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MINUTES OF NUCLEAR WASTE BOARD MEETING
February 21, 1986

1:30 p.m.
EFSEC Hearings Room
Rowesix, Building #1
4224 Sixth Avenue S.E.
Lacey, Washington 98504

Board Members Present:

Warren A. Bishop, Chair
Dr. John Beare, DSHS Designee
Dr. Royston H. Filby, Water Research Center Designee
Senator Sam Guess
Phil Johnson, Ecology Designee
Representative Louise Miller
Representative Nancy Rust
Richard H. Watson
Ted Hunter, representing Representative Dick Nelson
Elaine Rose, representing Senator Al Williams

The meeting was called to order by Warren A. Bishop, Chair.

Mr. Bishop explained that because of the current Legislative Session, it was difficult for the Legislators to attend meetings.

Don Provost was asked to give a brief overview of the presentation by the U.S. Department of Energy on the Defense Waste Draft Environmental Impact Statement (DEIS), due to be released in late March. Mr. Provost reported the DEIS was reviewed explaining the rationale used in making the analyses and how the decisions will be made. Certain elements, such as glassification, will be decided earlier than decisions on single-shelled tanks, which could come later. USDOE has begun to hold a series of Open Houses, which will be followed by workshops, with hearings conducted following release of the DEIS. Mr. Provost said he would provide a new schedule for the Open Houses as soon as it is received from USDOE.

Mr. Bishop referred to a list of members of the Oregon Hanford Review Committee and the Hanford Advisory Committee which was distributed to the Board. The Vice-Chair of the Advisory Committee made a presentation to the Advisory Council that morning on the activities and plans of the committee.

It was moved and seconded that the minutes of the January 17 meeting be approved as published. Motion carried.

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Correspondence

Terry Husseman referred to the letter of February 7 from Governor Gardner to Secretary Herrington, USDOE, concerning proposed foreign waste shipments. Bill Fitch, Administrator with the Energy Facility Siting Evaluation Council (EFSEC), reported for Curtis Eschels as chair of the new Near-Term High-Level Transportation Working Group. He said on January 15 Governor Gardner organized on a near-term basis a special group to review the movement of high-level nuclear waste into and through the state of Washington with Mr. Eschels, chair, using the members of EFSEC and members of the Transportation Committee of the Nuclear Waste Board to provide assistance in key areas. The Governor also directed that local governments be involved in this process. He said the group has representatives from the Utilities and Transportation Commission, the Washington State Energy Office, the Washington State Patrol, the Department of Social and Health Services and the Department of Community Development. Representatives from local governments working with the group are from the Port of Seattle, the Port of Tacoma, King County, Pierce County, and the cities of Seattle and Tacoma.

Mr. Fitch said the immediate focus of the group is to look at the movement of spent fuel into and through the state of Washington and through the state's waters. The group will provide a report to the Nuclear Waste Board at the finish of its mission on July 15, assessing the capability of the state to handle and transport high-level waste and spent fuel safely through the state.

On February 7, as a result of the Governor's frustration with the U.S. Department of Energy's inability to communicate with the state of Washington on the movement of the spent fuel from foreign countries, the Governor sent a letter to Secretary Herrington, copies of which were furnished the Board. The Governor stated that from his communications in the past it was understood these shipments would not enter the waters of the state of Washington, but would be dispatched to California. In a subsequent communication from Secretary Herrington's office to Governor Deukmejian of California it was learned Long Beach would be the primary port, Oakland the secondary port, with Seattle still an alternate port. In his letter Governor Gardner identified four areas of legal concern.

1. Compliance with the National Environmental Policy Act (NEPA);

2. Compliance with the Coastal Zone Management Act;

3. Concern over the Nuclear Non-Proliferation Act, which requires a plan for the return of these fuel assemblies; and

4. Conditions for a NRC license.

Mr. Fitch said in talking with the USDOE people today, a reply is being prepared to the Governor and it should be received soon.

The state group has scheduled regular meetings on Wednesday in EFSEC offices, beginning at 1:30 p.m. All meetings are open to the public. There have been two joint meetings with the federal representatives, he said. The group was hosted on Wednesday of the past week by the USDOE Richland Operations Office, where the casks used for the return of research reactor spent fuel were reviewed. A presentation was also made on the waste materials that are being received at the Hanford Operations Center at the present time. On February 27 at 10:00 a.m. in the Commissioner's Chambers at the Port of Seattle, the group will be the guests of the Port where the meeting will be held. Personnel from the Savannah River Plant will attend and make a presentation similar to that which they provided in Long Beach, CA last week to help the Port understand the safety and security precautions which are taken with shipments of spent fuel.

Mr. Fitch said on January 7th a letter was received from Michael Lawrence, Manager of the Richland Operations Office, inviting the state to enter into a series of discussions ultimately leading to a "Principle of Understanding", which would provide the terms and conditions for the future movement of nuclear waste and spent fuel assemblies into the state. The document provided was modeled after the agreement USDOE has with the state of South Carolina. The group has made some modifications to this document, he said, and on March 26 there will be another meeting of the joint federal/state group, at which time it is hoped enough refinement of the document will be made so it can be used as a draft document for a series of public meetings throughout the state during the month of April. Comment received as a result of those public meetings would be taken back to the working group for refinement of a Principle of Understanding that could ultimately be submitted to the Governor's staff for further review and possible negotiations with the U.S. Department of Energy.

