation to be initiated prior to October. The only litigation that was discussed that perhaps would be started before that date would be the litigation for water rights, which is peculiar to two states--Nevada and Washington. Both sites are located on Federal reserves, and Mr. Roe said he planned to make a report regarding that type of litigation at the next Board meeting. He said he planned to meet with the State of Nevada Attorney General prior to that meeting.

Representative Nelson reported that at the meeting of the National Conference of State Legislatures in Boston a resolution was passed unanimously stating there should be full liability and full indemnification of the repository

the state. Mr. Roe added that a similar resolution was being prepared and will be presented at the Western Attorneys General meeting in Oregon.

#### Administrative Matters

Mr. Stevens said it would be helpful if members of the Board could notify the Office if they were unable to attend any of the regular meetings or committee meetings.

Mr. Stevens referred to his memorandum of August 16, 1984 to the Board regarding alternative funding for liaison services between the Board and the Department and alternatives for funding for the Office. The memo was prompted by action of the Board at the Special Meeting of May 9 to seek these alternatives. He said after exploring the alternatives, the conclusion was that continued use of Federal funding for the Office would be the best course. As far as the personal services contract was concerned, the conclusion there was to continue the present system unless there was state legislation relative to the funding authority. The only change in the grant request would be to up the hours from 20 hours a month to 30 hours a month, which more closely reflects the time the Chair actually spends on business of the Board. This would have to come back to the Board for approval upon renewing a contract for the next fiscal year.

Senator Williams referred to recent legislation being considered in Congress which Elaine Rose had brought to his attention. Ms. Rose explained Senate Bill 2846, an appropriations authorization for NRC, is pending in Congress. She said the last section of the bill is an amendment to the National Waste Policy Act. The amendment refers to the participation rights of states and Indian tribes, and says that the rights outlined in the NWPA are to be the exclusive rights for states and Indian tribes. She continued there is a caveat in the section for any laws that were in effect at the time of the passage of the Act are not affected. She felt there are some implications should this section become law, such as a narrowing and a limiting of the state's rights of participation. She said the bill had passed through the Environmental and Public Works Committee, where the amendment was added, and from there went to the Energy and Natural Resources Committee, which removed the amendment. On the Senate calendar now are these two versions of the appropriations bill--one with the amendment, and one without it. She said she would update the Board as soon as she could learn the status.

The Chair requested she secure a copy of the bill for the Office to allow the staff to analyze it and determine any action that might be necessary for the Board to take.

Senator Hurley inquired about transportation routes for wastes to the Purex Plant and what the emergency response is in case of accident of wastes to the plant in the transporting of plutonium to Idaho. Mr. Stevens responded the operations of the Purex Plant are outside the authority of the NWPA, but the wastes from the USDOE processing activities, if considered in the ultimate disposition of the repository, does bring the state into it. He said there are uncharted waters in this case which the state plans to investigate relative to the whole defense waste question.

Nick Lewis said it was his understanding that because of the division of the commercial wastes and the defense wastes the state has no interaction on the defense side. He said there could perhaps be some interaction between the Defense Department and the Washington State Patrol.

Dr. Beare said in regard to the emergency response, a question has come up regarding response if an accident were to occur off the military reservation. The ongoing response mechanism then would go into play.

Nick Lewis added that the Governor has, on several occasions, requested funding for the state of Washington itself for an emergency response from the USDOE and the Defense Department and has been turned down flat.

Nancy Kirner added last week the Department of Social and Health Services conducted an emergency response exercise call "Sagebrush II". She said "Sagebrush I" had been led by the U.S. Department of Energy, and II was led by DSHS. The exercise tried to establish the lines of communication within the generic plan, and no Federal monies were involved in this activity. The exercise was considered a success, and she reported DSHS had far better instrumentation than that used by USDOE.

Representative Nelson pointed out in considering the operations of Purex there was a direct tie between Purex and the operation of the repository and the decommissioning of the repository. He said that tie is specified in the guidelines for siting a repository, which states that if there is a potential for releases from defense facilities or commercial reactors that could adversely affect the operation and decommissioning of the repository, it is a potential disqualifying factor.

Senator Hurley also questioned the monitoring of the gaseous releases from the Purex Plant. She felt this was as important to her area as the monitoring of the water because of any possible detrimental health factors.

Representative Nelson stated that both the Department of Social and Health Services and the Department of Ecology are pursuing legal authority of the state to receive data and to monitor under the Clear Air Act and other Federal acts. He said if the information received is not sufficient, the state would then go to the Congressional delegation to request them to make it sufficient.

Public Comment

Larry Caldwell of the Hanford Oversight Committee referred to their letter to Don Provost concerning the monitoring meeting in Richland on July 26. He said he was able to observe the state meeting but was excluded from directly participating in the joint UDSOE/state meeting, and he hoped it would not happen in the future.

Don Provost responded the state did insist the meeting be open and added the procedure for these meetings, which are informational and not policy-making, is evolving and a way should be found to make them open to the public.

Eileen Buller of the Hanford Oversight Committee expressed her appreciation of the meeting and the candidness expressed today. She advised that in the state of Mississippi newsletter, which they receive, their Board did formulate a letter to the Department of Defense, saying they would still like to be notified when shipments are brought into their state, even though such notification is not required. She continued the Committee felt that if more states requested this information the probability of receiving it might be greater.

Dr. Ruth Weiner introduced herself as an intern of the House Interior Committee, Subcommittee on Oversight and Investigation. In response to a question by the Chair, she offered to secure a copy of SB 2846 for the Board, but added the amendment referred to by Ms. Rose which was placed on the bill by Senator Stafford is no longer on the bill. She said the amendment was defeated in the Energy and Natural Resources Committee. She added it was a miswritten amendment which Senator Stafford intended to keep a repository out of the state of Vermont.

There being no further business, the meeting was adjourned.