In response to Senator Guess' request for a description of the casks, Mr. Fitch said there are at least nine or ten certified U.S. Department of Energy or Nuclear Regulatory Commission casks, which weigh 20,000 pounds and are assembled so that small quantities of the fuel materials can be inserted inside the cask. They are approximately eight to ten feet long, he said, with the ends having shock-absorbing metal plates about sixteen inches wide and about four feet in diameter. The casks contain thick insulating materials and the exteriors are stainless steel. Each cask is very valuable. He thought the insulating material was about twenty-four inches thick. He believed the inside material is a non-combustible material. He said there was lead shielding involved with an inner core, and he had the diagram in his office which he would share with Senator Guess.

Senator Guess asked about the degree of radioactivity of the material in the spent fuel, and Mr. Fitch said he did not know. Senator Guess said Savannah River people had told him it was 2%.

Dr. Filby asked if Mr. Fitch knew the absolute level of radioactivity in terms of curies, or in terms of any measured radiation level from this type of fuel. Mr. Fitch said the group would have it, but since the group is still in mostly an organizational state they do not yet have all the needed information. Dr. Filby said that in the movement of nuclear research reactor fuel, which may increase in the United States because of the recent Nuclear Regulatory Commission decision to down-convert existing research reactors, the amounts of radioactivity involved are not significantly different from the movements of large amounts of radioisotopes such as Cobalt-60 or Cesium-137. He thought there was a much larger bureaucracy set up to handle this than in the case of the movement of radioisotopes. He wondered why that was, and what was special about nuclear reactor fuel.

Mr. Bishop asked Mr. Fitch to furnish information in a summary form to distribute to the Board and Council even though the issue does not come directly under the purview of the Nuclear Waste Board.

Motion of Advisory Council

Mr. Bishop referred to the motion passed by the Advisory Council at their meeting this morning for referral to the Board. It reads as follows: "Be it resolved that the Nuclear Waste Advisory Council would support a moratorium against the shipment of high-level nuclear waste through the Strait of Juan de Fuca and Puget Sound and requests that the United States Department of Energy prepare an Environmental Impact Statement on the hazards such shipments would present."

Further Correspondence

Mr. Husseman said the next two copies of letters furnished the Board acknowledged receipt of the Chair's letters enclosing Board Resolution 85-8 by the U.S. Nuclear Regulatory Commission and the U.S. Department of Energy. There was no indication of support or opposition.

Another letter from headquarters of USDOE was in response to the Board's resolution requesting consultation rights on the ranking methodology. This letter is USDOE's formal refusal to comply with the request, made both by the Board and the Governor.

The next following letter is to the NRC from the Chair of the Board, and indicates the way the state will be providing testimony later on a petition filed by the state of Nevada. Subject will be discussed by Assistant Attorney General Charlie Roe later in the meeting, Mr. Husseman said.

The next letter, dated January 30 to Governor Gardner from Mr. Rusche is an acknowledgment of slippage in the schedule for the release of the Environmental Assessment.

The last letter in the notebooks to the Office of High-Level Nuclear Waste Management is from The Rockey Company, Inc. requesting the Office provide them a copy of the Newsletter mailing list to be used for USDOE to send out their materials on the Defense Waste DEIS.

Handed out at the meeting were several copies of letters, including one to Mr. Rusche from the Chair again requesting a meeting to discuss the economic risk issue. The first letter of request was sent on November 20, 1985, and to date no reply has been received, Mr. Husseman said. A letter dated February 21, 1986 from Representative Dick Nelson to the Chair concerned the Defense Waste Environmental Impact Statement. Ted Hunter, Counsel for the House Utilities and Transportation Committee, said Representative Nelson had asked him to present this letter which seeks Board action in two areas:

1. A review of the USDOE budget for Hanford as to amount allocated to clean-up of existing defense waste, handling of waste which may be generated, and for independent studies by the state to monitor activities in the defense waste field. Representative Nelson suggested this review of the budget allocations be handled by the Defense Waste Committee of the Board.

2. A review of the litigation prospects for the state under the Resource Conservation and Recovery Act to encourage compliance by the federal government with the terms of the Act as it applies to the defense wastes at Hanford.

Mr. Hunter said Representative Nelson encouraged the Board to take these actions prior to release of the Defense Waste EIS.

Don Provost commented the Office has been interested in the USDOE budget for Hanford clean-up for some time. In talking to Jerry White, Defense Waste Manager at Hanford, Mr. Provost said it was agreed Mr. White would prepare a summary of the document comparing the amount of money that is being spent at Hanford with South Carolina and Tennessee and the other areas. Shortly after this conversation, Congressman Wyden had a News Release with information received from the Environmental Policy Institute on historical releases. This complicated the process, Mr. Provost said, as there were some figures that were not quite correct. This morning Mr. White said early next week his calculations will be completed and he will send the information. This will be made available to the Board as soon as it is received.

On the review of litigation prospects, Mr. Provost said it would be better to refer this to the Attorney General for the Department of Ecology for response. This is a function of the Department, he said, and the question would be referred to them.

Mr. Husseman said another letter delivered this morning was from Jerri Adams, Financial Assistant Specialist, Procurement Division, USDOE, Richland, which was a response to the grant amendment request to approve an RFP to seek contractual assistance to review the Defense Waste DEIS. The letter indicates they have approved the RFP, with several caveats concerning use of the funding. Mr. Husseman said the five items listed were the same five items included in Mr. Rusche's letter to the Goverror several months ago when the issue of utilization of Nuclear Waste Fund money involving defense waste was raised. This matter will need further discussion, he said.

Because the defense waste issue is a critical policy situation for the Board, Mr. Bishop said a conference should be arranged with Mr. Lawrence to discuss the stated elements in order to have a clear understanding by all parties.

Another item handed the Board was a copy of Initiative 485 which has been filed with the Secretary of State. It relates to a permanent waste storage facility and adds a new chapter to Title 70, RCW. Mr. Husseman said if this initiative obtains sufficient signatures and is passed the essential effect would be to direct the Legislature and the Governor to file a notice of disapproval, should Hanford be designated as a repository or a Monitored Retrievable Storage site. This assumes the initiative is upheld on legal grounds, Mr. Husseman said.

Dr. Beare inquired what the policy was in respect to the request for the Newsletter mailing list in making it available to any other groups. Mr. Husseman said it is public information, and the response to the requested opinion was that as long as the other party agrees not to use any list for business purposes, offers to delete any names of those requesting deletion, and pay coping costs, they would be entitled to receive the 8500 names accumulated.

Low-Level Waste

Elaine Carlin, Department of Ecology, reported the Washington State Legislature passed Senate Bill 4876, and the bill was signed by the Governor this morning. The primary purpose of the legislation is to implement the federal amendment to the Low-Level Radioactive Waste Policy Act. It empowers the Governor to assess surcharges and penalty surcharges on waste which originates outside the Northwest Compact Region. It also makes the Washington State Department of Ecology responsible for implementation of the federal amendment. Some of these duties include collection and administration of surcharges; collecting data from generators, brokers, site operators; development of a computerized information

system to manage this data; and deny and reinstate access to the Richland disposal facility. The Department will also be administering and monitoring site development milestones in the currently non-sited states and regions must meet the waste volume caps and reactor waste allocations.

At the same time the Governor signed Senate Bill 4876 this morning, Ms. Carlin said he also signed an Executive Order which will impose surcharges effective March 1, 1986. These surcharges will be assessed at the maximum level allowable under federal law, which amounts to $10.00 per cubic foot.

In addition to activities relating to legislation, representatives from the state of Washington have been involved in several meetings in Washington, D.C. Last week a meeting was held with South Carolina and Nevada to discuss coordination of implementation activities. The three sited states are attempting to coordinate their information systems, develop similar criteria for determination of milestone compliance, and act in a complementary fashion with the U.S. Department of Energy and the Nuclear Regulatory Commission.

Ms. Carlin said earlier this week the three sited states' representatives met with the representatives of unsited states and regions to discuss some of their concerns about implementation.

Yesterday representatives from Washington State participated in a workshop designed for generators, brokers, state and federal officials. This was a national audience and implementation of the federal amendment was again discussed.

Senator Guess was concerned about the increase, as he understood the total amount per cubic foot would be $76.86 by adding the $10.00 per cubic foot under the legislation. He expressed his concern that the legislation might do more damage than anything yet done, as he thought not all of the waste would be sent to the sites but left to accumulate at the source.

Public Involvement

Sandra Chan, new Editorial Assistant in the Office, reported the Advisory Council took several actions to be brought to the Board for its consideration.

Public Involvement Committee

1. Conduct a modified telephone survey of 600 people.

2. Schedule two scientific workshops for radio, television, and newspaper writers--one on each side of the state.

3. Develop lesson plans for high schools.

4. Develop a videotape library.

5. Develop two Fact Sheet: (a) Needs for a Disposal Plan, and (b) Indian Aspects.

6. Institute public service announcements featuring factual information, as well as advising the public of meetings.

7. Develop a logo.

8. Develop a liaison list for Council members to note key groups.

9. Develop a mailing list of persons receiving information in their communities for Council members.

Local Government Committee. The committee is obtaining a list of 3000 people from the Association of Washington Cities to incorporate into the Newsletter mailing list. The committee will conduct its own modified survey to learn the state of knowledge in local governments. Presentations will be made at the Association of Washington Cities' Convention and the Association of Counties in June. Valoria Loveland, newly appointed member of the Advisory Council, will serve on the Local Government Committee.

In-House Activities. Ms. Chan said the March/April Newsletter will contain the following articles:

1. Report on Defense Waste EIS workshop.

2. Update on Centers for Disease Control Study.

3. Update on Liability Legislation.

4. Preliminary Determination of Suitability.

5. Summary of highlights, featuring the Environmental Assessment delay, a biography on Valoria Loveland, and possibly an article on the socioeconomic study.

Ms. Chan said the mailing list has been transferred to the Department of Ecology's computer system. About 350 Fact Sheets were mailed during the past month. Six slide presentations are scheduled for March, one for April, and one in May.

Monitored Retrievable Storage

Terry Husseman said the prepared proposal by USDOE was not sent to Congress the first week of February, as scheduled, because the U.S. Department of Energy was permanently enjoined from delivering this proposal to Congress in a lawsuit brought by the state of Tennessee. As a result, he said, the MRS is on hold until that injunction is lifted. Mr. Husseman said the MRS proposal still needs to remain on the agenda although the necessity to make early decisions on Board positions is less imminent.

Mr. Husseman referred to the memorandum of February 18 to the Board on the MRS issue. He asked Ted Hunter to speak to the memo. Mr. Hunter said in light of Mr. Husseman's remarks, Representative Nelson also believes there is time to develop a state position on the MRS proposal to guide the state in its representation to Congress and to other public bodies that will be considering the impact of the MRS on the state of Washington. He said although the current court injunction does prevent the USDOE from carrying forward its proposal to Congress for a site in Tennessee, there is a possibility it could be submitted for other states, or resubmitted for Tennessee with proper procedures being followed.

In light of this, Representative Nelson proposes the Board consider the adoption of a resolution which would state the position of the state of Washington, encompassing the following four elements:

1. That the MRS program be authorized by Congress to proceed independently from the licensing of a geologic repository, in order to meet the 1998 deadline;

2. That the state of Washington encourage the consideration of both MRS and dry cask storage at reactor sites as temporary storage methods;

3. That the purpose of this consideration be to extend the repository deadlines and thereby facilitate choosing the safest long-term waste storage alternative; and

4. That if future studies reveal that deep geologic storage does not offer long-term solution to the nuclear waste problem, that MRS be studied further as a permanent solution.

Senator Guess said he favored the first two elements, but opposed items three and four. He also felt the state should urge the state of Tennessee to withdraw its suit in order to proceed with the MRS program.

Mr. Bishop said Representative Nelson's suggestion would be studied by the Board for consideration later.

Committee Reports

Environmental Monitoring. Dr. Beare said the first meeting of the Quality Assurance Task Force, which he convened, has been held. He recalled that House Bill 3799 enacted in 1985 mandated the Department of Social and Health Services to verify the adequacy and accuracy of environmental radiation monitoring programs conducted by the federal government at its installations in Washington State. In order to accomplish this assignment the Task Force was convened. Members of the group include the U.S. Department of Energy, Battelle Pacific Northwest Laboratories, Washington Public Power Supply System, the Oregon State Health Division,

Portland General Electric Company, Washington State Public Health Association, and Washington State Nuclear Waste Board.

Dr. Beare said at this first meeting on February 7 most of the time was spent developing an appreciation for that responsibility. The group is being chaired by Bob Mooney, DSHS staff. Their main function will be to explore what is available nationally in terms of assessing the validity and accuracy of data and determining its quality, etc. They will then apply an approach to the 1985 environmental monitoring data provided by the various federal installations in the state. The Task Force will come before the Nuclear Waste Board in June or July to make a presentation of its assessment of the data. The group will continue to meet regularly until the task is accomplished and will continue to assist the Department in meeting the legislative requirement.

The Environmental Monitoring Committee did meet with representatives from the Centers for Disease Control in response to the Board's letter to Dr. Vernon Houk requesting assistance in convening a group similar to the one convened to look at the epidemiologic studies related to Savannah River. In the response from Dr. Houk on January 31, Dr. Beare said there was a slight twist in the understanding regarding the funding, as he indicated the financing would not be free as originally anticipated. Some method of financing this conference work would have to be found, Dr. Beare said.

As a result of the committee meeting earlier this week, Dr. Beare said he would recommend at the end of the report that the study proceed. He said there was wide representation, beyond the actual Environmental Monitoring Committee, with representatives from the Oregon State Health Division and the Oregon State Department of Energy. Also meeting with Dr. Rattenbur, Chief Epidemiologist at CDC, were representatives from the Department of Social and Health Services, the Department of Ecology, and the Washington State Institute for Public Policy. Dr. Beare said the Indian Health Service had also sent a letter to CDC requesting a similar study, so the two requests will be combined into one.

The decision was made to proceed by appointing two subcommittees:

1. A Data Subcommittee to look at available data dealing only with the Hanford site. This would be past and present data with respect to all the operations that have taken place on the Hanford site. The main objective would be knowledge of releases and exposures from the operations, projected events for the future, and determination of a better way to educate the public through the independent assessment of the data from these Hanford operations.

2. A Planning Subcommittee to work with CDC, with DSHS providing much of the staff work, to convene a conference in either September or October.

Dr. Beare requested that the Board concur with the committee's approach to forming the subcommittee on data and having the Planning Subcommittee continue work with the parties involved to work toward such a conference. He placed this request in the form of a motion, which was seconded by Mr. Watson. The question was called and the motion carried.

Dr. Beare added that the committee will work with the Office in terms of CDC financing. Mr. Husseman said he understood this would be a matter of making the grant request.

Socioeconomic. Jerry Parker of the staff reported for Curt Eschels who was in Washington, D.C. In summarizing the written report distributed to the Board, Mr. Parker said the committee is dividing its attention between two separate provisions in the Act for payments to states. One is Grants Equivalent to Taxes and the other is Payments for Impacts if Hanford were to be selected for a repository.

The committee is working with Bill Freudenburg of Washington State University on a Request for Proposal (RFP) for the impacts study. The impact report would be prepared during the site characterization phase, and would take about three years. It would have to be submitted to USDOE prior to their final selection of a site.

The committee would like to meet with interested public at four sites throughout the state to hear citizen concerns they might wish to have addressed in an impact report. They are tentatively scheduled for Seattle, Vancouver, Tri-Cities, and Spokane, in the latter part of March.

The other area of activity, Grants Equivalent to Taxes, is wholly separate from the impact payments. The committee has received and forwarded to the Board reports from Don Taylor of the Department of Revenue, laying out the assumptions that would be used in calculating the state's grant. It does not begin to estimate what that grant would be, as data are needed from the U.S. Department of Energy on the site characterization activities that would be the basis for the grant to the state.

Also given the Board was a briefing document prepared by Sandy Benbrook of the Office of Community Development. This would go to all local governments which could conceivably qualify for grants. Accompanying this letter of transmittal and briefing document would be Don Taylor's report which would, in effect, lay out the taxes that might be used in calculation of the grants to the local governments. Subject to the Board's review, these documents would be sent and a meeting scheduled in late March or early April. Mr. Parker said he wanted it made clear the committee is working on the assumption that local governments would make the decision whether to apply and make the calculation of what they feel is due to them. Assistance would be offered, but the committee would exercise no restraint or encouragement.

Lane Bray of the committee and Mr. Parker attended a meeting of the U.S. Department of Energy in Dallas early in February. Most of the questions raised by the committee about how the grants to local governments and to the state would be calculated have not be resolved by USDOE. The Department will be issuing a paper later this month laying out their assumptions on how this program will proceed.

Mr. Parker requested comment on the Taylor paper and authorization to send that to the BWIP as the state's opening position to begin discussion with them on the calculation on the Grants Equivalent to Taxes. The committee also asked approval to mail the mentioned materials to the local governments and begin working with them.

Mr. Watson moved approval of the approach outlined by Mr. Parker. Motion seconded.

Senator Guess asked how many million dollars worth of federally-owned equipment was actually on the site. Mr. Parker said that was unknown and that would be the point of sending this document to USDOE. If the assumptions that will be used can be agreed upon, requests will be made for their budgets and auditors could be assigned to determine these questions. Senator Guess wondered if USDOE would be taxed on the nuclear reactors, and Mr. Parker said they were not covered under the Act. The Act is just for grants covering activities that would be taxed were they undertaken by a private company, limited to the repository activity. The Act provides that the grants would extend not just for site characterization, but should Hanford be selected, the law provides they would continue through site construction and operation.

Senator Guess asked if Gramm-Rudman would prevail, but Mr. Provost said the monies for a repository are not covered by Gramm-Rudman, as these monies come out of the Nuclear Waste Fund supported by the operators of nuclear power plants.

Mr. Bishop said he understood USDOE is also preparing guidelines on the Grants Equivalent to Taxes, and Mr. Parker said their guidelines should be issued at the end of February, as they see a need to have the issue concluded by early April.

The question was called and the motion passed unanimously.

Transportation. Richard Watson reported the Transportation Committee was unable to meet this month.

Defense Waste. Philip Johnson, Department of Ecology Designee, reported for Andrea Beatty Riniker. He said yesterday USDOE made a major presentation on the Hanford Defense Waste DEIS. While the DEIS will not be formally issued until late March, USDOE is holding extensive public meetings throughout the state and in Oregon to prepare agencies, the media, and other general public for its arrival. The DEIS, which runs over 1000 pages, describes several alternative techniques for recovering or stabilizing in

place the very large and highly diverse accumulation of defense wastes going back to 1944. However, no single approach will be selected or even recommended at this time. Instead, there will be a mixture of activities, including several years of "focused research" on the major problem of highly radioactive sludge and salt cake in the old single-wall tanks.

USDOE is taking unusual pains to establish its credibility in the defense waste arena. While the state will examine the DEIS carefully, and will not hesitate to criticize it where there are weaknesses, USDOE is to be commended for its open, frank treatment of the whole issue, he said. It will be a matter of continuing high visibility for many years to come.

In late January proposals for contractor support during the 120-day comment period on the DEIS were solicited. Proposal have been received and a selection will be made over the next week or so. USDOE has approved funding of the DEIS study contract, but strongly reaffirms the limitations on spending. The budget estimate for this work is $60,000. In effect, the state must stick to repository-related topics, such as: defense waste emplacement and performance in a repository; review of repository design, e.g., on surface facilities in the 200 areas; additional socioeconomic or environmental impacts; effects of defense waste proximity on repository performance.

On February 11 the state made a presentation at USDOE's briefing of the Oregon Hanford Review Committee in Portland, and will continue cooperation with Oregon agencies. This is being coordinated with the work on the Environmental Monitoring Committee.

Since the USDOE defense waste "Open House" schedule has been changed, new schedules will be sent to the Board shortly.

Subseabed Disposal Research Funding

In response to the presentation made to the Board on January 21 by Dean Ross Heath of the University of Washington, a letter was drafted to Secretary Herrington, USDOE, supporting continued funding for the Subseabed Disposal Research Program by the Nuclear Waste Board. Mr. Bishop asked for consideration of the letter and authorization to send it from the Board.

Dr. Filby remarked he was also concerned about termination of funding for the program as it is still an active area of research in other countries. He said when he was recently in Canada, Portugal and at the International Atomic Energy in Vienna he learned the Canadians are still quite active in this area of research and the International Atomic Energy Agency is very interested. He thought it would be a big mistake for the United States to stop funding the program.

Dr. Brewer added that the amount of funds being cut now is pretty modest, but this cut would not kill subseabed research as the

United States was only carrying about thirty percent of the international program. The other countries show every intent of going ahead. He said this may be a temporary situation now in which the Department would watch the international research, and he hoped they would get back into it.

In response to Dr. Beare's question, Mr. Husseman said the funding does not come out of the Nuclear Waste Fund, but comes from the U.S. Department of Energy's normal appropriations. It could be a percentage of the Gramm-Rudman cutbacks.

Dr. Beare moved that the Nuclear Waste Board approve sending the letter to Secretary Herrington, as it is drafted. The motion was seconded. The motion carried without opposition.

Litigation

Charlie Roe reported the only late-breaking news in the area of the Siting Guidelines Litigation is that the state of Wisconsin, one of the second-round states, filed a motion requesting an expedited ruling on the motion of the United States to dismiss the case on jurisdictional grounds. The briefing on that motion has been completed since last summer and the 9th Circuit has taken no action on it.

Tennessee filed an action against the Secretary of the Department of Energy relating to the Secretary's implementation of the Nuclear Waste Policy as it made decisions regarding the Monitored Retrievable Storage facilities in Tennessee. The state of Tennessee took the position it was entitled to the Cooperation and Consultation provision of the Act and asked the Court to declare invalid the ruling that selected Tennessee to receive the MRS. It further asked the Court to enjoin the Secretary from pursuing the submission of the MRS proposal to Congress. The Federal District Court in Tennessee ruled in favor of the state on February 5. The Court injunction stated that the Secretary may submit no portion of the proposal to Congress which relates in any way to the siting and identification study which failed to comply with the Consultation and Cooperation requirements of the Nuclear Waste Policy Act. The Court "declares without hesitation that the Secretary has failed to carry out the statutory duties assigned to him". The document continued: "The Secretary has taken very few steps to achieve the clear purposes of the statute which envisions that the states be granted the broadest possible rights in participating in the development of MRS facilities and in gaining the public's trust in the federal waste management program."

Regarding Nevada's litigation dealing with funding entitlements, Nevada apparently won. However, Mr. Roe said, Nevada has returned to the 9th Circuit Court of Appeals because the state has failed to receive the funds it deems appropriate for receipt under the ruling. They filed a motion to clarify.

Another item contained in the notebooks related to USDOE's interpretation of the Nevada case. The Department issued interim guidelines which still preclude litigation funding. Mr. Roe said the major issue the state should be concerned with is the power of USDOE to turn down what a state feels are its entitlements under the Act. He said USDOE takes upon itself the determination of whether the people who will carry out the activities are credible as well as whether the project is reasonable. There should be final guidelines on the subject shortly, Mr. Roe said, and it is possible that the state should urge that these types of documents be put in rulemaking form in order to have more public scrutiny.

Federal Legislation

Mr. Roe said earlier today Senator Evans' office sent him a copy of a bill introduced by Senator Metzenbaum of Ohio concerning the Price-Anderson issue. The bill would amend the Price-Anderson Act and among other things brings into it coverage of the repository program. The bill will be studied with further reports to come.

Next Wednesday the Senate Energy Committee will be conducting a markup session on the pending bills, including Senator Simpson's bill.

Terry Husseman said since the last Board meeting he had held meetings with several members of the state's Congressional delegation, or staff, both in the House and the Senate, to convey again the Board's position as stated in Resolution 85-8. He said no bill has been introduced in either the House or the Senate by members of the state's delegation although there is good strong support in both houses. He understood Senator Evans was meeting with his staff that day to discuss the best approach on the issue. Mr. Husseman said the National Governors' Association had adopted a resolution similar to the Board's and the issue will also be discussed next week at the quarterly meeting of the NGA.

Senator Guess inquired if the House had a markup of the bill, and Mr. Husseman replied they did have a markup in December in a subcommittee chaired by Congressman Udall. An amendment that did not incorporate the state's request was adopted. Since that time, he said, he and representatives from the states of Nevada and Texas met with Chairman Udall to explain the states' position and to determine if he were still open to further consideration of that position. He has not closed the door, Mr. Husseman said.

Mr. Roe said there was one other bill of interest to the Board. Senator Warner and Senator Trible of Virginia introduced a bill to prohibit a repository from being located within 400 miles of an MRS.

State Legislation

Mr. Husseman referred to the one-page summary of state legislation pertaining to nuclear waste issues distributed to the Board.

Senate Joint Memorial 143 and Senate Concurrent Resolution 133, dealing with the transportation issue, are still alive. The goal of both of these measures is to begin to establish a uniform regulatory process for transportation of radioactive materials. Senate Bill 4663, sponsored by Senator Williams, is a transportation permit fee bill. It has passed the Senate and is currently in the House Energy Committee. The fees collected would provide a fund to train emergency response officials around the state. Mr. Husseman said other states have such a process, with Illinois having a very extensive program.

House Concurrent Resolution 25 and House Bill 544 did not make cutoffs, and are not now under consideration.

House Joint Memorial 33 requests USDOE to examine all geologic media, including granite, in the first round, and basically adopts the same language as the Board adopted in its resolution on preliminary determination of suitability. House Joint Memorial 38, introduced by Representative Nelson, encompasses the same four concepts outlined in his letter to the Board concerning Monitored Retrievable Storage. Both of these bills are in the Senate Rules Committee.

Senate Bill 4664 requiring the Department of Ecology to determine the amount of insurance generators and handlers of low-level waste should be carrying to cover potential exposure from accidents that may occur. It also provides that once the appropriate limit is determined, there be a requirement that such amount of insurance be carried, or else the maximum amount of insurance offered by the industry. This bill has passed the Senate and is in the House Energy Committee. Ted Hunter said Senate Bills 4663 and 4664, along with SJM 143, were held yesterday in the House Energy and Utilities Committee and will be heard again and be up for action next Monday.

Senator Guess said SB 4663 was faulty as it classifies spent fuel as nuclear waste, pre-empts the Federal Interstate Commerce clause, forces the state to accept third party liability by licensing spent fuel, requires the federal government to take title to the spent fuel when on the carrier; and the bill would be challenged in court by the federal government if the bill passed.

USDOE Richland

Max Powell said to his best knowledge the release date of the final Environmental Assessment is still April. Of concern to the Department, he said, is the expenditure of nuclear waste funds on the Defense DEIS and defense waste issues. He said the utilities' representatives have been with the USDOE people in Richland both yesterday and today with very pointed questions on the program and where it is headed. Should there be a report, he said, he would share it with the Board.

Mr. Powell said in connection with the ISCG meeting in Dallas, in which the states and Indian tribes participated, there are normally twenty action items resulting from such a meeting, but this time there were forty-three action items. He said it was a very productive meeting.

The Inspector General sent contractors to survey both the Ecology and Legislative grants, he said, and both showed very good results with no problems found with the spending or controlling of the funds.

Mr. Powell said USDOE Richland is setting up an electronic mail system that will be tied into the states and tribes, with all meeting dates, reports and papers, etc. available listed on the computer. This should be final within the next couple of months. Technical help will be provided the state to set up the compatible equipment.

Oregon Report

Mary Lou Blazek, Hanford Program Coordinator for the Oregon Department of Energy, reported for David Stewart-Smith on the activities in Oregon. She said she had been meeting with staff this week and was very pleased with the cooperative atmosphere encountered. The contract to partially fund Oregon's activities in the joint preview process has been approved by USDOE and signed by Oregon.

On February 11 a Hanford Defense Waste briefing was held in Portland for the Oregon Hanford Advisory Committee and the Legislative Interim Committee. The purpose of the meeting was to acquaint the committee with the purpose and scope of the Draft Environmental Impact Statement on defense waste disposal. She said the Oregon counterpart of the Board was present at the in-depth briefing by USDOE yesterday and she thanked the Board for the opportunity for Oregon involvement in that meeting. USDOE will hold a public Open House on defense waste issues in The Dalles, Oregon on February 25, with another scheduled for March 6 in Portland. Oregon Department of Energy staff will be present to answer questions and take comments at these meetings. Briefings on the USGS-RASA study and on liability/Price-Anderson by WIEB are also included.

Ms. Blazek said the next regularly schedule Hanford Advisory Committee meeting is March 11 with discussion to be held of a joint meeting with the Washington State Advisory Council in July.

The Hanford Advisory Committee has established a Public Information and Outreach Subcommittee. A meeting is planned to outline desirable public information meetings, with both Transportation and Defense Waste Workshops to be planned for the near future. It is hoped the Defense Waste Workshops will be hosted by the Advisory Committee and sponsored by USDOE, she said.

Ms. Blazek said Dan Saltzman, Vice-Chair of the Oregon Advisory Committee, reviewed Oregon activities with the Advisory Council at their meeting this morning. Ms. Blazek expressed appreciation for both the Board and Council interest and opportunity to report on Oregon activities.

Mr. Bishop said the suggested joint meeting of the two state councils would be discussed at a future Council meeting.

Washington State Institute for Public Policy

Max Power reported the Institute is continuing to work with the National Conference of State Legislatures to coordinate a tour of the Hanford site with the meeting of the High-Level Nuclear Waste Working Group of the NCSL. The dates for the meeting have been tentatively set for Friday, April 25 through Monday, April 28. The primary participants in the working group are from the first- and second-round states and some of the transportation corridor states. He said they hoped soon to have an agenda, which is being prepared out of the NCSL office in Denver. He said the Yakimas, the Nez Perce and the Umatillas will be involved with a dinner and presentation planned for Sunday evening at the Yakima Cultural Center. Tours and briefings by USDOE, Rockwell, and other contractors will be conducted on Monday. Washington State Legislators are being encouraged to participate, with optional tours planned.

Mr. Power said the Advisory Council members expressed some interest this morning in participating in some of these events, which would be a good interaction. He said Board members would also be welcome to participate and, as plans develop, information will be furnished on the details. Mr. Bishop added there was a possibility the Advisory Council might schedule a meeting in Richland during that period of time.

Mr. Power mentioned Senator Benitz is working on a visit on Saturday of the legislative delegation nationwide to the St. Michelle Winery.

Mr. Power said the Institute is proceeding to establish two separate teams of university experts within the state to do an initial reconnaissance on the issue of risk of economic loss. He said the Institute felt a modest, initial look at this issue to produce some potential approaches and range of values will help to focus subsequent discussion with the USDOE. This effort is being coordinated with the Socioeconomic Committee. With approval, Mr. Power said, they would request these proposals within the next two weeks and make a selection of those individuals to do some work by the latter part of March, looking for results by mid-year.

Other Business

Dr. Filby said he had been on a series of science visits for the International Atomic Energy Agency on evaluating foreign reactors

recently. He announced that the American Chemical Society at its national meeting in Anaheim, California, next September the Division of Geochemistry, of which he is Program Chairman, will be organizing a two-day symposium on the geochemical aspects of radioactive waste disposal as they apply to salt, basalt, and tuff. Ben Rusche has agreed to be the keynote speaker and further information will be furnished on the two-day symposium the third week in September.

Mr. Husseman said the new schedule for the USDOE Defense Waste Draft Environmental Impact Statement presentations was just furnished him, and a copy is attached. Not noted were the times set, but a representative of USDOE said the Open Houses were scheduled from 1:00 p.m. to 9:00 p.m., with the press scheduled from 1:00 p.m. to 2:00 p.m. The exhibits are scheduled to be shown from 9:00 a.m. to 6:00 p.m.

Public Comment

Bob Rose said the last minutes of the Nuclear Waste Board stated, "The Committee also recommends that the state hold some of its own meetings, primarily to indicate to the populace of the state of Washington that the state is interested in the defense waste issue and it is not entirely a USDOE show". He asked if there had been any follow-up on that. Mr. Husseman replied that was one of the principal items on the agenda for the Advisory Council this morning, and a decision was made that the Council does want to recommend a series of public meetings around the state. He thought they would recommend they be jointly presided over by members of the Council and the Board, sometime in June, probably at four locations around the state. Mr. Husseman said because the state had not seen the document, there would be no presentation made before it is examined.

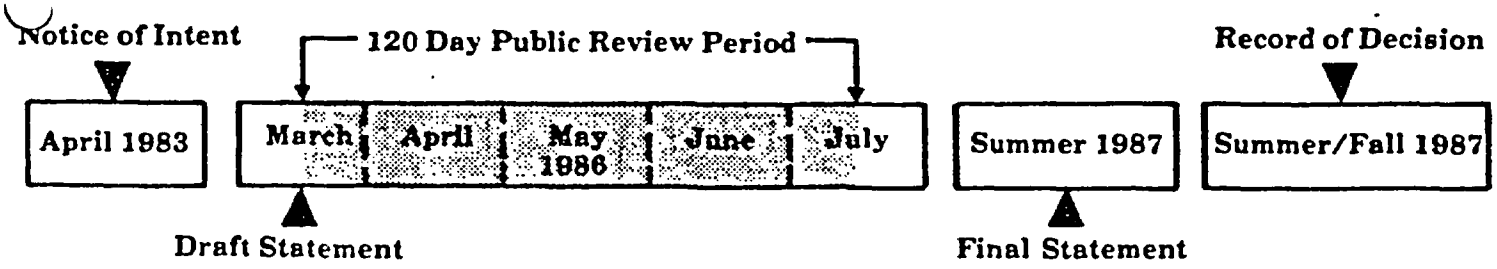
Orville Hill, consultant in the nuclear fuel cycle, announced that the American Chemical Society is holding a Pacific Northwest Regional meeting in Portland on June 16-18 this year. In connection with that will be a symposium on radioactive waste disposal. Papers from a number of speakers throughout the country, including papers on the geologic technology of salt, tuff, and basalt, MRS, design, and defense waste treatment and disposal practices, will be presented. There will be a nominal fee, he said, and he will make the details available to the Chair when he has the information.

There being no further business, the meeting was adjourned.

UNITED STATES
DEPARTMENT OF ENERGY

HANFORD DEFENSE WASTE MANAGEMENT PROGRAM SCHEDULE OF EVENTS

ENVIRONMENTAL IMPACT STATEMENT PUBLIC REVIEW



1986 CALENDAR OF EVENTS

Open Houses			Informational Workshops*		Hearings*	
Tri-Cities	February 18	Cavanaugh's Holiday Motor Inn	Tri-Cities	May 1986	Tri-Cities	June 1986
Yakima	February 20		Salem		Spokane	
The Dalles	February 25	National Guard Armory	Spokane		Seattle	
Spokane	February 27	Cavanaugh's Inn	Tacoma		Portland	
Olympia	March 4	Olympia Ballroom	Portland			
Portland	March 6	Masonic Temple	Seattle			
Seattle	March 13	Pacific Science Center	Yakima			

*Subject to change

The exhibitry will also be available for viewing at these locations:

Spokane	March 1-2	University City Shopping Center
Portland	March 8-9	Eastport Plaza
Olympia	March 11	Capitol Rotunda
Seattle	March 15-16	Seattle Center